

Report for: Cabinet – 18 January 2022

Title: Matters arising from Overview and Scrutiny Committee - Independent Review of the Love Lane Estate Ballot

Report Authorised by: Councillor Khaled Moyeed, Chair of Overview and Scrutiny Committee

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Ward(s) affected: N/A

**Report for Key/
Non Key Decision:** Non-Key

1. Describe the issue under consideration

- 1.1** This report is put forward in accordance with Part 4 Section G Overview and Scrutiny Procedure rules - 12.1 and sets out a recommendation from the Overview and Scrutiny Committee's consideration of a deputation on the Love Lane Estate Ballot and is arising from the discussion and agreement of the Scrutiny Review of High Road West. These were both considered at the meeting of the 29th of November 2021.

2. Introduction

- 2.1** The Overview and Scrutiny Committee completed the Scrutiny Review on High Road West and gathered evidence between November 2019 and August 2021. As set out in the Scrutiny Review, the Committee had received emails from local campaign groups and residents with allegations of interference and impropriety in the way that the estate demolition ballot of Love Lane residents was conducted. As these emails arrived after the Committee had already concluded its evidence gathering sessions, the Committee had not had an opportunity to receive direct evidence on this matter.
- 2.2** At the Overview and Scrutiny Committee on the 29th of November, the Committee heard representations from the following:
- Paul Burnham
 - Michael Hodges
 - Florence Allaway
- 2.3** The Committee heard wider concerns, from this deputation party, about the longer-term viability of the High Road West Scheme and the timing of when the Council homes would be built which would also affect the basis on which the Love Lane ballot was based.
- 2.4** This report to Cabinet takes forward the views expressed by the deputation, concerning the conduct of the Love Lane Ballot and is separate to the Scrutiny

report on High Road West which the Cabinet is responding to. Views from the deputation were as follows:

- That the Council had targeted contact with residents that were vulnerable in respect of their uncertainty on a yes or no vote for demolition.
- There was a significant number of officer contacts with Love Lane residents to ensure completion of the ballot responses.
- Concerns raised that there had been collection of ballots by officers, which the ballot registration company had advised against but had still been taken forward on 4 occasions.
- A statement read out from a resident advising repeated phone calls from officer and door being knocked on several times. The Committee heard from the deputation that this resident had indicated that they were uncertain and did not understand the choice being given. The resident had then received follow up calls, and a visit to their home. The resident then decided their vote and was helped to complete this online. In the deputation's view, this statement was enough information to warrant a review of the conduct of the ballot process, before any further steps on the demolition were taken.

2.5 Further to questions from the Committee, to the deputation party, the following views/ information were also considered:

- It was important to establish what had happened in the conduct of the vote and then determine the validity of the ballot outcome.
- A need for an independent review by an independent body, without an interest, who was not committed to the Council, to the GLA, to the deputation party, and prepared to independently take evidence. This body would need to consider:
 - the dynamics of the property owner /tenant relationship and the power position, taking account that 75% of the tenants in the ballot were non-secure tenants
 - facilitating open evidence sessions
 - providing the mechanism to get facts and information on the scheme before demolition of the estate.
 - consider what good practice is and what was not good practice to inform future ballots.
 - could also involve scrutiny contributions to the review.
- The deputation felt that the Council were being guided by the GLA deadlines and access to the GLA funding, and there was a need to pause and consider the ballot issue and examine concerns.
- There were further doubts about Civica undertaking the independent review as it was no longer part of the electoral reform society.
- The recent Lendlease Planning application was not consistent with the basis of the ballot. Therefore, concerns about the ballot would need to be responded to by the Council, at this stage before the scheme developed as this issue could not be rectified in the future.

- Considering the impact of what a no vote outcome would have meant which was temporary tenants on Love Lane being added to the Council Housing waiting list, and likely waiting far longer for permanent accommodation, the deputation's position was:
 - That the need for providing secure tenancies to the Love Lane residents remained an issue.
 - There would be residents living on the Love Lane Estate that pay rent and Council tax but will not have security if a secure tenancy.
 - Offering secure tenancies to the Love Lane residents was a positive thing that the Council should do - there could be a local allocations policy as a way forward?
 - This was ultimately an issue for the resident to decide in the ballot.
 - There was still a need to consider the legacy of the ballot outcome on Love Lane.
- Responding to a Committee question on whether the deputation held any compelling evidence that the ballot process was not properly run, given 70% of residents were in favour of demolition, the deputation had evidence and they wanted this considered as part of the independent review process. The deputation acknowledged that they were not a neutral body and there was a need for another body to come in and consider this information and take statements.
- The deputation considered that they had enough evidence to suggest that this was needed and referred to the information considered by the Housing and Regeneration Scrutiny Panel which noted that four postal ballots had been handled. The deputation believed that there was more than this number handled with both visits to homes and help provided to residents to use their phones to vote.
- There was acknowledgement that the Council had not run a ballot process before and the current situation indicated that the ballot process needed a review. The deputation felt that the Council should be setting the highest standards, given this was a policy taken forward by the Mayor of London in response to the local Labour party motion which was agreed by the Labour party conference.
- The deputation party had spoken with four tenants who had advised that they had their ballot paper taken away by officers. Another tenant who was voting no, had had their door knocked on 6 times and was called 7 times, and answered once. Officers said that they could come round and collect his ballot paper as they could see he had not voted.
- The deputation party respondent advised that she had seen officers knocking on doors in multiple properties and another no voter, who was blind, was also offered to take his ballot paper but the offer was not accepted. She had spoken with another temporary tenant who was happy with her flat and would prefer a permanent tenancy and did not want her block to be knocked down. She had voted yes, as this would lead to a permanent tenancy.
- A deputation party spokesperson, spoke of her contact with vulnerable people on the estate through their disability and through their circumstances who did not know the ballot was taking place. There were language barriers and she spoke to residents where English was not the first language. They spoke Portuguese, Turkish, Kurdish and Bengali and were not fully aware of the process.

- The deputation party spoke about the poor conditions of the estate, where there were areas of drug use, maintenance issues and it was felt that there was a narrative being provided that if residents voted for the demolition, this would change their situation.

3. Outcome

- 3.1 The Committee continued to consider the High Road West review and recommendations and did not agree to amend recommendation 2 to seek an 'independent review' instead of a 'lessons learnt review' by the Council as they had not heard an officer response to the above views and allegations from the deputation party. The Committee instead agreed to put forward a separate recommendation for an independent review of the conduct of the Love Lane ballot to be considered by Cabinet as they held the decision-making powers in relation to this matter.

4. Overview and Scrutiny Recommendations

- 4.1 To recommend that Cabinet consider taking forward an Independent Review of the conduct of Love Lane Estate Ballot.