

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
OVERVIEW AND SCRUTINY COMMITTEE – 9 MARCH 2022
REPORT OF THE SCRUTINY MANAGER
COUNCILLOR CALL FOR ACTION

1 Introduction

- 1.1 Attached to this covering report is the Councillor Call for Action submitted by the Earl's Court Ward Councillors Adourian, Spalding and Wade (Appendix One).

2 Background

- 2.1 Councillor Call for Action (CCfA) powers were first introduced in the Local Government and Public Involvement in Health Act (2007) which inserted section 21A into the Local Government Act 2000. This provided a formal mechanism that allows councillors to refer an issue of local concern, for example related to a local government matter¹ and affecting their ward; for consideration by the Overview and Scrutiny Committee (OSC). The Localism Act 2011 further clarifies that councillors can refer matters which are not restricted to local government matters and which are relevant to the functions of the committee. The Police and Criminal Justice Act 2006 also provides a 'Call for Action' in relation to crime and disorder issues.
- 2.2 A CCfA can be used to tackle problems on a neighbourhood or ward specific level which has been unable to be resolved through normal channels, for example corporate complaints, petitions, Member's Enquiries, Freedom of Information Act (FOI) requests and mediation. It is at the discretion of each councillor as to what issues they wish to raise for a potential review through the CCfA. However, councillors must demonstrate that other methods of resolution have been exhausted first.
- 2.3 Some of the benefits of a CCfA are summarised below:
- Recognition that an issue is significant enough for time, attention and resources to be allocated in an attempt to resolve it;
 - Openness and transparency - discussion of the issues at a committee meeting held in public;
 - Discussion of an issue with others with the sole aim of resolving it; and
 - A high-profile process owned by ward councillors.

¹ Section 21A (1) of the Local Government Act 2000 states - "local government matter", in relation to a member of a local authority, means a matter which — (a)relates to the discharge of any function of the authority, (b)affects all or part of the electoral area for which the member is elected or any person who lives or works in that area, and (c)is not an excluded matter.

2.4 There are some issues that are excluded from referral as a CCfA and these are noted below:

- Planning and licensing decisions;
- Any matter where the person or entity has a statutory right of review or appeal (not including the right to complain to the Ombudsman);
- Any matter that is vexatious, discriminatory or not reasonable.

2.5 It is up to the Overview and Scrutiny Committee (“the Committee”) to decide whether or not to take the matter further. The Committee will also agree whether the matter should be allocated to one of the Select Committees in line with the Council’s scrutiny work programming procedures.

3 The Earl’s Court Ward Councillor Call for Action

3.1 Attached to this report is a Councillor Call for Action which has been submitted by the three Earl’s Court Ward Councillors. This is for discussion and consideration by the Overview and Scrutiny Committee which will determine the next steps.

3.2 The Committee should use the criteria below to make its decision:

- Is the Committee satisfied that appropriate attempts at resolving the issue/problem have been made by the ward councillor before initiating the CCfA?
- Has the Committee or one of the Select Committees considered a similar issue recently - if the answer is yes has the circumstances or evidence changed?
- Has the relevant service or partner agency been informed and been given enough time to resolve the issue? What response have the councillors received?
- Is this a case that is being, or should be, pursued through the council's corporate complaints system?
- Is this an issue currently being looked at by another form of scrutiny, for example a working group?

3.3 Listed below are the options for what the Committee should consider in determining next steps:

- Ask for further evidence to be brought to a future meeting;
- Require a partner organisation to provide further information;
- Require the attendance of members of the Leadership Team or senior officers to a future meeting to answer questions;
- Set up a working group to undertake a more in depth review.

3.4 The Committee can make a report or recommendations to the Leadership Team or external organisation(s) including partner agencies and:

- Require the Leadership Team to consider the report and respond setting out what action they propose to take;
- Require the Leadership Team to publish their response;
- Require the Leadership Team to send a copy of the response to the Earls Court Ward who initiated the CCfA;
- Require the external organisations or partner agencies to have regard to the report when exercising their functions.

3.5 If the Leadership Team decides not to consider a CCfA or on consideration decides no further action is necessary it must inform the Earl's Court Ward Councillors who raised the CCfA and explain the reasons why.

4 Recommendation

4.1 The Overview and Scrutiny Committee is requested to consider the Councillor Call for Action attached as **Appendix One** and determine the next steps.

FOR DISCUSSION

Background papers: none other than previously published papers

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Earls Court Councillor Call for Action

Name(s) of councillors submitting the Councillor Call for Action (CCfA)
Councillors Hamish Adourian, Malcolm Spalding and Linda Wade
Summary and description of the issue to be raised in the CCfA
Earl's Court Ward Councillors have been receiving increasing numbers of reports from concerned residents and businesses about anti-social behaviour and drug abuse in the streets of the ward. These include, but are not limited to aggressive begging, intimidation, public drug-taking, loitering on doorsteps, street intoxication, shouting, screaming, and raving. While these issues have existed in Earl's Court for some time, they rose considerably during the Covid-19 lockdown period and have remained high, and exacerbated by the closure of the Kenway Road police hub.
Why is this issue best addressed through a CCFA
The potential solutions to the issue cut across multiple Council departments, including Housing, Adult Social Care, and Community Safety. Despite the anecdotal evidence from residents, the issue has proven difficult to quantify, given the problems with consistently reporting and accurately capturing ASB statistics.
Summary of action taken to resolve this issue - brief description of actions and who has been involved and contacted eg Lead Member(s), officers and relevant partners
A series of meetings were held throughout 2021 with relevant Lead Members, senior Officers in Community Safety, Housing and Adult Social Care, the Police, Wardens, managers of supported needs hostels, and local residents. We have sought to understand the reasons for the high level of ASB in the ward, and find approaches to mitigate the effects in the short to medium-term and solve the fundamental structural issues over the longer term.
What action would you like to recommend to the Overview and Scrutiny Committee as a resolution to the issue?
We have developed a series of draft recommendations which we would like to present to the Leadership Team for early feedback and to guide their decision-making as they consider this issue over coming months. Earl's Court Ward Councillors are continuing their work and intend to present a full report later in 2022.

Recommendations – Supported Needs Accommodation & Adult Social Care

- 1.1. Review the contracts between the Council and the severe supported needs providers to ensure that staff are trained and equipped to cope with incoming residents, with emphasis on behaviour management and external patrols. This should be proactive in nature—the burden cannot be placed on local residents to continuously report incidents. Staff must be aware of the impact on neighbours and be responsive.
- 1.2. As part of this contract review, it should be stipulated that the tenancy agreement between the severe support needs providers and their residents should make it clear that repeated complaints from residents or reports from Police about drug abuse or other ASB in the vicinity are grounds for eviction. Passing random drug tests should also be a condition of tenancy.
- 1.3. As part of this contract review, there should be a general review of the operations of the severe supported needs services. This should include (a) the management structure and their method of management, (b) whether the management style can cope with the level of vulnerability that is being nominated, (c) whether there is an evaluation of the complexities that already exist within the accommodation prior to new nominations, (d) do the staff require additional training, (e) are there sufficient staff to cope with the level of complexity and the physical configuration of the site.
- 1.4. Review the Addiction and Substance Abuse Services to look to re-establishing CAPS to support the local need and identification of mental health support by the local NHS.
- 1.5. For the most severe of addiction recovery cases, explore the feasibility of the establishment of safe use rooms, which could be housed at CAPS. This would provide a way for addiction to be managed in a controlled environment rather than on the streets.
- 1.6. Establish a joint nomination panel of the different organisations with nomination rights to the severe supported needs units, so that all data is shared, with risk assessment of the individuals, with capacity of the staff and the existing residents evaluated.

Recommendations – External Placements

- 1.7. Whether the Government's Rough Sleepers initiative or the Home Office contracts with local hotels, establish a clear point of contact with the Council that ensures the Council is aware of incoming residents, their needs and how they are going to be supported.

Recommendations – Housing Associations

- 1.8. Introduce a sensitive letting policy for all housing association and Council homes in Earl's Court.
- 1.9. Introduce a formal contract between the Council and local housing associations that details rights and responsibilities, including on data sharing and dealing with tenants who commit ASB.

- 1.10. For nomination to a housing association property, establish greater sharing of information on a tenant with the housing association prior to a tenancy agreement being established, and introduce provisional tenancies in all cases.
- 1.11. Where the nominating organisation is aware of previous problems with a tenant (e.g. a history of ASB complaints or criminal convictions), the housing association should ensure a suitable support package is put in place and there is proactive monitoring of the tenancy.
- 1.12. Where problems with ASB arise, the housing association should be proactive and not place the burden of collecting evidence onto other residents of the property.
- 1.13. Introduce a charter for tenants and job descriptions of housing managers, tenancy managers, cleaning contractors, their roles, and inspections calendar, including tenants' association meetings.

Recommendations – Policing, Wardens and Community Safety

- 1.14. Establish a multi-agency working group, involving Police, the Council, the NHS and other relevant partners to find solutions for the most persistent problem individuals and break the cycle of ASB, arrest, eviction, prison and a return to supported accommodation.
- 1.15. Work with the Police to find a way to ban repeat offenders from returning to the Earl's Court area after eviction or release from prison.
- 1.16. Make the case to the Police that Earl's Court should be designated as an enhanced ward and have more dedicated ward officers.
- 1.17. Introduce a team of dedicated Council wardens for Earl's Court, who will proactively patrol the entire ward and request Police backup if needed. The team should work with both the managers of the severe supported needs accommodation and local housing association properties to identify those in need and help channel them to the right services.
- 1.18. Establish active 24-hour monitoring of Council CCTV in Earl's Court, with a direct link to the Police or wardens so that any incidents can be promptly dealt with.
- 1.19. Work with freeholders in Earl's Court to design out regular ASB hot spots with lighting, planting, locked gates, or building adjustments such as removing recessed areas.

Recommendations – Planning

- 1.20. Exempt HMOs from planning use protection in Earl's Court.
- 1.21. Permit amalgamations of studio properties in Earl's Court, especially single unit bedsits, to provide different unit sizes and allow for more family homes.
- 1.22. Do not resist the change of use of hotels to residential in Earl's Court, especially where the smaller hotels are non-viable in one or two-buildings. Of the 53 hotels in the ward, at least half are very run-down and non-viable. We should aim to convert 25 hotels into residential flats for two persons, with two bedrooms.

Every four hotel beds would create a single flat. Therefore, we should aim to convert 50% of the hotel beds, or 1,000 rooms, into 250 residential flats.

- 1.23. Explore incentives that will encourage more of the relatively high level of privately rented stock in Earl's Court (compared to the rest of the Borough) to convert to owner-occupation, and condition new developments in the ward to have a fair percentage of affordable intermediate homes for owner-occupation.