

# **MINUTES OF MEETING Overview and Scrutiny Committee HELD ON Thursday, 30th March, 2023, 7.00 - 9.30 pm**

## **PRESENT:**

**Councillors: John Bevan (Chair), Michelle Simmons-Safo, Pippa Connor (Vice-Chair), Makbule Gunes and Matt White**

### **63. FILMING AT MEETINGS**

The Chair referred Members present to item one on the agenda in respect of filming at the meeting and Members noted the information contained therein.

### **64. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Vanessa Holt and Yvonne Denny.

### **65. URGENT BUSINESS**

The clerk advised that there would be a change to the order of the meeting from what was listed in the published agenda, so that the Cabinet Member questions were taken immediately following the declarations of interest, as the Cabinet Member needed to leave the meeting at a specific time. The rest of the items would follow in the order they were listed on the published agenda.

### **66. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **67. CABINET MEMBER QUESTIONS - CABINET MEMBER ECONOMIC DEVELOPMENT, JOBS AND COMMUNITY COHESION**

The Cabinet Member for Economic Development, Jobs and Community Cohesion, Cllr Jogee, gave a short verbal update to the Committee on his portfolio. This was followed by a Q&A session.

- Cllr Jogee characterised his portfolio as creating jobs, creating opportunities, ensuring the economy worked for local people. As well as ensuring that Haringey was safe for Haringey's communities to live and work here.
- The Cabinet Member advised that earlier today he was part of a session, chaired by the Leader and the Borough Commander to discuss the findings of recent report by Baroness Casey into the attitudes and culture of the Metropolitan Police. The Cabinet Member commented that the report made clear that the atmosphere and culture of the police needed to change.
- The Cabinet Member commented that the Council would shortly be going out to engagement with residents on the new community safety and hate crime

- strategy. The Cabinet Member emphasised that this was an important opportunity for local people to shape how these issues were tackled.
- The Cabinet Member advised that as part of the Economic Development brief he was responsible for Haringey Learns and that he was proud of the Council's adult learning provision.
  - Haringey Works created job opportunities for local people and the Cabinet Member set out that he wanted Haringey the best place to operate and keep a local business, as well as the best place for people to come and spend money.

The following arose as part of the discussion of this item:

- a. The Committee sought assurances about what was being done to support high streets and to rejuvenate declining high streets. In response, the Cabinet Member advised that he was working to ensure that there was a proper package of support in place, including support with energy costs. The Cabinet Member acknowledged he need to lobby government to provide the requisite support and funding.
- b. The Committee sought assurances about what was being do to ensure that there was trust built between the police and communities. In response the Cabinet Member emphasised the importance of making sure that the police reflected the communities they served. The Cabinet Member advised that he was not able to influence operational decision making by the police but that he saw his role as holding the police to account and calling out where things had been done that were not right. The Cabinet Member advised that he had regular meetings with the police and emphasised the importance of having dedicated ward officers and functioning SNT teams in Haringey.
- c. In response to a follow-up question, the Cabinet Member advised that he had conversations with senior local police officers every other day. In response to a specific case raised that had not been responded to despite happening one year ago, the Cabinet Member advised that he was happy to take this up on behalf of one of the panel chairs.
- d. The Committee sought assurances about what was being done to bring empty shops back into use and whether there was a strategy in place for officers to be able to find out who owned these units and then find alternative businesses, such as pop-ups for them. In response, the Cabinet Member advise that he and Cllr Gordon had conversations and were looking at how to bring empty shops and homes back into use. The Cabinet Member agreed to provide a further written update on this to the Chair of the Adults and Health Panel. **(Action: Cllr Jogee).**
- e. The Chair sought clarification about the ward walks undertaken by the Cabinet Member and the extent to which he had visited all 21 wards. In response, the Cabinet Member agreed to provide a written update on this. **(Action: Cllr Jogee).**

## RESOLVED

Noted

## 68. DEPUTATIONS/PETITIONS/PRESENTATIONS/QUESTIONS

Deputation

The Council received a deputation around the lack of public toilet provision in Haringey on behalf of an organisation called Loos for Haringey, who were linked to the Haringey Over 50s forum. The deputation party was made up of: Patrice Wellesley-Cole; Gordon Peters; Ceri Williams; and Dr John Miles. The following key points of the deputation were noted:

- The lack of clean, accessible public toilets trapped people at home and prevented them from getting out and about. It was suggested that one in five got out of the house less than they would like, because of a lack of available toilets.
- Isolation and loneliness for people over 50 was a major factor.
- Only around 33% of public toilets in London are accessible to disabled people.
- The benefits of improving public toilet provision were set out as: people spending more time in Haringey shopping areas, businesses and cafés; reducing social isolation in Haringey; improving active lifestyles and tackling ill health.
- The deputation party requested that a meeting with a nominated Cabinet Member to discuss their concerns. They also requested that Haringey developed a strategy for improving public toilet provision and reported back on implementing this.
- Loos for Haringey advised that they had interacted with LBH officers and had met positive responses from the Ageing well partnership Board, but that they were requesting that the Council adopt a joined-up approach. Concerns were raised about particular areas of shut-off toilets, such as at Turnpike Lane; those in poor condition, such as at Chestnuts Park; and the lack of public toilet provision at Tottenham Hale Retail Park.

The following arose in discussion of the deputation:

- a. The Committee sought clarification about what was being requested and also sought the deputation party's views on the use of toilets owned by private businesses. In response, the deputation party advised that they recognised the importance of the community toilet scheme and the changing places scheme but the changing places scheme was only for those with a disability. Therefore, there needed to be a more joined up approach.
- b. The Committee sought clarification about the proposed toilet strategy and how the community could be engaged on this. The toilet strategy had a key role in bringing all of the different strands together and to set out how and when the Council would improve provision. The deputation party commented that they were asking for a strategy with mixed providers and one which provided toilets that were geographically well spread around the borough.
- c. The Committee commented on the need for different types of public toilets, including specialist public toilet provision for disabled children.
- d. The Committee queried whether the deputation party was seeking the re-provision of disused public toilets or whether new toilets should be provided through planning requirements for future developments. In response, the Committee was advised that as part of a joined up approach that planning policy should play a role in provision of new public toilets but what was missing

was that nobody in the Council seemed to be responsible for managing public toilets and driving better provision across the borough. In response to the deputation the Cabinet Member for Health, Social Care and Wellbeing thanked the deputation party for presenting their deputation and acknowledged that this was an important issue. Cllr Das Neves advised that she was the nominated Cabinet Member and that she and the Director of Public Health would be looking at the strategy. The Cabinet Member set out that the Ageing Well partnership board had started to look at this issue, and that the Health and Wellbeing Board would also look at the issue at a future meeting.

Cllr Das Neves acknowledged the need for a strategy to bring the different elements together and that the Director Public Health was meeting with other officers to kick start this process. The Cabinet Member advised that she had written to Loos for Haringey to arrange a meeting to look at what could be done in the short term as well as the long term.

The Chair of Adults and Health requested that an update on the toilet strategy also come back to the Adults and Health Panel in future for an update. **(Action: Dominic).**

### Public Questions

The Committee also received a number of written questions from members of the public relating trees, and specifically relating to an ongoing legal case regarding the proposed felling of a mature plane tree on Oakfield Road in Stroud Green as part of an insurance claim by the owner/occupiers of two neighbouring properties. The questions involved a certain amount of overlap and a joint response was given to four out of the eight questions. N.B. The response to question 8 was not given during the meeting, but was supplied in writing. That response is included here for the sake of completeness.

#### Question 1 – John Syz

Haringey has recently spent a large amount of council taxpayers' money on 24-hour security and scaffolding at the Oakfield Road plane tree which is currently undergoing a legal process to determine its fate. The letter that the council gave to local residents explaining their action states that the reason the tree is to be felled is because, "the insurance company has submitted evidence that demonstrates that the tree is contributing to the subsidence at the specified neighbouring property. Will the council state the specific evidence that the tree is the cause of subsidence at the neighbouring property, and also state who the person or persons are who scrutinise the evidence and data provided by the insurance company and their contractors to ensure that their interpretation of the data is fair and correct?"

#### Question 2 – Camilla Marcus-Dew

For the security operation at the Oakfield Road plane tree from 4.30am on 12<sup>th</sup> to 19<sup>th</sup> March 2023, how much did it cost in total across all subcontractors involved including: BML, Arslan Security Risk Solutions, North London Scaffolding and any other parties. Who (is) signed off for the security operation against the tree on Oakfield Road, and based on what documented evidence?

### Question 3 – John Syz

The reason that Haringey states for its justification of spending such a large amount of council taxpayers' money on the fencing and 24-hour security is that "The Council has become aware that people have begun to install climbing ropes and other items in the tree. Therefore, in line with the possession order granted to the Council in December 2022, it has now had to take physical possession of the tree and the surrounding ground." Haringey Tree Protectors refute that the tree had been occupied since the December 2022 hearing or had installed ropes or anything else in the tree prior to the March 2023 hearing as they had been honouring the ongoing legal process following the judge's decision that the tree should not be touched by the Council until the Ombudsman ruling on the tree had been published. Will Haringey Council make public the evidence they have that ropes were being installed in the tree? Any photographic evidence will need the accompanying image metadata to verify the date the images were taken. This evidence is important as it is the basis on which Haringey made the decision to spend a large amount of taxpayers' money on physically possessing the tree several days ahead of the hearing that would potentially determine its fate.

### Question 4 – Jane Hill

How can we Haringey residents ensure and enable our council representatives to act on our wishes in seeing mature trees protected and prioritised in home insurers' claims? Houses can be shored up. The immediate benefits of mature trees, once felled, are irreplaceable.

Response:

The tree in question is on the public highway on Oakfield Road, it is the subject of a subsidence claim against Haringey Council. The Council has undertaken at least 8 years of action to try and save the London plane by undertaking tree maintenance (including pollarding) to reduce the impact that it might have on the surrounding ground, including that beneath the two neighbouring properties. Council officers were presented with evidence that revealed the tree to be implicated in the subsidence of two of the adjacent houses. Legal advice was taken.

It would not be practical to share all the evidence by way of this statement as there is a significant amount of documentation that has been submitted to both the County Court and the High Court in consideration of this case. Just one document from a civil, structural and forensic engineering company setting out its opinion extends to 10 pages. However, the following extract from one of the many documents on the subject provides a reasonable summary of the views expressed in the court evidence bundles:

*"The engineering, arboricultural and soil reports relating to both properties from between 2014 and 2021 all describe clay shrinkage caused, and at the very least exacerbated, by the influence of vegetation, primarily the London plane, rose, ivy and hydrangea outside the properties, the tree being considered the principal cause of subsidence. Soil analysis from both properties over the same period reveals a high level of seasonal swelling and shrinkage coinciding with live root activity. The level monitoring readings also reveal cyclical movement consistent with desiccation caused*

*by tree root activity. European Plant Science Lab investigation dated 03.09.15 discovered Plane tree roots at a depth of 2.8m at one of the specified properties. Non-live roots were discovered at another property consistent with root behaviour after pollarding, causing roots to die back. Additionally, the extent of structural damage to the right side of the second property points to the plane tree being the principal cause of damage to that property”.*

So, the Council was presented with two options – either fell the tree, or fight a court case, which lawyers advised we would lose, incurring hundreds of thousands of pounds in legal costs and yet still have the liability for paying for underpinning and repairs to the affected houses ourselves. If the tree remains, the latest estimates tell us that the Council risks facing an insurance claim of up to £1million which would be better spent on delivering key frontline services – and the planting of new trees to more than offset the loss of the specified tree on Oakfield Road. As we move into spring, the tree will begin growing again and the issues surrounding subsidence become pressing once more. If the Council does not act in good faith in regard to its obligation to remove the tree, it will be held liable by the insurers for costs in the courts. Unfortunately, in the eyes of the law, it is incumbent on the Council to progress its current legal position of removing the tree to avoid this liability being realised by the insurers. The documentation on this matter has been reviewed by officers from Insurance, Legal and Parks, external structural engineering consultants, external legal advisers and King’s Counsel acting on the Council’s behalf.

Protesters had previously occupied the tree to prevent the Council from removing it on two prior occasions. In response to this, the Council applied to the Courts to gain a possession order and an injunction on the tree. The Council had to take this action to demonstrate to the insurance companies that it was making best efforts to fell the tree, so as not to be taken to court. At that hearing on 21<sup>st</sup> December 2022, the judge made an order for possession but adjourned the injunction hearing, solely to give the Ombudsman until 24<sup>th</sup> February to make a decision brought by the owner of an adjacent property on Oakfield Road against the insurance companies for previously failing to underpin. It is incorrect to state that the Judge commented that the tree was not to be touched by the Council until the hearing on 15 March 2023, by which time he expected the financial ombudsman’s report to have been published. Although the judge hoped that the Council would not do so, the Council could have felled the tree at any point after 21<sup>st</sup> December 2022. However, it respected the judge’s wish that the Ombudsman be given additional time to reach a decision – but the expected timeframe had ended weeks beforehand.

Notwithstanding this, the Council had genuine reason to believe that the protestors would once again attempt to occupy the tree before, on the day of or immediately after the reconvened injunction hearing on 15<sup>th</sup> March 2023 in order to, once again, try and prevent it being felled. Officers noted new climbing equipment was visible in the tree and one particular climbing rope was hanging down over the road at approximately 1metre off the ground, which would have allowed easy access into the tree.

However, this was not the sole reason for taking possession of the tree by encasement. The Council took account that it would incur substantial costs applying to the High Court and to instruct bailiffs to remove any protestors if they were again in the tree once it was due to be felled. Any actions that would need to be taken to

remove them to complete the necessary works would be deeply distressing to them, Haringey residents and Council staff. A similar situation of having to remove tree protestors has cost another London Borough in the order of £300,000.

The Council was also mindful that, having gone through an extensive consultation process, undertaken detailed surveys and options appraisals to reduce the number of trees that needed to be felled in the immediate vicinity of the failing Stanhope Road bridge on Parkland Walk, tree protectors occupied one of the trees on 6<sup>th</sup> February 2023, just prior to the Council attempting to fell it. At the Full Council meeting on 19<sup>th</sup> February 2023, in furtherance of its deputation, the Haringey Tree Protectors agreed that, once the Council has exhausted all reasonable options, there are circumstances when felling a tree is the only option. So, whilst the Haringey Tree Protectors may very well have determined that 'it' would not occupy the tree and find itself in contempt of court, relative to the possession order granted to the Council on 21<sup>st</sup> December 2022, there was no guarantee that any other tree protector would similarly honour the legal process.

The security measures implemented on Sunday 12<sup>th</sup> March 2023 were solely to secure possession of the tree and prevent any unauthorised occupation. It would also prevent anyone inexperienced in tree climbing - but wishing to prevent the felling - putting themselves at risk of injury from either attempting to climb or falling from the tree. The costs in relation to protecting the tree require some more time to pull together and a follow up response will be provided in writing.

With a High Court injunction granted in the early hours of that Wednesday morning and the High Court judge then determining on Friday 17<sup>th</sup> March that the claim for Judicial Review would not be heard until 29<sup>th</sup> March, the tree protection period doubled in duration and therefore increased the cost. Given the claim for Judicial Review, it was then unclear when a final decision would ultimately be reached, what the decision might be and what financial impact that might then have on the Council. With such uncertainty, the Council determined it was financially prudent to simply remove the tree protection and await a High Court decision.

Protecting and preserving trees across the borough is a key priority for the Council but there are circumstances when saving even mature trees may sadly not be an achievable outcome. The Council has determined that it will plant an extra 10,000 trees by 2030 to increase and bring a better balance to the green canopy across the borough. Whilst it has been suggested that the immediate benefits of mature trees are irreplaceable, once felled, this is not the case. Although the Council is exploring the science involved, arboricultural advice has been that the environmental benefit that a mature London plane tree that is in full leaf provides can be offset by the provision of around 50 semi-mature trees. Had the Council been able to use the costs that it has incurred to date in attempting to fell the tree on Oakfield Road, that equivalent environmental benefit could have already been realised.

Question 5 – Giovanna Lozzi

Haringey council announced a climate emergency in 2019. Can you tell me how this central key and fundamental issue is being integrated into departmental policy across

the council's infrastructure (aims, objectives, procedures) specifically in your Highways, Planning and Finance departments. If it isn't, why not?

Response:

*The Council adopted a comprehensive Climate Change Action Plan in March 2021 which embeds actions across departments to tackle the climate emergency. This is supplemented by an Annual Carbon Report, the latest of which was approved by Full Council on 27 March 2023 (press release). Alongside these to enable a strengthening of embedding carbon into all decisions, starting in 2023/24 the Council will be including a commentary and assessment on Carbon and Climate Change into all key decision making reports that are determined by Full Council and Cabinet.*

### **Planning**

*In Planning, Haringey's existing Local Plan has policies to ensure new development addresses climate change. These are being further enhanced as part of the emerging New Local Plan for which the First Steps Engagement document acknowledges the climate emergency (stated as Reason 2 for preparing a New Local Plan) and has a dedicated chapter of Climate Change and Sustainability and sought views on the matter. As a result of the Council's strong policy position on carbon reduction and climate change adaptation, all decisions on planning applications must be made in accordance with the development plan which includes the expectation to deliver carbon reduction and climate resilience.*

### **Finance**

*The Council's most recent Medium Term Financial Strategy (MTFS) report includes several significant carbon reduction projects that are being funded by the Council. This includes the funding of Social Housing Retrofits, School Streets, Low Traffic Neighbourhoods, and the Council's Decentralised Energy Network Programme. The whole of the MTFS was also reviewed by the Council's Carbon Management Service to ensure that no projects grew the carbon footprint of the Council or borough.*

*Haringey Pension Fund manages approximately £1.67 billion in assets. While the primary investment objective for the pension fund is to achieve a financial return on investments, the council recognises that climate change and investment in fossil fuels represent both a significant threat to the planet and a long-term financial risk to the pension fund. As such, a proportion of investments has been allocated across three indices aimed at reducing exposure to companies with the highest carbon footprints and towards firms associated with transition to a low-carbon economy. In total, around £768 million of the pension fund is invested across the MSCI3 World Low Carbon Target Index (20.2%), the Emerging Markets Low Carbon Index (7.1%), and the Research Affiliates Fundamental Indexation Multi-Factor Climate Transition Index (20.2%), as of 30 September 2022.*

### **Highways**

*A new Highways Asset Management Strategy is currently being developed and will be reported to Cabinet later in the year. This strategy will demonstrate how the Council*



*seeks to optimise its resources for the maintenance and operation of its carriageways in order to ensure they have the right level of accessibility and are maintained to a safe standard, an objective underpinned by the Corporate Delivery Plan for 2023/24. In responding to the 'Climate Emergency' theme. Details are set out under High Level Outcome 2: A Just Transition for 'achieving more accessible footways and carriageways' and 'reduced casualties and safer road network in Haringey' through measures that include an extensive programme of carriageway resurfacing schemes.*

*Initiatives currently under way include: 97% recycling of highways materials; a reduction of 10% in CO2 emissions by using warm mix asphalt for carriageway resurfacing; completion of street lighting conversion to LEDs; replacing internally illuminated bollards with reflective bollards or using solar panels on bollards; robust gully cleansing, enhanced flood defences and flood water management schemes to reduce flooding likelihood; implementing sustainable drainage schemes (SuDS) on the public highway to reduce surface water runoff and enhanced greening; and the switching to electrical plant and equipment and alternative fuels by the Council's highway maintenance contractor, a company committed to achieving net zero by 2025.*

#### Question 6 – Giovanna Lozzi

In the last full council meeting in Feb 2023, the point was raised that 'East of the borough' lacked trees and green spaces. How then, can you justify your planning officers and councillors giving the green light to the St Ann's development (one of the aforementioned poorer parts of the borough) losing irreplaceable green infrastructure of at least 117 rare groups of trees felled for flats and parking spaces? (NB. This was more than the trees lost at Plymouth and Wellingborough which have hit the national press for a few weeks)

Response:

As set out in the report to planning sub-committee, there are 227 trees on the St Ann's site and 32 tree groups. The layout of the approved development necessitated 114 of these trees and 30 tree groups being removed. The trees to be removed are primarily lower quality trees with just two Category A trees being lost. No veteran or ancient trees would be removed or adversely affected by the development.

The approved development provides 471 new trees, a net increase of 357 trees across the site (not including tree groups). Of the 471 new trees, 137 large trees and 216 medium trees would be planted. The layout and spread of trees across the Hospital site means that a loss of trees is unavoidable if any development is to come forward that optimises the development potential of the site. The development provides 995 new homes including up to 595 new affordable homes (60% of the total), which exceeds planning policy for affordable housing. The proposal includes a large number of family-sized homes, new green spaces and a very low level of parking provision and other community benefits.

The loss of trees is required to enable the substantial benefits of developing the site to come forward and offset by a net increase in tree provision through the replacement planting.

## Question 7 – Giovanna Lozzi

Mature tree Loss is happening everywhere in Haringey, in larger and small numbers: recent examples being at St Ann's (117+), McDonalds on Green Lanes (11+), on the Parkland Walk (150+), street trees (numbers to be gathered in an FOI for the last 2 years) How do justify these losses with the tree department's target of 30% more canopy cover across the borough's wards as laid out in the new Tree and Woodlands Plan?

Response:

The reasons for the removal of trees at St Ann's have been answered above. The trees at McDonald's were not subject to statutory protection and therefore no permissions were necessary, prior to carrying out the works to fell the trees. The Council had no power to prevent these works. The restaurant owner Mr Rashid has committed to funding the planting of 12 new trees on the public highway, which should be completed this spring. I do not recognise the figure of 150+ trees being felled on the Parkland Walk. The need for the trees that were actually felled has been widely published and was necessary to allow for works and inspections to the numerous bridges along the Parkland Walk, that are suffering structural damage, putting some at danger of collapse. Street trees are predominantly removed because they have been found to be dead, diseased or have sever structural defects that may lead to them failing. We cannot retain potentially hazardous trees on the public highway, putting pedestrians and road users at risk.

Street trees may also be removed if they are implicated in causing tree root damage to adjacent homes, where pruning works have failed to remedy the issue. And we have been advised that we are unlikely to succeed on the balance of probabilities to be able to successfully defend the claims in court. We have started an expansive programme of tree planting across the borough which will increase the tree canopy cover in those wards with low existing cover.

During the 2021-22 planting season, 571 new trees were planted. During the 2022-23 planting season, we have planted one mini-forest in White Hart Lane Rec, consisting of 600 native saplings and one area of native woodland in Perth Road playing fields consisting of 400 saplings. We have also planted 380 new standard trees to date in streets, parks and housing sites and expect to plant another 130 before the end of April 2023. All of the new trees will have a 3 years aftercare programme including monitoring and watering apart from those where residents have sponsored them and they have opted to do this. We are also working on plans to protect trees in our ancient woodlands by improving soils conditions and limiting access, which should lead to improved tree growth. We will also be looking at improving conditions for certain mature trees in parks and open spaces with the aim encouraging greater canopy growth.

## Question 8 – Giovanna Lozzi

We were told that the reason some of the trees (e.g. the 'Hairy' Oak tree) were felled at the Stanhope Road entrance was because the bridge had to be raised as a

'legal requirement.' We are struggling to find this point of law. Was this not simply part of the guidelines from the 'Design Manual for Roads and Bridges' that is used for A-roads. What is the exact legal requirement in law that Haringey was obliged to adhere to and where is it stated?

Response:

The Design Manual for Roads and Bridges was the guidance used to inform the bridge design and height. The DMRB provides standards and best practice for all highway networks (not just A-roads) and are followed nationally by all local authorities. Adhering to the DMRB does not require a subjective view to be taken on current or future usage of bridge structures and roads, including at Stanhope Road. The DMRB standard future proofs the investment and design of the bridge and this principle was accepted and approved through the planning approval process.

## **69. MINUTES**

### **RESOLVED**

That the minutes of the meetings on 12<sup>th</sup> January 2023 and 19<sup>th</sup> January 2023 were agreed as a correct record.

## **70. MINUTES OF SCRUTINY PANEL MEETINGS**

### **RESOLVED**

That the minutes of the following Scrutiny Panels were noted and any recommendations contained within were improved:

- Adults and Health Scrutiny Panel – 8<sup>th</sup> December 2022
- Joint meeting of Adults and Children's Panels – 9<sup>th</sup> February 2023
- Environment & Community Safety Panel – 15<sup>th</sup> December 2022
- Children & Young People's Scrutiny Panel – 3<sup>rd</sup> January 2023
- Housing, Planning & Development Scrutiny Panel – 12<sup>th</sup> December 2022

## **71. COMBINED COMPLAINTS, MEMBER ENQUIRIES, FREEDOM OF INFORMATION REQUEST AND OMBUDSMAN ANNUAL REPORT 2021 - 2022**

The Committee received a report which summarised Member Enquiries, complaints, Ombudsman caseload and FOI activity alongside performance from 1 April 2021 to 31 March 2022. The report was set out in the agenda pack at pages 71 to 92. An amendment to the published section 4 of the report was provided in the addendum report pack at page 11. The report was introduced by Cllr Seema Chandwani, Cabinet Member for Tackling Inequality and Residents Services. Kirsten Webb, Customer Experience Manager, Andy Briggs, AD for Corporate & Customer Services, and Elaine Prado, Head of Customer Experience and Operations, were present for this item. Beverley Tarka, Director of Adult Social Care was also present. The Cabinet Members for: Housing Services, Private Renters and Planning; Children, Schools and Families; and Health Social Care and Wellbeing were all present for this item.

The following arose during the discussion of this report:

- a. The Committee queried about the time lag in the report, given that the figures related to 2021-22. In response, officers advised that in the past these reports had been submitted around October but that since Covid there had been delays in receiving information from the Ombudsman and other statutory services as they were still catching up. Officers advised that they hoped the 2022-23 report would be produced earlier in the year and that they would also be looking to revise its format, so that it was not so backwards looking.
- b. The Committee sought assurances about the drop off in performance in relation to the percentage of complaints replied to on time in Children's Services and in Adults. The Committee also queried what lessons had been learned and the extent to which these figures could have been worse without Covid. In response the Cabinet Member for Children, Schools and Families acknowledged the low scores and advised that there was work underway to better understand how the figures had been calculated and how to improve. A working group had been set up to look at this issue. It was commented that children's social care complaints could often be complicated and that this would likely impact performance. There was a statutory 20 day turnaround timescale for these complaints, which could have an impact on the performance scores in relation to other services. There were also complaints that would be complicated by legal proceedings and the time taken to progress these cases through the courts. The Council had employed an officer dedicated to resolving complaints and it was hoped this would help improve scores going forward.
- c. In relation to the above question, the Cabinet Member for Health Social Care and Wellbeing acknowledged that nobody thought that these figures looked good and that work was being undertaken to look at how service requests were handled to ensure that they did not turn into complaints. The Committee was advised that work was being done to look at how service requests/complaints were dealt with at the front end, how they were responded to and how they were tracked through the system. The Director set out that staff were working to ensure that they did everything they could to improve performance.
- d. The Committee commented that they found the report hard to scrutinise and that they would have liked to see more information that allowed them to drill down on specific service areas and understand the context behind the numbers of complaints. In response, the Cabinet Member for Tackling Inequality and Resident Services advised that it was up to the panel chairs to set out how they would like to scrutinise complaints in future and that panel chairs could use complaints as the basis for the areas they chose to scrutinise in future. If there was a structural issue about a lack of data this should be taken forward by the panels as part of future reports.
- e. In response to a questions about a high volume of parking complaints, the Cabinet Member advised that although the overall number of complaints was relatively high (716), it had to be seen in the context of around 1.5 million contacts a year for parking. In that context it was less than 0.05% of parking contacts that resulted in a complaint. Officers also advised that 2021 was the year that the Taranto system went live and that this would have been a factor in the overall numbers of complaints received about parking.
- f. The Committee sought assurances about increased scores for dissatisfaction with policies or decisions and what this said about the Council's approach to

co-production. In response, the Cabinet Member for Health, Social Care & Wellbeing commented that she did not think from these scores that it was possible to extrapolate that residents were necessarily disappointed with the policy direction of the Council, as this was historic data and that a lot of work was being done on the customer experience and through the Haringey Deal to address some of the underlying concerns. The Cabinet Member also set out that it was hard to know which policy decisions residents may or may not be dissatisfied with from the data as presented. Officers drew Members' attention to section 3.16 onwards of the report, which set out what actions were being taken to improve performance going forwards.

- g. The Chair enquired whether Task could be used in relation to the dedicated casework system that was being sought. In response, the Cabinet Member advised that Task had limited functionality and that what was being sought was a system that allowed different services to see the same information and draft response to enquiries, at the same time.
- h. In relation scrutinising future reports and how improvements were being made, the Committee was advised that going forwards all Member Enquiries, FOIs, stage one complaints would all be signed off by the appropriate Assistant Director, which was at a more senior level than had been done previously. It was envisaged that this would improve the quality of responses.
- i. The Chair requested that the Committee receive an update report on how the work to improve complaints and how they were handled was going, say in six to nine months.
- j. The Vice-Chair put forward a number of recommendations in relation to how future complaints reports could be improved, which were agreed by the Committee:
  - That all panel chairs restart their quarterly finance/performance briefings and that this should include complaints and learning from the complaints.
  - That future complaints reports include a section on how communication with residents can be improved following learning from the complaints received and how the services are improving their offer.
  - That future complaints reports include a more in-depth breakdown of service areas and how each service area is looking at the information it is gathering, how it can improve and whether any changes to services have been made following the learning from the complaints process.
  - Member Enquires part of the complaints report needs to have a section on whether a second or third follow up ME was needed following the initial request. Does this indicate the original level of information wasn't good enough? What is being done in areas that continually have a high number of follow up ME's?
  - Where stage 1 complaints are not being answered within the time frame, what does this tell us about the staffing needed to respond to the complaints and what does this tell us about the complexity of the complaint?
  - In relation to Ombudsman cases, this should include an in depth understanding of the specific service failure and how this is being

addressed to ensure it doesn't reoccur. Is there a pattern over the years from complaints that indicates services were not up to standard and could the Ombudsman investigation have been foreseen? How does this learning help the council going forward in collating patterns within complaints.

## **RESOLVED**

That the report was noted and feedback given on how to focus in-year complaints monitoring.

## **72. BUILDING SAFETY CASE & RESIDENT ENGAGEMENT STRATEGY UPDATE**

The Committee received a report which provided an update on the Building Safety Act and anticipated changes to regulations for high rise residential buildings. The report also set out details of the Council's resident engagement strategy around these changes. The report was introduced by Cllr Carlin, Cabinet Member for Housing Services, Private Renters & Planning. The Director of Placemaking and Housing was also present, along with the Head of Building Compliance. The report was introduced as set out in the additional report pack at pages 13 to 40. The following arose as part of the discussion of this report:

- a. The Committee noted some concerns after reading the report and sought assurances around whether all of the safety issues had been addressed, particularly following the recent fire at Kenneth Robbins House. The Committee requested clarification as to whether the eight medium priority actions relating to fire safety had been addressed. In response, the Cabinet Member advised that the building safety requirements were not only in relation to fire safety. The Cabinet Member commented that the outstanding fire safety actions were all categorised as medium risk and would be addressed as part of the major works programme starting at the end of the year. Officers clarified that the report referenced Kenneth Robbins House as it was the pilot building for the pilot building safety case. The report was in response to a previous action on building safety cases and was not about the recent fire.
- b. In relation to the fire at Kenneth Robbins House, the Cabinet Member and officers gave firm reassurances to the Committee that the building performed as well as it was expected to perform, with its stay put policy in place, and that all of the fire doors held and the fire was contained in the flat it started in. A meeting was held with residents and the Borough Commander of the fire brigade, during this meeting the Borough Commander assured residents that Kenneth Robbins House was safe.
- c. The Committee raised concerns about a report released by the regulator for social housing that noted that Haringey had failed to complete a large number of remedial actions and sought assurances that there was sufficient staffing resources in the team to address this. In response, the Director advised that the Council had referred itself to the regulator and would be meeting monthly with the regulator to work through the actions identified until the notice was lifted. The Cabinet Member advised that some of the actions would be long term in nature and that strong mitigations would be put in place in the interim. In relation to staffing resources, the Director advised that he was building up the staffing resources within the building compliance team and that this was one of the tasks that had arisen following the transfer of housing services in-

- house. The Director commented that every local authority and housing association would also be looking to recruit additional staff in this area because of the additional requirements that were anticipated by the upcoming changes to the Building Safety Act. It was noted that the government had still not been able to give clear assurances about what the exact regulatory changes would be.
- d. The Chair raised concerns that he didn't believe the Council had the capacity, money or the skills to meet the anticipated requirements, particularly in light of the fact that we would be competing with every other housing organisation in the country. The Chair commented that he was concerned that the Council was setting itself up for failure. In response, officers acknowledged that there were challenges but assured Members that they were doing all they could to prepare for the changes. The Council had already procured a system to upload all of the building safety cases when they were in place. The Director also advised that he would be utilising external expertise where this was required.
  - e. The Committee agreed that a follow-up report on the Building Safety Act and progress in producing the building safety cases, would come back to the Housing, Planning and Development Scrutiny Panel. The Director agreed to discuss the timeframe for a follow-up report with the Chair of the Housing, Planning and Development Scrutiny Panel at the next agenda setting meeting. **(Action: Clerk).**
  - f. The Committee noted that the requirements include having an approved resident engagement strategy in place and questioned whether this was in place. In response, the Cabinet Member advised that this was a regulatory requirement and would be in place as and when the Council was required to do so. A Building Safety Strategy report would be going to Cabinet shortly, along with an Improvement Plan and a Damp & Mould Policy. The Improvement Plan would set out how the Council would work with its residents and that some elements of the plan would involve co-design with residents.

## **RESOLVED**

Noted.

### **73. CHANGE TO SCRUTINY MEMBERSHIP 2022/23**

## **RESOLVED**

- I. That Cllr Ali be appointed to replace Cllr Wallace on the Environment & Community Safety Scrutiny Panel.
- II. That Cllr Mason be appointed to fill the vacant position on the Adults and Health Scrutiny Panel.

### **74. WORK PROGRAMME UPDATE**

## **RESOLVED**

Noted.

### **75. NEW ITEMS OF URGENT BUSINESS**

N/A

**76. FUTURE MEETINGS**

The meetings for 2023/24 will be agreed at Annual Council on 15<sup>th</sup> May.

CHAIR: Councillor John Bevan

Signed by Chair .....

Date .....