

FULL COUNCIL, Wednesday 8 July 2020

MEMBERS' QUESTIONS

Cost of Disputes with Former Employees

**1) To the Leader of the Council (Councillor Damian White)
From Councillor Ray Morgon**

During his budget speech to Council, the Leader of the Council stated that he wants to make Havering Council to be an employer of choice, a top one hundred UK organization. In light of his statement, would the Leader comment on a recent article in the Romford Recorder in relation to Havering Council spending well over £1 million in the last four years to resolve disputes with former employees.

Answer

The Council only uses settlement agreements in exceptional circumstances – principally when there is an employment dispute between the council and an employee. A settlement agreement may be used to agree the terms of an employee's departure or to resolve a dispute with an employee who continues to work for the council. Settlement agreements must comply with statutory requirements and, as importantly, be an effective use of public money.

Between 2016 and 2019, a number of disputes were resolved via the use of a settlement agreement. In November 2019, the council introduced a protocol which aims to reduce the use of expenditure on settlement agreements and eliminate any perception or expectation that poor performance or misconduct may be rewarded with a financial agreement.

A supplementary question asked if the Council hoped to be considered a top 100 employer. The Leader of the Council stated that both the Administration and officers were committed to making the Council an employer of note and that the Council had a clear aspiration to be a top 100 employer. Investment had been made in office accommodation and staff development such as the apprenticeship programme. The Leader added that he would not apologise for seeking to have the best working environment at the Council.

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Wearing of PPE on Public Transport

2) **To the Leader of the Council (Councillor Damian White)**
From Councillor David Durant

The Mayor of London has warned residents not to use public transport unless “absolutely necessary” and made oppressive mask wearing compulsory! Considering Havering residents pay a GLA precept was the Council Leader consulted about this and if so what is his view?

Answer

Havering would not expect to be consulted on these measures as the Mayor is responsible for operating public transport in London.

Wearing of face masks is now compulsory on public transport nationwide.

This requirement is consistent with the best available evidence provided by SAGE to inform the development of national policy. [DELVE: Report on face masks for the general public \(21 April 2020\)](#) states that ‘Face masks offer an important tool for managing community transmission of COVID19 within the general population..... Our analysis suggests that their use could reduce onward transmission by asymptomatic and pre-symptomatic wearers ... if used widely and correctly, face masks, including homemade cloth masks, can reduce viral transmission’.

Rates of COVID related mortality have been particularly high amongst transport workers and I am sure that Havering residents would want to do everything possible to protect staff delivering an essential public service.

What is important is that people remain safe and we beat this dreadful disease. The Government has set out how this will happen based on science, which includes wearing face coverings on public transport. It is important we follow this advice.

I personally want to be in a world which is Covid free. I hope all Members agree.

A supplementary question asked if the Leader agreed that the Mayor of London was biased against shops by insisting that face coverings would have to be worn. The Leader of the Council responded that public health professionals agreed that the wearing of face coverings reduced the transmission of Covid-19.

Disposal of Waste from Highways Maintenance

**3) To the Cabinet Member for Environment (Councillor Osman Dervish)
From Councillor Ron Ower**

Could the Cabinet Member advise this Council, as to what happens to removed paving slabs and other waste generated through highways maintenance operations?

Answer

We aim to recycle as much as possible. Once any paving slabs are removed, depending on their condition, they can be reused as off-cuts and are stored within the Highways Depot. If items are damaged and cannot be reused by the council they are taken to an approved waste contractor who will, if possible recycle them depending on condition. All other waste generated is taken to an approved waste and recycling centre.

A supplementary question asked if an indication could be provided in writing of how much revenue had been received from the recycling of paving slabs. The Cabinet Member agreed that this would be provided.

Review of Environmental Policies

**4) To the Cabinet Member for Environment (Councillor Osman Dervish)
From Councillor Keith Darvill**

What progress has been made by the Executive to review its policies relating to:-

- a) the impact of Climate Change;
- b) the improvement in Air Quality; and,
- c) the need to improve significantly the recycling of waste products.

In accordance with the motion resolved at Full Council on 10th July 2019?

Answer

Two officers have been appointed to take the air quality and climate change agenda forward. Actions to date include:

- The appointment of a pro bono consultant to research best practice and identify all Council activity which addresses the causes of climate change.
- Widening the remit of the Air Quality Action Plan Working Group to ensure that air quality and climate change are paramount across the council when creating policies, implementing changes and procurement.

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- The Air Quality Action Plan (AQAP) is also being reviewed. Some key achievements of the Plan are the planting of extra trees in poor air quality “hot spots” in the borough, the use of alternative fuels for council transport fleet and project work with schools to reduce idling of vehicles focusing on school pick up and drop off times.

The monitoring of large construction sites to ensure the reduction of emissions harmful to air quality is also underway.

A meeting was held with Lead Portfolio Members to consider the emerging issues from the Climate Change Policy Review. Members recognised the cross cutting nature of Havering’s response and asked for particular attention to be paid to measuring improvements and progress. A report to a Theme Board on options was requested.

The East London Waste Authority (ELWA) and their contractor Renewi are responsible for the disposal and recycling of household waste produced by Havering.

Havering currently collects plastic bottles, paper, card, cardboard, tins and cans within orange sacks, whilst batteries and small electrical can be collected separately but at the same time as the orange sack. We have the highest recycling rates within the Waste Authority area.

ELWA has recently indicated that it will be possible to trial a collection of glass at the kerbside. This is currently in the planning stages.

In the meantime, we encourage residents to try to reduce waste altogether.

A supplementary question asked why it had taken so long for an update to be received and when these plans would be considered by Overview and Scrutiny or Full Council. The Cabinet Member responded that procurement of services such as these took time but he was happy for this area to be looked at by Overview and Scrutiny.

- 5) This Question was withdrawn by the North Havering Residents’ Group**

Service Charges to Council Tenants

- 6) To the Cabinet Member for Housing (Councillor Joshua Chapman)
From Councillor Stephanie Nunn**

Council tenants, together with leaseholders in Council blocks are charged various service charges whether the service is provided or not. Does the Cabinet Member agree this is unethical and unfair?

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Answer

Council tenants and leaseholders will only be charged for services they receive. If they do not receive a service, they won't be charged for it. This is required by the Local Government and Housing Act 1989 and the accounts are audited to ensure that we comply with the law.

A supplementary question why tenants had to pay for services such as CCTV if they did not use them. The Cabinet Member pointed out that tenants may benefit from e.g. CCTV in a neighbouring area that covered their property but he was also willing to look at a more nuanced approach. A review of CCTV on housing estates was also being undertaken. The Cabinet Member emphasised that tenants did not have to pay for a service they did not receive.

River Maintenance near Rainham Village Conservation Area

**7) To the Cabinet Member for Environment (Councillor Osman Dervish)
From Councillor Jeffrey Tucker**

In view of new developments by Dovers Corner and in Rainham Village, please provide an update on any new infrastructure and planned maintenance of river and culverts to protect Rainham Village and Conservation Area from flooding?

Answer

All major developments must submit a flood risk assessment and drainage strategy to help prevent flooding within their site while incorporating sustainable drainage techniques.

A Planning condition upon the Dovers Corner development is the naturalisation of Pooles Sewer and returning it to a natural river. This will decrease the flood risk for the local area as Pooles Sewer is a direct "off take" from the River Ingrebourne where currently Pooles Sewer is under capacity. Naturalisation will increase the hydraulic capacity and water flow rate, reducing the risk of flooding.

The Environment Agency maintain the River Ingrebourne and will complete routine maintenance and any heavy maintenance works as necessary. We will also routinely inspect any river that runs through council owned land and complete routine maintenance. Any heavy maintenance works, such as dredging, will be considered should this be required. £1m will also be invested to dredge the lake in Harrow Lodge Park.

There is a designated flood storage area upstream of Beam Park managed and maintained by the Environment Agency and further upstream in Romford adjacent to the River Rom the "Land of the Fanns" are delivering a natural flood management project that will benefit the Rainham area regarding flood mitigation.

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Work will also be undertaken with the Council's Joint Venture partners to ensure new developments are fold risk assessed.

A supplementary question asked how drains in Rainham Village that were old and in need of repair would be maintained correctly. The Cabinet Member responded that there had not been any internal flooding in Rainham Properties since 2010. He was however happy to receive further details on this from Councillor Tucker. It was necessary to understand who was responsible for specific drains which in some cases was Thames Water. The Cabinet Member was also happy to arrange a site visit to Rainham in order to investigate further.

- 8) **This Question was withdrawn by the Upminster and Cranham Residents' Group**

Delivery of Social Housing

- 9) **To the Leader of the Council (Councillor Damian White)**
From Councillor Paul McGeary

What progress is being made with the Joint Venture Housing Development Projects and in particular when will the planned social housing properties be available to let to local residents?

Answer

The Council is a member of three joint ventures delivering new local homes for local people. These are:

Havering Wates Regeneration LLP

The Wates joint venture is set to deliver new homes across 12 former housing estates.

The programme is progressing well, with two sites fully demolished, planning permission secured for the Napier New Plymouth site and planning permission now agreed locally for Solar Serena Sunrise retirement development in Harrow Lodge Park. A hybrid planning application for Waterloo was submitted in June 2020, covering outline planning for the whole site with detailed planning for the first blocks. These first phase sites are expected to start construction in 2020/21 with the first homes expected to be ready for occupation in Summer 2022.

Bridge Close Regeneration LLP

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The Bridge Close scheme will deliver new homes on the site in central Romford. A planning submission for the first phase is expected later this year, with construction starting in 2022 and the first new homes ready for occupation in Summer 2025.

Rainham Beam Park Regeneration LLP

The Rainham Beam Park scheme will add new homes for the new Rainham Beam Park community in the south of the borough.

Outline planning permission has been secured for 8 of the 9 sites, with the ninth application expected to be considered shortly. Detailed planning applications will be submitted for the first three sites this year, with the remainder following from 2021. Construction will begin on phase one in 2021 with the first homes ready for occupation in Winter 2022.

Crow Lane

The Crow Lane development is being delivered by Hollybrook Construction in conjunction with Mercury Land Holdings and the Council. The scheme will deliver 82 new homes, including 38 three and four bedroomed houses the council has purchases and will be let to local families. These will be ready for occupation starting in Autumn 2020.

A total of 1,650 affordable rented homes will be available for let between 2020 and 2029.

The affordable rented homes will be available for letting after completion and let to local people that have been Havering residents for at least 6 years, as per the housing allocations policy. Sales of council-developed shared ownership and market sales units will also be targeted to local people first.

Havering's housing regeneration programme is one of the largest, if not the largest, active programme in London.

The affordable homes for rent from the Rainham JV with Notting Hill Genesis will be available for Havering residents via nomination rights as the other JVs where the council remains the owner. However, NHG will remain the owner of those properties. The following details the planned completion of affordable rented homes by year. These will replace homes knocked down as part of the regeneration programme.

2020: 38
2022: 221
2023: 231
2024: 213
2025: 233
2026: 247

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2027: 172

2028: 158

2029: 137

The Rent to Buy and Shared Ownership Schemes also indicate the Council's massive commitment to providing affordable housing across the Borough.

A supplementary question asked for details of the rent levels for the new properties. The Leader of the Council responded that reprovided properties would be at old Council rent levels. The rent levels for new properties would be blended depending on the size of the property.

Cycling and Walking Investment Strategy

**10) To the Cabinet Member for Environment (Councillor Osman Dervish)
From Councillor Martin Goode**

Following the announcement made by the UK Government's Department for Transport regarding their Cycling and Walking Investment strategy. What safeguards will Havering Council, be considering when they start their review to implement any changes required for our current road layout, to encourage walking and cycling and enable continued social distancing as the lockdown restrictions begin to ease and what measures will be taken to assist the general public? In particular, to the many blind and partially sighted pedestrians, that use our walkways. Both guide dog and cane users rely on kerbs to navigate and it is crucial that a detectable kerb is maintained between vehicles – including bikes – and pedestrians.

Answer

Any measures brought in will be subject to equality and health impact assessments to ensure that all users of the highway, including those with a disability, will not face additional problems.

When applying for funding for social distancing measure, the council considered town centres, transport hubs such as stations and schools as to where social distancing would be required.

Signage for social distancing has been placed on lamp columns in the borough as a reminder to the public and some barriers have been placed in Romford town centre to manage queues to larger businesses.

There are currently no plans to remove existing kerbing separating the road and pavement. Should any footway widening be required, due care and consideration.

(No supplementary question).

Disabled Facilities Grant

- 11) **To the Cabinet Member for Health and Adult Social Care (Councillor Jason Frost)**
From Councillor Ray Morgon

In a recent Internal Audit of Disabled Facilities Grant, the audit report included comments such as not supported by documented procedures, cases are not consistently processed, Council open to allegations of discrimination and there is no internal control mechanism in place to identify when properties with a charge applied are being sold. Given these comments, would the Cabinet Member agree that Havering Council are far from being the most productive Council in London?

Answer

The DFG audit Report, was concluded on 15/3/2019, and gave the service a **moderate** level of assurance. Whilst it is acknowledged that that the audit conclusions identified the need to enhance controls and improve risk management, it also identified that there was a basic sound set of controls within all the areas reviewed.

It is also of note that there was no evidence that cases were being processed inconsistently nor that there had been any discrimination, and that compliance with legislation was also noted. As already acknowledged, the Report identified a *risk* of inconsistency because the processes were not supported by fully documented procedures. These are now in place and Audit have the recommendations are met.

Revised processes are now in place to ensure the decisions made by the Council are clear and transparent. There is now in a single policy document produced in 2019 which is provided to all applicants to ensure the decision making process is visible to applicants.

On the specific issue of property charges, whilst Internal Audit recommended the charge be made to the land registry record, the legal advice concluded the council's interests are sufficiently protected through the current practice of using a local land charge, not a charge on the title register. Controls are now in place to monitor the placing and removal of such charges.

(No supplementary question).

Independent Review into Racism and Racial Discrimination

- 12) **To the Leader of the Council (Councillor Damian White)**
From Councillor David Durant

Does the Leader of the Council agree that holding a costly and potentially racist review into "institutional racism" in Havering and at Havering Council, in

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response to a police killing in America, is inflammatory and misplaced and liable to bring the Council into disrepute?

Answer

Let me categorically state that my decision to commission an independent review into race relations within the Council and wider borough, **is not** because I believe the Council is institutionally racist. I refer you back to the statement given at the AGM which confirms why it is a necessary step:

“The questions that have been raised about racism across the country following the tragic events in America that led to the death of George Floyd requires clear and decisive action. We must always fight for what is right and challenge ourselves to ensure that we do not allow complacency or injustice to enter our Council. Therefore, to guard against this, I am committing to an independent review of Havering Council and race relations in our borough more widely, and in particular, whether this Council has the policies and processes in place to erase bias and discrimination. The result of this report will be taken to our Cabinet.”

The global Black Lives Matters campaign has re-focused us on the impact of societal inequalities, reinforced by the PHE research into the disproportionate impact of covid-19 on our BAME communities.

This review will ensure the Council takes the right steps to address this.

A supplementary question asked if the Leader agreed that, whilst all black lives mattered, white lives and all lives also mattered. In response, the Council Leader stated that the Council had a legal duty to stamp out discrimination and that, by doing so, this would defuse community tension.

(Note: Due to time constraints, questions 13-15 were not considered at the meeting).

Educational Standards at Academies

- 13) **To the Cabinet Member for Education, Children & Families (Councillor Robert Benham)**
From Councillor Gillian Ford

Havering has 7 Academies delivering at an ‘Average’ educational standard, 4 ‘Below Average Education’ and 2 ‘well below average’.

I assume the Council has made representation to the Regional Commissioner as a consequence of the low and unsatisfactory standard of education and therefore what action is being taken to improve educational standards at the above Academies?

Answer

In circumstances where the Local Authority has had concerns over an Academy, these are quickly raised with the Regional Schools Commissioner (RSC), and addressed at the next Trust review meeting that the RSC holds. Contact with the RSC is a business as usual interaction and discussions were recently held at the end of 2019.

Two years ago, in response to the drop in inspection grades across the Secondary sector, the Local Authority worked closely with the RSC and established an Improvement Board, which led a number of improvement projects, jointly funded by the LA and Academies. Some of this work has contributed to the recent improvement in Inspection grades.

Havering Education Services continues to work closely with all schools in the Borough, despite local authorities having no statutory responsibility for improving the quality of Academies. The Service has developed a tailored Quality Assurance (QA) process for Academies. The process involves offering a focussed review of individual school QA processes and a range of further support, including paired lesson observations, and inspection preparation. This approach is beginning to deliver positive outcomes as two Secondary Academy schools have already secured a 'Good' Ofsted outcome this academic year - . Marshalls Park were inspected in January 2020, and Drapers were inspected in March 2020. Additionally, the Local Authority expects other Secondary Academies to achieve a 'Good' Ofsted outcome when they are next inspected, and are forecasting reaching c80% of Secondary schools being Ofsted graded 'Good' or better at the end of the current academic year, which represents a significant improvement on 50% at this grade two years ago. This improvement will support the strong education performance across the Borough, where we already have 97% of Primary schools, and 100% of Special schools graded 'Good' or better.

The Local Authority has had little contact from the Regional Schools Commissioner's office prior to the pandemic regarding our secondary school performance due to the improvements identified above, but prior to that, we have an annual meeting with the RSC where we share our collective views about the priority schools and discuss the capacity of Academy Trusts to make the necessary improvements. The view of the RSC is that our Academy Trusts do have capacity, and they certainly are not considering re-brokering any of the schools that are not yet 'Good' or better.

The impact on vulnerable children of the Coronavirus Covid 19 Pandemic lockdown

**14) To the Cabinet Member for Education, Children & Families (Councillor Robert Benham)
From Councillor Tele Lawal**

In view of the concerns for the well being of children expressed by experts and psychologists what steps are being taken by the Council to work with schools to mitigate the harm caused to pupils by the lockdown and non attendance at schools.

Answer

The Council has been pro-active throughout the pandemic, working closely with schools and early years providers to ensure that children continue to be supported. This has included close working between Council officers and schools to identify any risks to specific children, with plans put in place to mitigate these risks.

The Council has also shared a wide range of guidance specifically related to Safeguarding and Child Protection, as well as providing resources to support the emotional wellbeing and mental health of children. As well as accessing resources from leading national agencies, such as Anna Freud and Child Bereavement UK, the Education Services team have also worked with local organisations such as the Havering and Brentwood Bereavement Services to develop local support. Regular briefings are being provided to school SEN Coordinators (SENCO's) and Dedicated Safeguarding Leads (DSL's).

Further guidance and resources for schools when dealing with bereavement has also been provided, including a policy template. In addition, the NELFT CAMHS service has provided schools with an overview of the resources available which aims to help school staff navigate the wealth of information available during the coronavirus situation to support their own wellbeing and that of the children and families in their care. The CAMHS service are also increasing their resources so that schools and pupils can be fully supported when pupils return to school in greater numbers, and the Council is working with its Health partners to ensure that the local CAMHS service has targeted resources to support schools when greater numbers of pupils return.

In addition, Early Help and statutory social work services continue to use existing assessment tools to clearly capture and identify emotional well-being needs which may have been influenced by the pandemic lockdown and associated challenges. This work is clearly communicated and discussed with schools through a variety of networks and is regularly reviewed.

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The Local Authority has also received a number of laptops from the Government and so far has identified 450-500 to be allocated in total, of which over 130 have been collected so far, which will help young people connect with their social worker and schools.

Repair of Potholes

**15) To the Cabinet Member for Environment (Councillor Osman Dervish)
From Councillor Gerry O'Sullivan**

In a recent report from the RAC, it stated that many Councils have a "Patch and Dash" approach to the repair of potholes. What steps has the Cabinet Member taken to ensure that this does not happen in Havering?

Answer

During the last financial year over £10 million capital funding has been invested into the local highway network. The RAC report is requesting councils to invest in road repair/replacement which is what Havering is achieving. The "patch and dash" approach to pothole repairs is not an approach that Havering follows under normal circumstances. However, there are certain circumstances when this approach is unavoidable:-

- (1) Where the pothole is in a location requiring major traffic management or road closures. This is because these arrangements can take up to three months to be implemented, delaying when the pothole can be permanently repaired.
- (2) Where surfacing material is not available for a permanent repair to be undertaken.
- (3) Where the location of the pothole is flooded, reducing the longevity of any permanent repair. In these cases the area is made safe until it has dried / can be dried.
- (4) In cases where severe weather conditions and increased pothole volumes require temporary repairs to be undertaken, temporary repair approaches can be used to ensure all potholes are made safe in the fastest possible time scale.

Temporary repairs are only used where there is a need for urgency, a permanent repair is always undertaken at a later date. Engineers have commenced trialling recycled materials during carriageway resurfacing within the Borough and will be monitoring performance.