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OVERVIEW & SCRUTINY COMMITTEE - 8.9.2016

MINUTES OF THE MEETING OF THE OVERVIEW & SCRUTINY COMMITTEE HELD ON THURSDAY, 8 SEPTEMBER 2016

COUNCILLORS: Derek Levy (Chair), Abdul Abdullahi, Katherine Chibah
PRESENT (Vice-Chair), Nneka Keazor, Edward Smith and Dogan Delman.

STATUTORY Mr Tony Murphy (Catholic diocese representative)
CO-OPTES *Mr Simon Goulden (other faiths/denominations representative), 1 vacancy (Church of England diocese representative, Alicia Meniru & 1 vacancy (Parent Governor representative, Kayah Taylor (EYP Representative), Asiya Warsame (EYP Representative)) – Italics Denotes absence*

OFFICERS: Ian Davis (Director Regeneration & Environment), Bob Griffiths (AD Planning, Highways & Transportation), David B Taylor (Head of Traffic & Transportation), Paul Rogers (Programme Manager, Cycling), Richard Eason (Cycle Enfield Consultation Manager), Jon Judah (Cycle Enfield Project Director), Julian Edwards (Interim AD Children's Social Services), Maria Anastasi (Service Manager Safeguarding & Quality), Anne Stoker (Head of Safeguarding), Andy Ellis and Elaine Huckell (Scrutiny)

Also Attending: Councillor Terence Neville OBE JP, Leader of the Opposition & the Conservative Group, Councillor Daniel Anderson, Cabinet Member, Environment and approximately 70 members of the public.

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WELCOME & APOLOGIES

The Chair welcomed all attendees to the meeting. Apologies for absence were received from Mr Simon Goulden. It was noted that Councillor Dogan Delman was substituting for Councillor Joanne Laban.

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DECLARATIONS OF INTEREST

No declarations of interests were put forward.

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CALL-IN OF REPORT: APPROVAL OF CYCLE ENFIELD PROPOSALS FOR THE A105

The Chair invited Councillor Neville to present the Reasons for Call-In. Councillor Neville began his submission by referring to the need for Members to act impartially, as this meeting should proceed without the 'party whip'. Councillor Levy confirmed that all matters at Overview and Scrutiny are considered in this manner.

Councillor Neville stated that the Call-in was about the consultation undertaken in respect of the Cycle Enfield proposals for the A105, including consideration of the consultation findings and the adequacy of this.

He summarised the reasons for Call- In as follows:

- The leading law case which gives the criteria for a fair local authority consultation refers to two legal principles that are relevant here i.e. that 'adequate time must be given for consideration and response' and 'the product of consultation must be conscientiously taken into account' He did not think adequate time had been given for consideration as the consultation ended on 29 July 2016 with 1600 objections received, and the decision by the Cabinet Member to approve the scheme was signed by him on 17 August 2016.
- An objection had originally been given by Arriva Bus Company to the proposals, in particular the withdrawal of the bus lane going south from the Triangle, Palmers Green towards the North Circular Road and the impact/ delays of this on bus journeys. Although the report refers to there being extensive discussion with TfL re a commitment to identify measures elsewhere on the route (mainly in Haringey) to mitigate this impact, we do not know what has been agreed with them. He understands that even following recent meetings with officers, the Commercial Planning Manager of Arriva London (Bob Pennyfather) still has concerns about this scheme.
- Reference was made to the Local Authorities Traffic Orders (Procedure) England and Wales Regulations 1996, that if an objection is made by a bus company to something that would restrict the movement of buses along the route, then the local authority is required to hold a Public Local Inquiry. The objection from the bus company is not included in the schedule of objections received and the report does not state that the objections from Arriva have been withdrawn. As such a Local Inquiry is still required. Under the same regulations there is a requirement to hold a public enquiry if an order is made prohibiting the loading or unloading of vehicles.
- The air quality report acknowledged that there was likely to be some increase in NO² concentrations at junctions where there were some increases in queue length and delay time although with potential improvements if there was a modal shift from private car to cycling. However the report acknowledges that the shift from cars to cycles is not guaranteed and it is possible that the resulting air quality improvements may not be achieved.

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- The London Ambulance Service (LAS) has set out serious reservations they have about the proposals. It appears that all three emergency services would be affected detrimentally by the scheme.
- The numerous objections received cannot possibly have been considered in the time taken before the report was signed off by the Cabinet Member. Between the 29 July 2016 to the 17 August 2016 there were only 13 working days to look at all issues raised.
- The original objections put forward by Councillor Neville and Arriva (Bus company) to the proposals were not listed in the schedule.
- This is a very costly scheme and in all his years in the Council, Councillor Neville said he had never seen a scheme which had attracted so many objections.

The Chair invited Councillor Anderson to respond, which is summarised as follows:

- The decision had not been 'rushed', consideration of all issues had been undertaken over an 18 month period.
- Of the 1600 objections received, 1000 of these were similar objections in principle which were classified under the following 'groupings' -
 - Objections about the principle of the proposals
 - Objections about a common feature of the proposals
 - Objections about a specific location
 - Objections based on a technical or procedural matter
- Consideration of objections had been dealt with as they were being received. Councillor Anderson had held daily conversations with officers to discuss issues as they were raised. All representations and objections have been considered in detail.
- Arriva London have stated that they have withdrawn their formal objection to the scheme, their initial comments and officers responses are set out in paragraphs 5.17 to 5.21 of the report. A public inquiry is not required.
- There appears to be an assumption that vehicles cannot legally access the loading facilities but this is incorrect and the 'response to reason for call-in' para 3.15 to 3.21 sets out the proposed loading arrangements.
- The London Ambulance Service had not objected to the proposals. He referred to para 5.16 of the report regarding the use of traffic separators to segregate cyclists from other traffic to help minimise the impact on emergency service response times, allowing broken down vehicles etc to pull into the cycle lane if necessary. The Police Service have said that the scheme would improve the safety for cyclists. The Fire Brigade have no objections and he noted that their vehicles are larger than ambulances.

Councillor Levy pointed out that the decision to hold a public inquiry is not within the remit of this Committee. In addition, Councillor Levy advised the meeting that as there was an appeal pending in the High Court, caution should be observed in relation to comments and questions.

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The Chair then invited the Committee to put forward any questions/ comments which were as follows:

- Councillor Smith said it would appear that Councillor Neville is requesting that this matter be referred back to the Cabinet Member for Environment, for him to reconsider whether this should be the subject of a public inquiry as a result of changes to 'waiting and loading' restrictions and the restriction for public service vehicles. He asked if any pressure had been put on Arriva London to withdraw the original objection they had to the scheme? David Taylor answered that a meeting had been held with Bob Pennyfather, the Commercial Planning Manager of Arriva London to examine their concerns. They discussed mitigation measures. Following on from this, Arriva then withdrew their formal objection to the scheme.
- Councillor Smith referred to the waiting and loading restrictions, which are to be introduced on an experimental basis by the use of a temporary order. He said at some point when they become permanent how will you avoid having a public inquiry? David Taylor stated the waiting and loading restrictions would be introduced on an experimental basis to enable them to be modified in the light of feedback and operational experience. As this is an experimental order there would be no requirement to hold a public inquiry.
- It was questioned whether the time taken to consider objections could be considered as adequate. Councillor Neville said the statutory consultation period ended on the 29 July and the first report by officers was completed on 11 August and the draft given to Councillor Anderson. Councillor Neville did not think there could have been sufficient time for adequate consideration of objections. Councillor Anderson said officers had worked hard for 3 weeks on considering issues raised, the categorisation of objections made it possible to consider all representations and objections in a very efficient manner.
- With reference to there no longer being any formal objections from public services, Councillor Neville said the main issue was how well or not objections had been considered. He said his objections and those from Arriva London had not been included in the schedule.
- Councillor Delman asked if information was available of when objections were received during the consultation process i.e. were the majority received during the last part of the consultation? It was answered that the majority were received via the on-line system and are date stamped. A steady flow of representations had been received which officers were able to review as they 'went along' there was a fairly even spread of comments received.
- It was asked why Councillor Neville and Arriva London's objections had not been included on the schedule, it was answered that the substantive issues raised were included in the main report.
- Councillor Anderson and officers were asked if they were satisfied that the withdrawal of Arriva London's formal objection meant that a public inquiry would not be needed. David Taylor confirmed that to be the case.

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- Reference was made to objections about the principles of the proposals as listed in Table 1 in Appendix B of the report – Councillor Anderson commented that this was an efficient way of looking at generic objections.
- Councillor Neville thought a public inquiry should be held – he said at the time the report on the scheme was presented to Councillor Anderson, the objection from Arriva London ‘still stood’. It was only later that this objection was withdrawn. He reiterated his comments regarding the timetable of communications between officers and Arriva London and stated that he thought there appeared to be an element of ‘chicanery’ about this business. This comment drew applause from the audience at which point Councillor Smith also showed his approval and applauded. The Chair reminded Councillor Smith to be mindful of his earlier comments regarding declarations of prejudicial interests, reiterating those also requested by Councillor Neville about the need for committee members to act impartially. Councillor Smith said he agreed with this, but had been persuaded by the points made by Councillor Neville.

The Chair then invited three questions to be put from members of the audience, which were as follows:

- Has Councillor Neville spoken to Arriva London? Councillor Neville confirmed that he had spoken to them and understands that they still have concerns
- I know that two long reports received from David Burrowes and others would have been received by the department in the last 2 days of the consultation, could they have been adequately considered in the time given? It was confirmed that these reports were detailed and they had received careful consideration. Conversations had been held and there had been direct responses given.
- The email I sent raised two safety issues that were not included in the report and I have not had an answer? Richard Eason confirmed that he had received the objections mentioned and the issues raised have been covered in the report. It was stated that a written response would be sent to Mr Mandel. (*Post meeting note - An email was sent to Mr Mandel on 15.9.16, from Paul Rogers giving details of where the objections he had raised were covered in the portfolio report*).

The Chair asked Councillor Anderson to summarise his position which was as follows:

- The essence of the objections raised appears to be about whether sufficient time had been spent in examining consultation replies and the objections put forward. This is a matter of opinion, and I have explained the process which enabled us to examine all issues raised.
- The time taken to look at these issues was in fact three weeks and not the 11 days previously mentioned.
- The objection originally raised by Arriva London has been addressed – they no longer have a formal objection.
- The issue around ‘waiting and loading’ is addressed in the report.

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- There have been no formal objections from the London Ambulance Service or from the Fire Brigade.

Councillor Neville summarised his position as follows:

- Councillor Anderson had spoken of whether adequate consideration had been given to objections raised as a matter of opinion – Councillor Neville did not agree that this was a matter of opinion.
- He said both his objections and those raised by David Burrowes had not been included in the schedule. He questioned whether there were other objections that had not been included. He therefore did not think all objections had been considered. Arriva London had not been included on the schedule as having objections.
- There is an explicit requirement for a public enquiry regarding waiting and loading restriction changes and also in respect of objections from public service vehicles.

The Committee then voted on the decision

Councillors Abdullahi, Chibah and Keazor voted in favour of confirming the decision.

Councillors Smith and Delman voted in favour of referral back to the Cabinet member for reconsideration.

The Chair therefore **CONFIRMED** the decision.

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CHILDREN'S & YOUNG PEOPLE'S ISSUES

Julian Edwards, the Interim AD Children's Social Care introduced this report to update the Overview and Scrutiny Committee about workload/ activity levels and trends for the service. It gave information about levels of activity locally for children defined as being 'in need'. This includes children for who the local authority has had to initiate child protection processes and children who are in the care of the Council.

He highlighted the following:

- There has been a significant change in the size and nature of Enfield's population over the last few years with an increase in child population and an increase in the number of children who are living in poverty. Data shows Enfield is the 5th most deprived borough in London and Enfield has the largest number of children living in poverty of all London boroughs.
- There has been an increase in referrals to Enfield's Children's social care services with a 50% increase over the last 3 years.
- The main factors that have led to an increase in referrals are believed to be - demographic, child sexual exploitation, FGM (female genital mutilation) and greater awareness of domestic violence.

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- The numbers of children subject to Child Protection Plans has varied during the last year with approximately 200 currently in effect.
- The number of children adopted during 2015/16 is slightly less than in previous years
- The percentage of Enfield's LAC children with a diagnosed disability is approximately the same as previous years.
- There have been 7 unaccompanied adolescent asylum seekers in Enfield of whom 4 were dispersed to other boroughs and 3 have stayed with us.

The following points/ questions were raised:

- It was confirmed that none of the 7 unaccompanied adolescent asylum seekers had come from Syria.
- When asked how adolescent asylum seekers come to Enfield it was confirmed that there is no particular reason why this happens. Some boroughs have larger numbers than others such as the higher numbers in Kent, Croydon, and Hounslow. A large number of adolescents are Albanians they also come from countries such as Afghanistan and Eritrea. When children arrive in Enfield we have a duty to look after them.
- It was pointed out that only a small minority of Enfield's LAC (Looked after Children) are in residential care, there would always be a few in residential care as a result of the Court system. The aim would always be for children to move out of residential care as children benefit from being in a family situation.
- When asked about the impact of costs on the service Julian Edwards said foster care is much cheaper than paying for residential care, which can be very expensive i.e up to £5k a week. This is because specialist/ environment care may be necessary.
- It was confirmed that when unaccompanied children arrive in the borough, the government provides a contribution towards the cost. For over 18's there is no government contribution, although it may be necessary for some form of care to be provided. Local Authorities are lobbying the Government about providing further funding.
- The Chair asked Julian Edwards if there were any areas of particular concern he may wish to make members aware? He answered that data shows our service performs positively with comparable boroughs. This is done by working closely with families and in a decisive way, to 'steadily move situations along'. His main concern relates to the growing level of need in Enfield at a time when resources are being reduced. This is especially in relation to preventative services. He said we need to ensure that any cuts being made do not have a detrimental effect on statutory services.
- It was asked whether we try to locate the parents of children who arrive in the borough as unaccompanied asylum seekers? An answer was given that we would aim to do this, however this may not be possible. He said it had been possible for one youngster to be able to be reunited with his family and repatriated back to Albania with the assistance of his embassy.

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- It was confirmed that looked after children from other local authorities are sometimes placed in Enfield. Some boroughs such as Croydon and Kent have high numbers of looked after children and have asked other authorities not to place children in their boroughs.
- It was thought the reason why a high number of adolescent asylum seekers came from Albania was due to factors such as - better educational opportunities, superior health care and generally better prospects. This differs from adolescents coming from Eritrea who are escaping a war torn country.

Maria Anastasi, Service Manager, Safeguarding and Quality Service and the Local Authority Designated Officer (LADO) and Ann Stoker, Head of Safeguarding, Quality & Principal Social Worker, Schools & Children's Services presented reports on –

The Local Authority Designated Officer (LADO) Annual Report 2015/16 and

The Safeguarding & Quality Assurance Service Independent Review Officer (IRO) Annual Report 2015/16

The above reports were received and the following points / issues raised:

- There are 7.5 full time equivalent staff who are responsible for Child Protection Plans.
- One of the responsibilities of the service is to review cases of LAC (Looked after children) to consider if they can be rehabilitated.
- The numbers of children subject to Child Protection Plans has varied from 350 last year to the 200 currently existing. We aim for children not to be the subject of Child Protection Plans for long i.e 'they must be robust'
- A statutory role of LADO includes responsibility for management and oversight of allegations against individuals who work with children. This would include both paid and unpaid people e.g governors, scouts, teachers.
- A breakdown of allegations given in the LADO Annual report refers to substantiated, unsubstantiated and unfounded allegations– It was requested that a definition be given of these classifications.
- Councillor Smith referred to a situation relating to a teacher, known to him, who had concerns regarding a safeguarding issue. Councillor Smith would email details to Julian Edwards and Ann Stoker who would look into this case.
- It was asked what would happen if a case was unsubstantiated? i.e would the situation be dismissed? It was answered that discussions would be held and professional help may be given e.g for training. Behaviour would be monitored.

The Chair thanked officers for their reports

MINUTES OF THE MEETINGS HELD ON 30 JUNE & 14 JULY 2016

The Minutes of the meetings held on 30 June 2016 and 14 July 2016 were **AGREED**

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AGENDA PLANNING

An OSC Call-In meeting will be held on the 15 September 2016 on:

Education Services: A New Model of Service Delivery

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DATES OF FUTURE MEETINGS

The dates of future meetings were **NOTED**

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EXCLUSION OF THE PRESS & PUBLIC

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