



# COUNCIL

All Members of the Council are  
**HEREBY SUMMONED**  
to attend a meeting of the Council to  
be held on

Wednesday, 25th October, 2017

at 7.00 pm

in the Council Chamber, Hackney Town Hall,  
Mare Street, London E8 1EA

**Tim Shields**  
**Chief Executive**

Contact: Emma Perry  
Governance Services  
Tel: 020 8356 3338  
[governance@hackney.gov.uk](mailto:governance@hackney.gov.uk)

The press and public are welcome to attend this meeting

## MEETING INFORMATION

### Future Meetings

24 January 2018  
21 February 2018  
23 May 2018 (AGM)

### Contact for Information

Emma Perry, Governance Services  
Tel: 020 8356 3338  
[governance@hackney.gov.uk](mailto:governance@hackney.gov.uk)

### Location

Hackney Town Hall is on Mare Street, bordered by Wilton Way and Reading Lane. For directions please go to <http://www.hackney.gov.uk/contact-us>

### Facilities

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in the Assembly Halls, rooms 101, 102 & 103 and the Council Chamber. Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

AGENDA ITEM NUMBER	AGENDA ITEM	INDICATIVE TIMINGS:
1 – 4	Preliminaries	5 minutes
5	Questions from Member of the Public	10 minutes
6	Questions from Members of the Council	30 minutes
7	Elected Mayor's Statement	20 minutes
8	Children and Families Service 2016-17 Full Year Report to Members	10 minutes
9	Pensions Committee Annual Report 2016-17	10 minutes
10	Report of Local Government Ombudsman- Judgement on Adult Social Care	10 minutes
11	Section 85 Local Government Act 1972	10 minutes
12	Review into Air Quality	10 minutes
13	Devolution - the Prospect for Hackney	10 minutes
14	Motion	15 minutes
15	Appointment to Outside Bodies	5 minutes
16	Appointments to Committees	5 minutes

## Council Agenda

### 1 Apologies for Absence

### 2 Speaker's Announcements

### 3 Declarations of Interest

This is the time for Members to declare any disclosable pecuniary or other non-pecuniary interests they may have in any matter being considered at this meeting having regard to the guidance attached to the agenda.

### 4 Minutes of the previous meeting

(Pages 1 -  
18)

### 5 Questions from Members of the Public

#### 5.1 Mr David Robinson to the Cabinet Member for Neighbourhoods, Transport and Parks

Dunsmure Road, Stamford Hill, suffers from severe problems due to dangerous driving and illegal and anti-social parking which endanger pedestrians and cyclist. This is a particular problem when large numbers of children are walking to the two primary schools and to the independent Jewish schools there. What is the council doing to make the road safe?

#### 5.2 Mr Christopher Sills to the Mayor

In the spring of 2006, when I was member of the Council, I raised the question of the disused underground toilets in Stamford Hill. As the situation appears to be unchanged, please could you tell me when the problem is going to be solved.

### 6 Questions from Members of the Council

#### 6.1 Question from Councillor Jacobson to the Mayor

We welcome the Mayor's "Hackney Loves You" campaign in offering support & solidarity to the 41,500 EU nationals in Hackney. What actions are being taken for implementation?

#### 6.2 Question from Councillor Etti to the Mayor

What is the council doing to support EU citizens in Hackney that make such a big contribution to sustaining our public services, businesses and communities?'

#### 6.3 Question from Councillor Sharer to Cabinet Member for Housing

What updated action is Hackney Council doing for fire safety in residential blocks in the Borough?

6.4 Question from Councillor Akhoun to the Mayor

The 393 bus on Cazenove Road is often full at off peak times denying the disabled and those with babies access. Can the mayor make representation to TFL to increase the frequency and capacity of the service?

6.5 Question from Councillor Adams to the Cabinet Member for Employment, Skills and Human Resources

Could the Cabinet member for Employment, Skills and Human Resources share with members the latest progress in delivering the Mayor's employment and training agenda?

6.6 Question from Councillor Coban to the Mayoral Adviser for Private Renting and Housing Affordability

What are the benefits of the additional and selective licensing schemes for Hackneys 30,000 privately rented households as proposed in the current consultation?

6.7 Question from Councillor Stops to the Cabinet Member for Neighbourhoods, Transport and Parks

The Mayor of London, in his draft transport strategy, says that he will work with London boroughs to develop roads pricing. This is an opportunity to lead the world in tackling urban congestion. Can I be assured that Hackney will take up this invitation and thereby address the numerous negative impacts associated with congestion in this borough?

6.8 Question from Councillor Snell to the Cabinet Member for Planning, Business and Investment

How many residents and businesses responded to consultation about the future of the Dalston Quarter and how will the Council ensure it listens to those views in building upon the local success of organisations like the Arcola Theatre, Café Otto and the Eastern Curve Garden?

6.9 Question from Councillor Kennedy to the Cabinet Member for Employment, Skills and Human Resources

Many hundreds of Employment opportunities are coming forward in Hackney Wick Ward at HereEast and the Canalside building – what is the council doing to make sure that some of those jobs, across all pay grades, go to Hackney residents?

6.10 Question from Councillor Peters to the Cabinet Member for Finance and Housing Need

How many Hackney residents are living in the Council's 'temporary' homelessness accommodation each night?

- |           |   |                   |
|-----------|---|-------------------|
| <b>7</b>  | <b>Elected Mayor's Statement</b>  |                   |
| <b>8</b>  | <b>Report from Cabinet: Children and Families Service 2016-17 Full Year Report to Members</b>   | (Pages 19 - 106)  |
| <b>9</b>  | <b>Report of the Pensions Committee: Annual Report 2016-17</b>  | (Pages 107 - 120) |
| <b>10</b> | <b>Report of the Group Director of Children, Adults and Community Health: Report of Local Government Ombudsman - Judgement on Adult Social Care</b> | (Pages 121 - 144) |
| <b>11</b> | <b>Report of Chief Executive: Section 85 Local Government Act 1972 - Resolution to Extend Six Month Rule</b>  | (Pages 145 - 148) |
| <b>12</b> | <b>Report of The Living In Hackney Scrutiny Commission : Review into Air Quality</b>  | (Pages 149 - 258) |
| <b>13</b> | <b>Report of Governance and Resources Scrutiny Commission: Devolution - the Prospect for Hackney</b>  | (Pages 259 - 312) |

**14 Motion**

**a Campaign for more police funding - Motion**

**This Council notes that:**

- Since 2010, the Metropolitan Police Service has had to make £600m of savings following real terms cuts to central government funding. It now needs to make £400m more by 2020/21.
- This is because the Government decided in 2015/16 to freeze the Police Grant. Government characterises this as “stable funding”, but in reality it is a significant real terms cut which fails to cover the increasing costs faced by the Met.
- There is a risk that London’s police force may be hit even harder if the Government continues with its controversial Police Funding Formula Review – which when last considered, suggested that the Met stood to lose between £184m and £700m.
- These cuts have consequences:
  - Hackney has lost 1 in 4 of its police officers since 2010 from 770 in October 2010 to 576 in April 2017.
  - In 2015, we issued a clear public warning that reductions in officer numbers was putting Hackney’s long-term downward trend in overall crime at risk.
  - The Government failed to listen to our warnings. As a result police numbers have continued to fall, and the overall crime rates to increase (whilst still

remaining significantly below historic levels).

- This trend is being played out across London (2,800 police officers and PCSOs lost, offences up by 4.56% between FY 2015/16 and FY 2016/17) and nationally (20,592 police officers lost since 2010, police recorded crime up by 10% between FY 2015/16 and 2016/17).

**This Council resolves:**

- To run a high-profile public campaign calling on Government to properly fund London's police service, in particular through:
  - A significant real-terms increase in the Police Grant, so that the front line can be protected and the crime and safety challenges we face can be met.
  - Fully funding the National and International Capital Cities (NICC) Grant, to reflect the true – and independently accepted – additional costs that come with policing the capital.
  - Guaranteeing there will be no further cuts to the Met as a result of its Police Funding Formula review.
- To ask the Cabinet Member for Community Safety and Enforcement to write to the Home Secretary and Minister for Policing setting out our concerns.
- To continue to ensure the Council's concerns about police resourcing are widely known through a range of communications channels and media engagement.
- To support residents and businesses in making sure that their concerns about police resourcing are being heard by the Government.
- Continue to do all we can to keep Hackney safe within the resource constraints we and our partners face.

Proposer Cllr Peter Snell  
Seconder Cllr Vincent Stops.

**15 Appointment to Outside Bodies**

(Pages  
313 - 318)

**16 Appointments to Committees**

(Pages 319 -  
326)

- Appointments to Licensing Committee
- Appointment to Pensions Committee

## MEETINGS

Where a meeting of the Council and its committees are open to the public, the press and public are welcome to report on meetings of the Council and its committees, through any audio, visual or written methods and may use digital and social media providing they do not disturb the conduct of the meeting and providing that the person reporting or providing the commentary is present at the meeting.

Those wishing to film, photograph or audio record a meeting are asked to notify the Council's Monitoring Officer by noon on the day of the meeting, if possible, or any time prior to the start of the meeting or notify the Chair at the start of the meeting.

The Monitoring Officer, or the Chair of the meeting, may designate a set area from which all recording must take place at a meeting.

The Council will endeavour to provide reasonable space and seating to view, hear and record the meeting. If those intending to record a meeting require any other reasonable facilities, notice should be given to the Monitoring Officer in advance of the meeting and will only be provided if practicable to do so.

The Chair shall have discretion to regulate the behaviour of all those present recording a meeting in the interests of the efficient conduct of the meeting. Anyone acting in a disruptive manner may be required by the Chair to cease recording or may be excluded from the meeting. Disruptive behaviour may include: moving from any designated recording area; causing excessive noise; intrusive lighting; interrupting the meeting; or filming members of the public who have asked not to be filmed.

All those visually recording a meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. The Chair of the meeting will ask any members of the public present if they have objections to being visually recorded. Those visually recording a meeting are asked to respect the wishes of those who do not wish to be filmed or photographed. Failure by someone recording a meeting to respect the wishes of those who do not wish to be filmed and photographed may result in the Chair instructing them to cease recording or in their exclusion from the meeting.

If a meeting passes a motion to exclude the press and public then in order to consider confidential or exempt information, all recording must cease and all recording equipment must be removed from the meeting room. The press and public are not permitted to use any means which might enable them to see or hear the proceedings whilst they are excluded from a meeting and confidential or exempt information is under consideration.

Providing oral commentary during a meeting is not permitted.

## ADVICE TO MEMBERS ON DECLARING INTERESTS

Hackney Council's Code of Conduct applies to **all** Members of the Council, the Mayor and co-opted Members.

This note is intended to provide general guidance for Members on declaring interests. However, you may need to obtain specific advice on whether you have an interest in a particular matter. If you need advice, you can contact:

- The Director of Legal;
- The Legal Adviser to the committee; or
- Governance Services.

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

## 1. Do you have a disclosable pecuniary interest in any matter on the agenda or which is being considered at the meeting?

You will have a disclosable pecuniary interest in a matter if it:

- relates to an interest that you have already registered in Parts A and C of the Register of Pecuniary Interests of you or your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner;
- relates to an interest that should be registered in Parts A and C of the Register of Pecuniary Interests of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner, but you have not yet done so; or
- affects your well-being or financial position or that of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner.

## 2. If you have a disclosable pecuniary interest in an item on the agenda you must:

- Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you (subject to the rules regarding sensitive interests).
- You must leave the room when the item in which you have an interest is being discussed. You cannot stay in the meeting room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision.
- If you have, however, obtained dispensation from the Monitoring Officer or Standards Committee you may remain in the room and participate in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a pecuniary interest.

## 3. Do you have any other non-pecuniary interest on any matter on the agenda which is being considered at the meeting?

You will have 'other non-pecuniary interest' in a matter if:

- It relates to an external body that you have been appointed to as a Member or in another capacity; or
- It relates to an organisation or individual which you have actively engaged in



supporting.

#### **4. If you have other non-pecuniary interest in an item on the agenda you must:**

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.
- ii. You may remain in the room, participate in any discussion or vote provided that contractual, financial, consent, permission or licence matters are not under consideration relating to the item in which you have an interest.
- iii. If you have an interest in a contractual, financial, consent, permission or licence matter under consideration, you must leave the room unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision. Where members of the public are allowed to make representations, or to give evidence or answer questions about the matter you may, with the permission of the meeting, speak on a matter then leave the room. Once you have finished making your representation, you must leave the room whilst the matter is being discussed.
- iv. If you have been granted dispensation, in accordance with the Council's dispensation procedure you may remain in the room. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a non pecuniary interest.

#### **Further Information**

Advice can be obtained from Suki Binjal, Interim Director of Legal, on 020 8356 6234 or email [suki.binjal@hackney.gov.uk](mailto:suki.binjal@hackney.gov.uk)



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London Borough of Hackney  
Council  
Municipal Year 2017/18  
Date of Meeting Wednesday, 26th July, 2017

Minutes of the proceedings of  
Council held at Hackney Town  
Hall, Mare Street,  
London E8 1EA

**Councillors in  
Attendance:**

Mayor Philip Glanville, Cllr Kam Adams, Cllr Soraya Adejare, Cllr Brian Bell, Deputy Mayor Anntoinette Bramble, Cllr Barry Buitekant, Cllr Jon Burke, Cllr Sophie Cameron, Cllr Robert Chapman, Cllr Sophie Conway, Cllr Feryal Demirci, Cllr Michael Desmond, Cllr Tom Ebbutt, Cllr Susan Fajana-Thomas, Cllr Katie Hanson, Cllr Ben Hayhurst, Cllr Ned Hercock, Cllr Abraham Jacobson, Cllr Richard Lufkin, Cllr Yvonne Maxwell, Cllr Clayeon McKenzie, Cllr Sem Moema, Cllr Patrick Moule, Cllr Ann Munn, Cllr Harvey Odze, Cllr Deniz Oguzkanli, Cllr M Can Ozsen, Cllr Sharon Patrick, Cllr James Peters, Cllr Emma Plouviez, Cllr Tom Rahilly, Cllr Ian Rathbone, Cllr Rebecca Rennison, Cllr Anna-Joy Rickard, Cllr Rosemary Sales, Cllr Caroline Selman, Cllr Ian Sharer, Cllr Nick Sharman, Cllr Peter Snell, Cllr Simche Steinberger and Cllr Jessica Webb

**Apologies:**

Cllr Laura Bunt, Cllr Sade Etti, Cllr Margaret Gordon, Cllr Michelle Gregory, Cllr Christopher Kennedy, Cllr Michael Levy, Cllr Jonathan McShane, Cllr Sally Mulready, Cllr Guy Nicholson, Cllr Clare Potter, Cllr Vincent Stops, Cllr Geoff Taylor and Cllr Carole Williams

**Officer Contact:**

Emma Perry, Governance Services

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**Councillor Soraya Adejare [Speaker] in the Chair**

**1 Apologies for Absence**

1.1 Apologies for absence from Members are listed above.

**2 Speaker's Announcements**

2.1 The Speaker stated that, with sadness, she had to announce the death of past councillor, Edward Millen who died on 17 July. Eddie had been Chair of the Finance Committee and had been made Freeman of the Borough in 1986. On behalf of the Council, she sent her condolences to his family.

2.2 Councillor Rathbone stated that he had known Edward Millen for a number of years. Edward Millen had worked with the Tenants Residents Association

(TRA) at the Pembury Estate and was a community activist who gave a great deal to the community as a whole.

2.3 Gordon Bell, MBE, also spoke of Edward Millen, as a fellow Freeman of the Borough.

2.4 A minute silence was held in remembrance of former councillor, Edward Millen.

### 3 Declarations of Interest

3.1 Councillor Moema declared a non-pecuniary interest in Item 6 – Questions from Members of the Council, as she worked for Genesis Housing Association, which related to one of the questions. Councillor Moema left the chamber during the discussion of this item.

### 4 Minutes of the previous meeting

4.1 **RESOLVED** that the minutes of the previous meeting which was the Annual General Meeting held on 24 May 2017 be approved, subject to the following amendments:-

- Paragraph 10.6 – should state that Councillor Levy quoted the Emeritus Chief Rabbi, Jonathan Sacks, the former Chief Rabbi.
- Item 9 – Minutes of the previous meeting – 1 March 2017:
  - Paragraph 7.7 – should have stated that Councillor Steinberger stated that campaigning should continue regarding the 73 bus route, to reinstate the Stamford Hill Broadway to Victoria section of the route.

### 5 Questions from Members of the Public

5.1 From Christopher Sills to the Mayor:

“Would you agree with me that the switchboard service at HTH has got progressively worse in the last few years and that callers are frequently put through to the wrong department thus wasting everybody’s time and what steps are you taking to improve the service?”

Response from Mayor Glanville:

Before Mayor Glanville answered the question from Mr Sills, he took the opportunity, on behalf of the Council, to wish Councillor Taylor a speedy recovery as he had recently been unwell.

Mayor Glanville apologised for any issues Mr Sills had experienced when contacting the Council’s switchboard service. Mayor Glanville explained that improvements to the telephone service were introduced in July 2015 in order to make efficiency savings without compromising on service levels and used advanced speech recognition technology that worked with the Council’s existing infrastructure and telephone system.

Netcall had successfully implemented virtual switchboards in a number of local authorities and was used by 60% of London authorities. The automatic operator, voice recognition, system was implemented in June 2015, compiling a list of familiar names and building up a recognition of various accents.

Mayor Glanville advised that the Council worked with the contractor on a quarterly basis to monitor, quality check and analyse all calls that had been transferred to staff members. Over the past year (16/17), on average 95% of calls to the automated switchboard were answered. The automated agent routed 55% of calls correctly and 45% of calls were transferred to a Customer Services Officer, for a number of reasons.

In June 2016 the Council migrated onto a new telephony system called Myphone. From July 2016 the Hackney Service Centre, alongside the housing contact centres migrated onto a new contact centre system called Contact+. There had been delays in answering calls during this time and the matter was finally resolved in February 2017, when the contact centre transitioned to a new system called Intelcom/Puzzel.

In response to a supplementary question, Mayor Glanville did not agree that the new system was not working and stated that of the 10,000 plus calls received by the switchboard a month, only a small number of complaints had been received. Mayor Glanville urged Mr Sills to contact the Mayor's Office or Member Services if he had a specific concern regarding the service.

## 6 Questions from Members of the Council

- 6.1 From Councillor Susan Fajana-Thomas to the Cabinet Member for Housing:  
"Can the Lead Member for Housing reassure residents living in social housing blocks, that tests on cladding have been carried out and all fire risk assessments are up to date now we know that cladding appears to have allowed the fire to spread in the Grenfell Tower tragedy."

### Response from Councillor McKenzie:

Councillor McKenzie explained that the Council had robust procedures in place to ensure that all estate blocks had up-to-date fire risk assessments. Also a comprehensive fire safety review had taken place which included an independent inspection of cladding used on council estate blocks.

Within 48 hours of the Grenfell Tower fire, the Council completed an initial inspection of cladding and confirmed to the Department of Communities and Local Government that it had no blocks with cladding made of Aluminium Composite Material which was the type used on the Grenfell Tower.

To provide ongoing reassurance to residents, the Council produced a fire safety action plan which had been approved by both an independent fire safety consultant, Graham Howgate, who was a previous Fire Brigade Borough Commander and the current Borough Commander.

As part of the fire safety review, the Council worked with independent cladding experts, Cladtech Associates, who undertook an additional review of cladding. All the blocks inspected had shown no issues of concern and he reiterated that no estate blocks had the same cladding that was used on the Grenfell Tower. Fire Risk Assessments for medium to high rise blocks of five storeys were also being reviewed, and for transparency, all Fire Risk Assessments would be available to view online in the coming weeks.

Councillor McKenzie stated that the safety of residents was of the highest priority and the Council had written to all estate residents directly to provide fire safety updates.

6.2 From Councillor Jessica Webb to the Cabinet Member for Housing

“Five years ago, four Hackney Wick tower blocks, Heathcote, Hensley, Vanner and Ravenscroft were clad. Given the tragedy of Grenfell Tower, residents of these blocks have asked councillors for reassurance about their safety. Can the Cabinet member tell us what has been done to check the safety of these blocks?”

Response from Cllr McKenzie:

Councillor McKenzie advised that within 48 hours of the Grenfell Tower fire, the Council had completed an initial inspection of cladding and confirmed to the Department of Communities and Local Government that it had no blocks with cladding made of aluminium composite material, which was the type used on the Grenfell Tower.

All the blocks inspected, including Heathcote, Hensley, Vanner and Ravenscroft estate blocks, had shown no issues of concern. Councillor McKenzie reiterated that no estate blocks had the same cladding that was used on the Grenfell Tower. The Council also had robust procedures in place to ensure all estate blocks had an up-to-date fire risk assessment and a comprehensive fire safety review had been taking place.

In response to a supplementary question regarding safety checks beyond social housing, Councillor McKenzie stated that he would feed this back to the relevant officers.

6.3 From Councillor Clare Potter to the Cabinet Member for Community Safety and Enforcement:

(Councillor Bell asked the question on behalf of Councillor Potter).

“Wireless in Finsbury Park has taken place for the last 4 years. This year, despite extensive engagement in advance of the event to try to mitigate negative consequences, the level of anti-social behaviour (ASB) was extremely concerning. How can we ensure this does not happen again and residents are able to feel secure.”

Response from Councillor Selman:

Councillor Selman stated she was disappointed to see and experience some of the ASB and disruption to Hackney residents from this year’s Wireless festival in Finsbury Park.

In response to Cllr Potter, Councillor Selman stated that she was correct that there was extensive engagement with Haringey Council (who were responsible for the event as it was within their boundary) and the event organisers ahead of the event. Their revised egress plans were designed to accommodate the reduced capacity at Finsbury Park station this year by keeping large numbers of attendees inside the park boundaries and off Hackney streets. However these plans were amended just before Wireless without notice to the Council which resulted in larger numbers of festival goers using our streets than in previous

years. The event also drew people to the area who did not have tickets but remained on our streets causing issues.

The Council contracted stewards to patrol some of Hackney's roads, rather than the event organiser, which had happened in previous years. These were however only at the numbers agreed by the event organiser and it was acknowledged that the sheer numbers of people and the lack of powers of the stewards meant that issues were experienced by residents that they were unable to tackle.

The Mayor, officers and Councillor Selman met local residents last week to hear and discuss the issues further. It was acknowledged that the levels of ASB and disruption experienced by residents went beyond acceptable and along with the Mayor, Councillor Selman directly addressed these with the police and Haringey Council.

The Mayor and Councillor Selman wrote last week to the leader of Haringey Council to formally record the Council's upset and determination to see significant improvements and that, if necessary, it would invoke a review of the licence for the event issued by Haringey Council. Councillor Selman also stated that she was in conversation with the police over their policing plans and how these can be changed to tackle the problems which were evident and not tackled.

In response, Councillor Bell and Potter thanked the Mayor and the Cabinet Member for attending the Brownswood ward forum the previous Thursday, where they had heard first-hand how much distress the event had caused some local residents.

They welcomed his agreement to raise it directly with the Leader of Haringey Council, and his statement that Hackney was prepared to oppose Wireless in the future unless adequate safeguards were agreed. They were also encouraged by his wider commitment to refresh the Finsbury Park Accord and improve joint working by Hackney, Haringey and Islington in the town centre.

6.4 From Councillor Brian Bell to the Lead Member for Community Safety and Enforcement:

"Following the recent terrorist attacks in Westminster, Manchester, London Bridge and Finsbury Park, what can the Council do to help keep Hackney safe and to work with the community to ensure it remains the inclusive, welcoming place that it is."

Response from Councillor Selman:

Councillor Selman gave her deepest sympathy to the friends and families affected by the recent terrorist attacks. In the aftermath of the terrorist incidents in London and Manchester the Council worked closely with the police to provide re-assurance and take positive steps to support continued strong cohesion amongst communities in Hackney.

Councillor Selman advised that the Council's Community Safety Enforcement and Regulation service had been included within police briefings, which had

enabled the deployment of enforcement officers and CCTV to provide visible re-assurance around places of worship and community centres.

The Council's Prevent and Community Engagement officers had maintained very close engagement with community representatives and in the case of places of religion had encouraged submissions to the Home Office for funding to enhance security. Several Mosques and community centres had submitted bids.

The Council's Civil Protection service had liaised with the police Counter Terrorism Security Advisor, in order that a further review of potentially vulnerable locations could be undertaken and mitigating factors to reduce risk put in place. Following the terrorist incident in Finsbury Park, Mayor Glanville and Councillor Selman had attended a Faith & Community Forum, chaired by Councillor Etti on 20<sup>th</sup> of June. This provided an opportunity to hear from faith leaders, community advocates and stakeholders on both the concerns following the incident and also hear ideas as to how we can further enhance cohesion in the borough.

Councillor Selman stated that the Council was currently developing a Hate Crime Strategy and action plan, involving the community in building on the cohesion that was valued in Hackney.

In response to a supplementary question, Councillor Selman stated that Hackney had a strong stance on anti-Semitism, there was no place for it and it would not be tolerated.

6.5 From Councillor Abraham Jacobson to the Cabinet Member for Community Safety and Enforcement:

"What is being done to curb the violence and knife crime following rave parties occurring on the Stamford Hill and other Estates?"

Response from Councillor Selman:

Councillor Selman stated that the work to deal with "rave" or "block parties" could be challenging for the Council, police and housing providers to respond to in some instances. The Council was informed that unlicensed music events had developed over the past few years from informal gatherings amongst a relatively small group into carefully organised large scale events, often advertised on social media with little or no notice as to the venue.

The Council had powers to take action in respect of noise and anti-social behaviour and the police had powers relating to anti-social behaviour and crime. In order to ensure the best response to these events, the Council and police locally had developed a protocol so that there could be prompt liaison and assessment of the event and deployment of available resources.

The event at Stamford Hill Estate on the evening of 20<sup>th</sup> of June was an event that was quickly attended by several hundred people which required an extensive deployment of police over several hours to bring disorder under control. Unfortunately one man received stab injuries during the disorder which was subject to police investigation. The Council had been supporting the police in that investigation and also Southern Housing who were looking at what sanctions may be available in terms of the tenancy of anyone identified as



being responsible for hosting the event. The Council had liaised with Southern Housing to advise them on options for CCTV upgrade on the estate.

In terms of any unlicensed events on Hackney housing property they, along with the police and Community Safety team, liaised to collate evidence and take action in respect of any breach of tenancy from hosting such an event.

As part of the wider response to noise and ASB, the Council, through the development of a new Community Safety Enforcement and Regulation Service, was increasing the number of enforcement officers from 12 officers and 3 supervisors, to 24 officers and 4 supervisors, which would enable a more dynamic response.

6.6 From Councillor Ian Sharer to the Cabinet Member for Housing:

“What action is Hackney Council doing to retrofit sprinkler systems in all the high rise buildings in Hackney as per the Coroner’s report in the Lakanal House fire tragedy?”

Response from Cllr McKenzie:

Councillor McKenzie stated that sprinkler systems would be fully explored as part of the Council’s comprehensive fire safety review and the Council would move to install them if recommended to do so by its independent fire adviser or following advice from either the London Fire Brigade or its Fire Risks Assessments. In addition, the Council would await any interim findings and recommendations from the public enquiry into Grenfell and, as it did following the Lakanal House tragedy, respond quickly to them.

Following the Lakanal enquiry, all low, medium and high-rise estate blocks were fire risk assessed, other work was also undertaken such as the hard wiring of smoke alarms and the upgrading and installation of fire safety doors and lighting, all of which fully met the recommendations. The Council had also continued to invest millions of pounds over the last five years to upgrade fire safety measures across all housing estates, whilst carrying out annual Fire Risk Assessments to ensure that estates met nationally-set fire regulations.

Councillor McKenzie advised that there were two blocks in the borough that because of their design had had sprinkler systems installed. Installation of a sprinkler system in a third block with the same design was in progress.

Following the comprehensive fire safety review, the Council was committed to keeping residents informed about what recommendations were being taken forward, including any decisions about the installation of sprinklers across estate blocks.

In response to a supplementary question, Councillor McKenzie stated that the fire safety review was expected to be fully published by the autumn 2017.

6.7 From Councillor Emma Plouviez to the Cabinet Member for Neighbourhood, Transport and Parks:

“The Council recently launched its first School streets scheme at St Johns the Baptist Primary School. This is where the road outside a school is closed to traffic at school opening and closing times; helping to achieve a safer, more pleasant environment whilst maintaining access for residents, businesses,

pedestrians and cyclists. I welcome this initiative and would like to know what plans are in place to extend this scheme to other schools like the London Fields school in my ward which is one of the primary schools in Hackney that suffers from the highest levels of air pollution”.

Response from Councillor Burke:

Councillor Burke stated that the School Streets programme was intended to protect children from the harms of air pollution, road traffic dangers and inactive lifestyles, by introducing timed road closures in front of school gates to create a safe space for children as they arrived and left school each day.

This initiative was a commitment made by Mayor Glanville just over a year ago. Hackney’s first pilot School Street went live in June 2017 at St John the Baptist School on Crondall Street.

In response to a supplementary question, Councillor Burke was pleased to announce that the next schools to be considered for the programme were:

- London Fields Primary School, Westgate St
- Gayhurst Primary School, Gayhurst Rd
- Tyssen Primary School, Oldhill St
- Millfields Primary School, Rushmore Road and Hillsea Street.

Consultations for these sites were currently being prepared and would be launched in September. Officers were also investigating a School Streets proposal around St Monica’s Roman Catholic Primary School on Hoxton Street in Hoxton East & Shoreditch ward.

6.8 From Councillor Harvey Odze to the Mayor:

“What are the current and projected status of occupancy on the Woodberry Down Estate?”

Response from Mayor Glanville:

Mayor Glanville explained that the regeneration of the Woodberry Down estate was being delivered in partnership with the Woodberry Down Community Organisation (WDCO), Genesis Housing Association and Berkeley Homes. Mayor Glanville paid tribute to the work of the Manor House Development Trust and ward councillors, who had worked closely with the partners and were responsible for social and economic regeneration in the neighbourhood.

All of the partners were committed to delivering good quality homes across all tenures, creation of a new neighbourhood with parks, improved community facilities and retail/commercial premises as well as creating employment and apprenticeship opportunities, all of which would benefit residents and the wider community.

Mayor Glanville advised that currently a total of 2346 homes were occupied at Woodberry Down. 41% of the new homes being provided were affordable and to date 736 affordable homes had been completed of which 530 were social rented and 206 were shared ownership/shared equity. All of these homes were occupied. A further 707 homes had been sold on the private market and whilst the Council had no direct information on whether or not they were occupied, the

assumption was that the majority of them were. It was believed that the total number of new homes which were currently occupied was 1,443.

Currently, in the existing blocks, a total of 903 homes were occupied. Of these 604 homes were occupied by tenants and leaseholders and all of these households would have the opportunity to move to a new home on Woodberry Down once the new homes were completed. The remaining 299 homes were occupied by residents in temporary accommodation who would eventually be re-housed off the estate.

Mayor Glanville advised that the Council was working with the Mayor of London to develop policies to enable the Council to take further action when homes were being bought for speculative purposes and left empty and would continue to lobby the Government on this issue.

The development of Woodberry Down was due to be completed around 2035. The 2012 masterplan allowed for the development of up to 5,314 new homes, of which 41% would be affordable. At the inception of the programme there were 1980 homes on the estate, therefore the number of new homes would be more than double the original number when the programme was completed.

In response to a supplementary question, Mayor Glanville advised that 299 residents in temporary accommodation was at the highest point and there had been 100 properties that had been brought back into use in order to house these people. There were a number of properties that were not suitable to be brought back into use, as they did not meet modern space standards. The top priority was to use existing units where possible.

6.9 From Councillor Harvey Odze to the Mayor:

“In the light of the Grenfell Tower disaster it is quite obvious that speed of access for the emergency services to the site of a fire is of paramount importance so why does the Mayor of Hackney not persuade the relevant Hackney Council Officers to cancel the counterproductive, pollution creating plans to narrow the A503, Seven Sisters Road, since these plans, besides being against the wishes of the majority of residents in the area, would undoubtedly cause extra traffic congestion and delay access for the emergency services to the site of any major incident.”

Response from Councillor Demirci:

Councillor Demerci explained that the revised masterplan, which was approved in 2013, had an attached S106 Legal Agreement which set out how the work to Seven Sisters Road would increase the connections between the northern and southern areas of the estate.

Seven Sisters Road was part of the Transport for London Route Network and had a strategic function therefore as with any major scheme it would not gain Transport for London's approval if the traffic modelling showed an adverse impact on congestion, which could impact on emergency services and bus services.

The current scheme proposal provided bus lanes along the length of Seven Sisters Road between Green lanes and Amhurst Park. This would ensure that emergency services had a route along this section of road, which would

generally be clear of other traffic and provide reassurance that emergency vehicles would not be impeded in any new road layout.

Furthermore, Emergency Services' access would always be a key aspect in the design consideration for highway schemes and would be consulted on any proposal.

## **7 Elected Mayor's Statement (standing item)**

- 7.1 Mayor Glanville stated that at the Council AGM they had all met after the shadow of the bombing in Manchester. Since then there had been the tragic death of Hackney resident James McMullan at the London Bridge attacks and also the fire at Grenfell Tower, resulting in a tragic loss of at least 80 people. Following the events at Grenfell Tower, Hackney and London as a whole came together to provide support for the victims and friends and families of those affected and he praised the efforts of all those people that had given their time to help others.
- 7.2 Mayor Glanville added that the Council had received a letter from the Secretary of State thanking Hackney for its work and in particular the Chief Executive for his efforts in setting up and staffing the Friends and Family Assistance Centre to help the bereaved. Mayor Glanville had also written to all staff from across the Council that volunteered at Grenfell and later Camden. Mayor Glanville stated that the Council had worked hard to ensure that it was doing everything it could to keep residents safe and that it would continue to do so in an open and transparent way.
- 7.3 Mayor Glanville referred to the recent fire that had taken place at a Jewish faith school near Clapton Common and also the terrorist attack that had targeted a mosque at Finsbury Park at the end of Ramadan. Mayor Glanville also made reference to the recent tragic death of Rashan Charles on the previous Saturday morning and the meeting which had taken place the previous evening with the Independent Police Complaints Commission (IPCC). Mayor Glanville, said fellow councillors had attended the vigil held on Monday evening in memory of Rashan Charles and he had taken part in a meeting with young people, community leaders and Cllr Selman held at HCVS. Mayor Glanville welcomed the early involvement from the IPCC and their commitment to working with Rashan's family and engaging with the community. Mayor Glanville encouraged people to engage with that process and stated that communities needed to stay united.
- 7.4 Mayor Glanville stated that he had proudly marched at the recent Hackney Pride parade event held on 8 July, along with 150 other colleagues and community representatives. It was also the first time the Council had ever raised the rainbow flag above the town hall. Mayor Glanville also highlighted a number of other events being organised, such as big lunches, street parties and the successful bike around the borough event that took place on 29 June 2017, involving hundreds of Hackney school children from across 40 schools.
- 7.5 Mayor Glanville stated that the borough had always adapted to change and highlighted a number of programmes and events held by the council, including the renewal of the Hackney 100 project. The Council had currently launched 30

new apprenticeships, which would increase to 100 next year. The council also recently hosted an event to celebrate the restoration of the town hall.

- 7.6 Mayor Glanville advised that Councillors McShane and Williams were unable to attend the meeting as they were attending the opening of Amazon's new European headquarters in Shoreditch, which was an office of 620,000 sq ft on Council land, providing around 5,500 new jobs.
- 7.7 Mayor Glanville stated that the Ways into Work programme would become Hackney Works in a new service that would not only help those struggling to return to work, but also broaden its offer to various other groups of individuals in the borough.
- 7.8 Councillor Steinberger responded to the Mayor's statement on behalf of the Conservative Group. Councillor Steinberger welcomed Gordon Bell MBE, Freeman of the Borough and former Councillor Salem Siddiqui to the meeting, as well as the new Interim Director of Legal. He also took the opportunity to wish Councillor Taylor a speedy recovery and sent his condolences to the family of former councillor, Edward Millen.
- 7.9 Councillor Steinberger referred to the terrible terrorist attack which had taken place in Manchester affecting so many children, which he found very upsetting. Councillor Steinberger referred to the terrorist attacks that had taken place at London Bridge and the mosque at Finsbury Park, and praised the work of the emergency services in their response. He also referred to the recent instances of acid attacks which had taken place in 5 locations across the borough.
- 7.10 Councillor Steinberger also referred to the recent fire that had taken place at a Jewish faith school near Clapton Common, which had luckily taken place in the early hours of the morning. He questioned whether the Mayor had done anything to help accommodate the pupils that had attended the school.
- 7.11 Councillor Sharer responded to the Mayor's statement on behalf of the Liberal Democrat Group. Councillor Sharer referred to the various recent terrorist attacks identified by the Mayor and stated that communities had to act together and that these acts of terrorism would not change the Hackney and British spirit.
- 7.12 Councillor Sharer congratulated the Mayor on the Hackney 100 programme, which he fully supported. He believed that it was a great benefit to the borough that Amazon had moved into Shoreditch and he hoped that this would encourage other large companies to follow suit.
- 7.13 Councillor Sharer referred to the issues surrounding the re-housing of residents and suggested that there were still some empty properties that could be looked into, such as flats above empty shops.
- 7.14 Mayor Glanville thanked the opposition group leaders for their responses and echoed the comments made regarding the Hackney spirit and praising the responses of the emergency services during the recent terrorist attacks. Mayor Glanville advised that the Group Director Children, Adults and Community Health had been liaising with the school affected by the fire and that there were some concerns regarding the unregulated setting of some of the educational

facilities within the borough. The safety of these facilities would be looked into and he urged the Conservative Group to engage on school and community settings in relation to fire safety.

- 7.15 Mayor Glanville stated that Hackney was a very positive borough, and good relationships had been built with youth services. It was important to continue with investments into this service and continually to invest in community cohesion. Mayor Glanville raised concern regarding the rise in crime in the borough since 2010, as a result of a reduction of 200 police officers over that time.

## 8 Report from Licensing Committee: Late Night Levy

- 8.1 The Council was advised that a revised version of the recommendations had been circulated to all members.
- 8.2 Councillor Plouviez introduced the report explaining that the late night levy was a discretionary power, which enabled licensing authorities to charge a levy to persons who were licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy.
- 8.3 On 21 June 2017 the Licensing Committee considered the outcome of the consultation. Having considered the options and responses, the Licensing Committee made a recommendation for the Council to introduce the levy.
- 8.4 Councillor Snell welcomed the recommendation and believed that those who were not contributing to the levy must be targeted, to ensure that all business owners contributed.
- 8.5 Councillor Odze felt that there was not a need to raise contributions toward the late night levy and added that many premises were currently struggling to maintain their business. Councillor Patrick responded by highlighting the negative impact particular premises had on the community, and the importance of the levy in light of the current financial savings within the police authority.
- 8.6 Councillor Selman stated that £1.4 million was spent last year policing the late night economy. The Licensing Committee was commended on its hard work.

For – Many

Abstain - 0

Against – Councillor Odze, Councillor Steinberger

### **RESOLVED** that

1. The Council agrees:
  - (i) to note and consider the contents of the report and appendices.
  - (ii) to introduce the Late Night Levy in Hackney on 1 November 2017
  - (iii) that the following will apply to the Late Night Levy:

- The late night supply period be from 00:01 to 06:00
- That no exemptions categories are to be applied
- That no reduction categories are to be applied
- The proportion of net levy payments to be paid to the Mayor of London's Office for Policing and Crime (MOPAC) will be 70%.

2. The Council also agrees:

- (i) That the Group Director for Neighbourhoods and Housing creates a management board in accordance with paragraph 4.5 of this report and reports back to the Licensing Committee an agreed terms of reference, and
- (ii) To delegate to the Director of Legal to carry out and make any necessary constitutional changes that are required to the terms of reference of the Licensing Committee to bring recommendation 2.2(i) above into effect.

## 9 Report of the Chief Executive: Members' Allowances Scheme 2017/18

9.1 The Chief Executive introduced the report and commended it to Council. The Chief Executive reported that there had been no substantive changes to the members' allowances scheme and the report highlighted the 1% uplift from the pay settlement.

9.2 In response to a question from Councillor Steinberger, the Chief Executive advised that there had been a full and frank debate on the members' allowances scheme at Council a year ago with Sir Rodney Brooke and reiterated that this report purely dealt with the 1% uplift from last year.

9.3 Councillor Odze stated that he would be abstaining from the vote, as he had an issue with the existence of the report and believed that it should be produced independently and not by the Council.

(Councillor Odze abstained from the vote).

**RESOLVED** that the Council agrees the report and the Members' Allowances Scheme for 2017/18, attached at Appendix 1 to the report.

## 10 Report of the Chief Executive: Overview and Scrutiny Annual Report

10.1 Councillor Munn introduced the Annual Overview and Scrutiny 2016-2017 report to Members. The Council was advised that Overview and Scrutiny presented an annual report of its activities to Full Council at the beginning of each municipal year. All Members were provided with a copy of the Annual Report.

10.2 Members of the Overview and Scrutiny Committees were commended on their hard work.

**RESOLVED** that Council note the report.

**11 Report of Standards Committee: Annual Report 2016/17**

11.1 Deputy Mayor Bramble introduced the report and commended it to Council. Deputy Mayor Bramble took the opportunity to thank Councillor Webb for her work as Chair of Standards Committee, as well as the independent persons.

11.2 In response to a question from Councillor Steinberger regarding the representation of ward councillors at the Planning Sub-Committee, Deputy Mayor Bramble extended the invitation for the opposition members to take up their place on the Standards Committee.

**RESOLVED** that the Standards Committee's Annual Report for 2016/17 be noted, as attached at Appendix 1 to the report.

**12 Report of Standards Committee: Re-appointment of Independent Person to Standards Committee**

12.1 Councillor Odze queried the lack of prescribed time limits for the independent person to sit on the Standard Committee. The Deputy Mayor noted his comments.

12.2 Councillor Steinberger asked the Deputy Mayor to consider the issues set out in the Localism Act 2011 in relation to councillors paying an active part in local discussions, particularly around planning.

**RESOLVED** that the Council approve the re-appointment of Mr Jonathan Stopes-Roe as the Independent Person for a further period of four years. This appointment will come to an end in June 2021.

**13 Motion**

**a UK 100 Clean Energy**

The motion was proposed by Councillor Cameron and seconded by Councillor Chapman. Councillor Cameron introduced the motion.

Councillor Cameron stated that 67 local leaders had signed an agreement for UK 100 Clean Energy, with an ambition to achieve 100% clean energy across the borough's full range of functions by 2050. The UK100 Agreement was a pledge for jobs and economic prosperity.

The 2015 Paris Agreement seized the opportunity to commit to a new energy future, which the Council intended to match by delivering its own local commitments and solutions to climate change. Over 2,500 cities had submitted plans for reducing CO2 emissions from 2014 onwards.

Councillor Cameron reported that the Council, through the Pensions Committee, had recommended to decouple from fossil fuels as part of its pension fund, as it was not only good for the planet but also for members of the Council's pension scheme.



There was a commitment in the National Labour Party's manifesto to tackle urgently the issue of climate change, which was one of the greatest challenges of current times.

Councillors Moema and Moule welcomed and were in support of the motion.

Councillor Odze opposed the motion and did not agree with the suggestion that there was human-influenced climate change. Councillor Odze believed that this had happened for centuries and that the Council should stop wasting money on measures to prevent climate change.

Councillors Sharer and Jacobson welcomed the motion, as they believed that actions should be taken to prevent further climate change. Councillor Jacobson suggested a number of measures the council could take, such as using reusable plastic cups at their meetings.

Councillor Burke responded to the motion and thanked Councillors Cameron and Chapman for bringing the motion to Council. Councillor Burke stated that it was essential that action was taken on climate change to prevent future temperature rises and melting of the polar ice caps.

Councillor Burke stated that 2016 had been the warmest year in 115,000 years, with the highest level of CO<sub>2</sub> in 800,000 years. He stated that the consequences of doing nothing would result in a typical summer in London of 48 degrees Celsius by 2050.

Councillor Burke believed that the Government was too slow in recognising the challenges that faced us with climate change and it was important that an energy management framework was implemented to tackle this issue. A considerable amount of work had been undertaken as part of the UK 100 Clean Energy scheme, which would be reported on in the future. This involved working with various Government partners and organisations.

**RESOLVED:**

This Council resolves to support the UK100 pledge to shift towards 100% clean energy across the London Borough of Hackney's full range of functions, by 2050.

We, Hackney Council, acknowledge our responsibility to help secure an environmentally sustainable future, both for our residents and all people around the world faced with the challenges brought about by human-influenced climate change.

At the 2015 United Nations Climate Change Conference in Paris, leaders seized the opportunity to commit to a new energy future. Although the groundbreaking Paris Agreement does not place binding commitments upon local government institutions, we in Hackney intend to match its goals. The world is coming together to create a new energy system - we intend to be part of that change by creating and delivering our own local commitments and solutions.

We will decouple from fossil fuels not merely because it is 'good for the planet' in an abstract sense, but because it is good for the people we serve.

The people of Hackney deserve warm homes, secure and affordable energy, clean air and drinking water, and to live in a borough that takes its environmental obligations seriously.

Shifting Hackney's consumption of energy towards renewables will help keep the lights on, drive renewables deployment and lower their unit costs, protect consumers from high and unstable energy prices, and contribute to geopolitical stability by reducing our dependence on imported fuel.

By addressing the scientific reality of human-influenced climate change, we will also be able to rebuild our own industrial and manufacturing base; creating well-paid, high-skilled employment, both locally and across the country. The UK100 Agreement is a pledge for jobs and economic prosperity.

The challenges we face require ambition and imagination if they are to be overcome, so that our children can enjoy a safe and secure future. We will take action that tackles climate change but also builds communities, which are the best places for our children to grow up.

We are facing an existential crisis for which there is no comparison in human history, and it is to us that this challenge has fallen. As a society, we are well-placed to contribute to the solutions we require, because of our industrial past and our history of willingness to lead on finding solutions to the new challenges the world faces.

We have the ambition to achieve 100% clean energy across the London Borough of Hackney's full range of functions by 2050, and to work in partnership with our residents and business community to deliver against the commitments made nationally and internationally at the 2015 Paris Summit.

We hope other towns and cities across the globe will join us to demonstrate that this transition will happen through acts of leadership by the many not the few, and that a transition to a clean energy future is both viable and already beginning to happen in many towns and cities today. We join with other communities across the UK who have made the same commitment to delivering a better future for everyone.

We resolve to turn this commitment into reality by developing a route map to a more sustainable future that also builds the kind of community of which we can be proud.

For: Many

Against: 2

Abstention: None

#### 14 **Appointments to Committees and Commissions (standing item)**

**RESOLVED** that the Council:

1. Agree the re-appointments of the following to Children and Young People's Scrutiny Commission for the period of 1 municipal year:

Voting co-optees

- Richard Brown, representative from the London Diocesan Board for Schools (Church of England) representative.

- Jane Heffernan – Roman Catholic Westminster Diocesan Schools Commission representative
- Sevie Sali Ali – parent governor representative

There is one parent governor vacancy.

Non-voting co-optees

- Rabbi Judah Baumgarten, representative from the Orthodox Jewish community.
- Shuja Shaikh, from the North London Muslim Association representative.
- Ernell Watson, representative from the Free Churches Group of Churches Together in England
- Jo Macleod, representative from the Hackney Schools Governors' Association.

Youth Parliament Members (non-voting)

Agree the appointments of

- Maryam Mohammed and Kairi Weekes-Sanderson to replace Ella Cox, Beth Foster-Ogg.

Agree the re-appointments of

- Skye Fitzgerad Mcshane and Louis Comach

2. Agree the re-appointments of the following co-optees to the Standards Committee for the period of 1 municipal year:

- Julia Bennett, George Gross, Adedoja Labinjo and Onagette Louison

**Duration of the meeting:** 19:00 – 21:15

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**Children and Families Service 2016-17 Full Year Report to Members**  
**KEY DECISION NO. CACH O31**

<p><b>MEETING DATE 2017/2018</b></p> <p><b>Cabinet</b></p> <p><b>23 October 2017</b></p> <p><b>Council</b></p> <p><b>25 October 2017</b></p>	<p><b>CLASSIFICATION:</b></p> <p><b>Open</b></p> <p><b>If exempt, the reason will be listed in the main body of this report.</b></p>
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**WARD(S) AFFECTED**

**All Wards**

**CABINET MEMBER**

**Cllr Bramble**

**Deputy Mayor**

**KEY DECISION**

**Yes**

**REASON**

**Affects Two or More Wards**

**GROUP DIRECTOR**

**Anne Canning – Children, Adults and Community Health**



## **1. CABINET MEMBER'S INTRODUCTION**

I have requested this report from the Group Director for Children, Adults and Community Health Directorate. My role as Lead Member for Children's Services requires me to ensure that the Local Authority fulfils its legal responsibility for safeguarding and promoting the welfare of children and young people in Hackney. As such, I wish to ensure that services with the important mandate of protecting Hackney's most vulnerable children and young people from risk of harm are understood across all areas of the Council. Case studies and direct quotes from children and young people are included in the report to help Members get a better picture of the services provided.

## **2. GROUP DIRECTOR'S INTRODUCTION**

Children's services in Hackney work in partnership to protect children and keep them safe from harm and help them thrive. The Children and Families' Service is the key service designed to protect children by working with families to support safe and effective parenting where children are at risk of significant harm. Where it is not possible for children to be safely cared for within their family network, the local authority will look after those children. This full year report provides Members with oversight of activities within the Children and Families' Service including performance updates and information about key service developments and information about vulnerable adolescents and adoption. The report also includes information on Young Hackney, the Council's early help, prevention and diversion service for children and young people aged 6-19 years old and up to 25 years if the young person has a special education need or disability. Information on the Service's work with children and young people through Hackney Gets Heard (Hackney's Children in Care Council) is included in the report as well as feedback from children and young people throughout the report.

## **3. RECOMMENDATION(S)**

**Cabinet is asked to:**

- **Endorse the report.**
- **Take note of information held within the report.**
- **Recommend this report to Council.**

**Council is recommended to:**

- **Note the report.**

#### **4. REASONS FOR DECISION**

The report is for information and endorsement only

#### **5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

Not applicable.

#### **6. BACKGROUND**

This report summarises progress against priority areas for the service.

##### **6.1 Policy Context**

This report summarises progress against priority areas for the service.

##### **6.2 Equality Impact Assessment**

There are no new decisions within the report that require an Equality Impact Assessment.

##### **6.3 Sustainability**

There are no issues within the report that impact on the physical and social environment.

##### **6.4 Consultations**

The report does not contain any issues or decisions that require consultation

##### **6.5 Risk Assessment**

There are no proposals for action that require a risk assessment.

#### **7. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES**

- 7.1 This annual report covers the period 2016/17. The outturn for 2016/17 for Children and Families Service on a net budget of £56.8m was a slight underspend of £25k after use of grants and reserves of £3.7m including a drawdown on the Commissioning Reserve of £1.9m. There has been a requirement to draw down from the Commissioning Reserve since 2012/13 due to the increased number of children in care and a shortage of in-house foster carers.
- 7.2 Bringing the financial position up to date, for 2017/18, against a net budget of £56m the Children and Families Service is forecasting an overspend of £287k (as at August 2017) after an assumed use of reserves and drawdown of grant of £4.7m, including full use of the Commissioning Activity Reserve of £2.5m.



- 7.3 Commissioning costs have been increasing since 2012/13 driven by an increase in the number of looked after children alongside the change in the profile of care placements. There is a continuation of a large proportion of children being placed with independent foster agencies (IFAs) due to a lack of suitable in-house foster carers. The marginal cost of an IFA placement is significantly greater than that of an in-house placement. Hackney has a strategy in place to recruit and retain in-house foster carers and was successful in reaching recruitment targets last year, however this has not yet translated into a significant increase in in-house foster placements and improvements are not expected to be significant in the short to medium term. There has been a significant increase in residential placements since 2015 adding considerable budget pressures with an average weekly unit cost of £3.5k. There is also pressure from an increase in the number of young people placed in semi-independent accommodation in both the 16-18 and the 18+ age categories. These pressures have been recognised by the Group Director - Finance & Corporate Resources with a total growth of £4.3m included in the base budget between 2012/13 to 2017/18.
- 7.4 The Children in Need Service is forecasting an overspend of £585k for 2017/18 arising partly from a number of vacant posts being covered by agency staff (recruitment activity is taking place to fill these posts) and partly as a result of legal costs incurred in this area whilst budgets sit centrally in the Directorate and where there is a corresponding underspend.
- 7.5 The Overstaying Families Intervention Team (OFIT) is forecasted to overspend by £63k for 2017/18 after use of available reserves due to a high level of Section 17 spend forecast based upon client numbers. It is anticipated that this will reduce as a result of the Home Office now prioritising applications where families are receiving financial support from the local authority.
- 7.6 Young Hackney are forecast to underspend by a total of £247k. This is due to combination of vacant posts, delayed recruitment and some employees opting out of the pension scheme.
- 7.7 The Domestic Abuse Intervention Service (DAIS) is forecast to overspend by £90k (after use of reserves) due to a budget shortfall when the service transferred to the Children and Families Service from the Chief Executive's directorate in April 2017.
- 7.8 The Children and Families Service has continued to make significant contributions to the efficiency agenda of the Council. Over the previous seven years the services have delivered £10.1m savings with further £0.9m being delivered in 2017/18.

## **8. COMMENTS OF THE INTERIM DIRECTOR OF LEGAL**

- 8.1 Legal services have been consulted on the preparation of this report and have considered the contents and confirm that they reflect the position of the law presently.

- 8.2 The report to Cabinet sets out how the Children and Families Service in Hackney is undertaking its statutory functions towards children, young people and their families in the local authority area.
- 8.3 There continues to be a number of external challenges which face local authority children's services nationwide, however the report clearly sets out these challenges and how they have been addressed in the London Borough of Hackney.
- 8.4 The Children and Social work Act 2017 was given Royal Assent on the 27<sup>th</sup> April 2017. The local authority therefore need to ensure that the provisions of the act are considered and implemented in accordance with the statutory functions of the local authority. The Act sets out corporate parenting principles for the council as a whole to be the best parent it can be to children in its care. These principles are largely a collation of existing duties local authorities have towards looked after children and those leaving care.
- 8.5 Local authorities will be required to publish the support they offer to care leavers and to promote the educational attainment of children who have been adopted or placed in other long-term arrangements.
- 8.6 The legislation, also amongst other things, extends the current considerations of the court when making decisions about the long-term placement of children to include an assessment of current and future needs and of any relationship with the prospective adopter.

## APPENDICES

The Children and Families Service 2016-17 Full Year Report to Members

## BACKGROUND PAPERS

None.

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# Children and Families Service

## 2016-17 Full Year Report to Members

October 2017

<b>Index</b>	<u>Page</u>
<b>Executive Summary</b>	4
<b>Introduction</b>	6
<b>Hackney Corporate Parenting Board</b>	7
<b>National Context</b>	7
<b>Financial performance</b>	9
<b>Leadership changes</b>	10
<b>Progress since Ofsted SIF Inspection July 2016</b>	10
<b>Service Area Trends</b>	
The Access and Assessment Service	11
- Contacts, referrals and assessments	11
The Children in Need Service	16
- Child Protection Plans	16
- Family Courts	19
- Social Work in Schools Project (SWiS)	20
The Clinical Service	21
The Corporate Parenting Service	23
- Overview of care population	23
- Educational attainment of looked after children	28
- Health of looked after children	35
- Placement activity	38
- Foster carer recruitment	43
- Additional support for looked after children	44
- Adoption	45
- Leaving Care	48
Young Hackney	49
Youth Justice Service	56
The Disabled Children Service	57
Private Fostering	59
<b>Quality assurance framework</b>	61
- Management and audit oversight	61
- Hearing from children and families	62

- Workforce development	64
- Compliments and Complaints	66
<b>Other priorities for Children’s Social Care</b>	
- Ethnicity and Children’s Social Care	67
- Support for migrant families	68
- Young people seeking asylum	69
- Vulnerable adolescents	70
- Female Genital Mutilation	72
- Looked after children from other local authorities placed in Hackney	72
- Young carers	73
- Family Learning Intervention Programme (FLIP)	73
- North London Teaching Partnership	74
Appendix 1: Children’s Social Care – Case Flow Chart	76
Appendix 2: Useful Links	77
Appendix 3: The Hackney Promise to Children and Young People in Care	78
Appendix 4: Glossary of key terms	79

## Executive Summary

The Full Year Report is produced to update elected councillors on developments and key performance trends within the Children and Families Service in Hackney during 2016-17.

Developments and areas of note in the period April 2016 to March 2017 include:

- Hackney Children and Families Service overall effectiveness was judged as 'good' during Ofsted's July 2016 inspection, placing it in the top quartile of local authorities nationally that have been inspected to date.
- The Children and Families Service (CFS) was officially renamed in April 2017 from 'Children and Young People's Service' to reflect its broadening remit, which now includes the Domestic Abuse Intervention Service (DAIS) as part of the Early Help and Prevention Service.
- There have been a number of leadership changes throughout the year, with Mayor Glanville replacing Jules Pipe following the September 2016 by-election, the Lead Member for Children's Services becoming the Deputy Mayor, Sarah Wright appointed as Director of Children and Families in October 2016 and Anne Canning appointed as Group Director for Children, Adults and Community Health in December 2016.
- In March 2017, Hackney's bid to the Department for Education to implement a contextual safeguarding framework to work with vulnerable adolescents was successful. This project will seek to introduce systemic change that will radically shift the focus of social work with adolescents and build on research, practice evidence and feedback from young people using our services.
- Over 2016/17, there has been an increase in service pressures with an increase in the number of referrals, assessments completed, children on Child Protection Plans and children entering care.
- Hackney's GCSE results (Key Stage 4) for looked after children continue to be exceptional. Hackney achieved the third best results in the country for 5 GCSEs with English and maths at 34.8% compared to a national average of 17.5%.
- 10% of Hackney's care leavers are in higher education in 2016, compared to 7% nationally.
- Recruitment of foster carers continues to be a priority for Children's Social Care and the foster carer recruitment and retention strategy is steering an ongoing drive to increase the number of in-house foster carers available to provide care for our looked after children. 18 in-house carers were recruited during 2016-17 compared to 11 in 2015/16.
- In January 2017, Hackney Children and Families Service was successful in a bid for Department for Education funding to develop a 'North London Teaching Partnership'. Hackney is the lead local authority in this development working with Middlesex University, Barnet, Haringey, Enfield and Norwood (a Jewish charity that supports vulnerable children and families). The 2 year project funding will be used to embed change and deliver improvements across the partner organisations.

A summary of key performance information is included on the next page.

## Summary of key information, April 2016-March 2017:



**3,940 referrals** were received in 2016/17– an 11% increase compared to last year when 3,543 referrals were made.



**13.4% re-referrals** were made within 12 months of a previous referral during 2016/17 – a slight increase compared to the rate at March 2016 of 13.3% (but still significantly below the national average of 22.3%).



**3,668 assessments were completed** in 2016/17 – a 7% increase compared last year when 3,434 assessments were completed.



**330 children were on Child Protection Plans** at 31st March 2017 - a 46% increase since March 2016 when there were 226 children on Child Protection Plans.



**16% of children became the subject of a Child Protection Plan for a second or subsequent time** during 2016/17 - a decrease compared to 18.6% at March 2016 and lower than the national average at 17.9%



**149,527 attendances at Young Hackney** provision, including commissioned services, by children and young people during 2016/17, a 24% increase compared to 120,503 during 2015/16.



**371 children were looked after** – a 14% increase compared to 325 children in care at March 2016 (although this number was lower than throughout most of the previous year).



**246 children entered care** in 2016/17- a 29% increase compared to 2015/16. 190 children entered care during 2015-16.



**123 children aged 14-17 entered care** in 2016/17, a 26% increase compared to last year, when 98 children aged 14-17 entered care. The 14-17 year old cohort represented 50% of the total number of children that entered care in 2016/17.



**265 care leavers aged 17-21** were being supported at 31<sup>st</sup> March 2017, a 6% increase compared to the end of March 2016 when 250 were being supported.



**64 care leavers aged over 21 years** were being supported at the end of March 2017. This is a slight decrease compared with the same point in March 2016 when 66 care leavers aged over 21 years were being supported by leaving care services.

## Introduction

This report highlights activity in Hackney Children and Families Service in 2016/17 and outlines priorities moving forward. The current reporting structure to Members includes an end of year report in October and a mid-year summary report in February. This report incorporates updates on all service areas and includes our six monthly adoption report, annual looked after children report, and annual private fostering report.

Elected councillors have a crucial role to play in setting the strategic direction of Council services and in determining policy and priorities for the local community. All elected councillors share a responsibility to safeguard children and young people within the borough. This includes a corporate parenting responsibility towards the children the Council looks after. Councillors champion the cause of looked after children and care leavers when carrying out their duties, keeping themselves apprised of important national issues and developments in policy and practice. Reports, including the Casey report and the Jay report on the situation in Rotherham, highlighted the need for effective challenge of Children's Services by elected councillors. The Casey report stated that *"Challenge means setting aspirational targets, knowing how far to stretch the organisation, asking searching questions, drilling down into information and data, ensuring targets are kept to and agreed actions implemented."*

This report is produced to support councillors in discharging their responsibilities towards children and families. The report will be tabled for discussion at the Corporate Parenting Board, Cabinet, Full Council, the Children and Young People Scrutiny Commission, and City and Hackney Safeguarding Children Board.

The priorities for the Children and Families Service in 2017/18 are outlined below:

- Continue to invest in the workforce across the Children and Families Service, recruiting people of the highest calibre, supporting their development and progression, and promoting leadership at all levels
- Focus on safeguarding adolescents in different contexts outside the home, including in their peer group relationships, school environments and the community
- Ensure that we have the right placements to ensure stability for our more complex adolescents
- Ensure that our care leavers are well supported in all aspects of their lives, that there are clear plans in place to support each young person's progression and independence, and that we have an appropriate range of creative, dynamic and high quality resources in place to support our care leavers
- Continue to deliver a comprehensive range of integrated targeted early help interventions through our Family Support services and Young Hackney to ensure that young people can access the support they need when they need it
- Continue our drive to recruit and retain more in-house foster carers
- To monitor, manage and understand the increasing demand for services
- Developing our understanding of the community with which we work, ensuring that our interventions are well-targeted to respond to need and building on strengths and resources available



- Ensure that issues relating to identity, diversity, inequality and discrimination are considered and addresses in all aspects of our work

These priorities are covered in more detail in this report.

*A number of case studies and direct quotes from children and young people are included within this report. All names and identifying details are anonymised.*

*Details of, and links to, published reports referenced in the report are included in Appendix 2.*

## **Hackney Corporate Parenting Board**

Corporate parenting requires ownership and leadership at the most senior levels. In Hackney the Corporate Parenting Board, chaired by the Lead Member for Children's Services, Councillor Bramble, plays a key strategic role in ensuring that the Council and its partners meet their corporate parenting responsibilities. Throughout 2016/17, the Corporate Parenting Board focussed on a number of important topics: foster carer recruitment; the Sufficiency Strategy to ensure placements meet the needs of our looked after children; outcomes for looked after children by ethnicity; the outcomes of the Ofsted Single Inspection Framework inspection in July 2016; the Adoption Service; the safeguarding, health and educational attainment of looked after children; the progress of care leavers; the Independent Reviewing Officer annual report; hearing from the Hackney Foster Carers Council; hearing from Hackney Gets Heard and the Family Learning Intervention Programme.

## **National Context**

Key topics that continue to receive attention nationally include child sexual exploitation, missing children, and female genital mutilation and these topics are covered in more detail in this report.

### *Ofsted social care inspection changes*

The Ofsted Single Inspection Framework cycle of inspections will finish at the end of December 2017, with all local authorities having received a full inspection at this point. Ofsted have consulted on plans for the new inspection framework that will replace this. The new inspection framework will be published in autumn 2017, ready for implementation in January 2018. The framework will introduce proportionate inspections every three years, with a graded judgement, and focused visits between inspections to evaluate strengths and weaknesses and support local authorities to deliver good and better services.

Ofsted are proposing that annual self-evaluations will be completed by local authorities and submitted to Ofsted. A sector group is currently developing and piloting this. The self-evaluation will help Ofsted to understand how effectively the local authority evaluates the impact of its work with individual children and how it learns lessons from the wider range of audits. This information will inform the timing of inspections and visits and the lines of enquiry that inspectors will pursue.

## *Children and Social Work Act 2017*

The Children and Social Work Act 2017 became an Act of Parliament in April 2017 and enshrines in law a series of changes to the social work profession, including: the creation of a new organisation, Social Work England, to take over from the Health and Care Professionals Council as the profession's regulator; a requirement for the new regulator to obtain the education secretary's approval for professional standards; new powers for the education secretary to set 'improvement standards' for social workers, and introduce assessments for practitioners; a mandatory requirement for schools to provide sex and relationships education; a requirement for councils to provide personal advisers to all care leavers up to the age of 25 (currently this is provided until age 21, or 25 if they are in full time education); the abolition of the current Local Safeguarding Children Board arrangements, and replacement by new guidance/expectations.

The only part of the Act that came into force immediately following Royal Assent related to the placement of children in secure accommodation in Scotland (for local authorities in England and Wales), and the placement of children in secure accommodation in England and Wales (for local authorities in Scotland). The other provisions of the Children and Social Work Act will come into force at a future date as determined by the Secretary of State.

## *National Assessment and Accreditation System (NAAS)*

The Department for Education (DfE) consulted from December 2016-March 2017 on their intention to deliver a national assessment and accreditation system for child and family social workers as part of wider reforms of children's social care. The DfE expect that the introduction of the National Assessment and Accreditation System (NAAS) will ensure a consistent way of providing assurance that child and family social workers, supervisors and leaders have the knowledge and skills required for effective practice. As at August 2017, the DfE have not yet published the results of the consultation, although a number of organisations have published their consultation responses, including the Association of the Directors of Children's Services.

Following the response from sector bodies, the Government has announced plans to scale back the accreditation assessments of children's social workers. This means that assessments will now be initially rolled out at six local authorities, instead of the 31 councils the DfE had promised would run the tests over the next year. The DfE has stated that it still intends to eventually roll out the scheme nationally but targets for at least 8,000 children's social workers to be accredited by December 2018, and all 30,000 to be accredited by 2020, have been dropped.

## *The Queen's Speech*

The Queen's speech in June 2017 included two impending bills relating to children and families. Firstly, draft proposals will be published to update the law to help tackle domestic abuse and violence. The draft measures will bring forward proposals to establish a Domestic Violence and Abuse Commissioner that will stand up for victims and survivors, raise public awareness, monitor the response of statutory agencies and local authorities and hold the justice system to account in tackling domestic abuse; to

define domestic abuse and create a consolidated new domestic abuse civil prevention and protection order and to ensure that if abusive behaviour involves a child, then the court can hand down a sentence that reflects the devastating life-long impact that abuse has on the child.

## **Financial performance**

For 2017/18 the Children's Social Care net budget including recharges totals £46m and forms part of the overall budget of the Children and Families Service of £56m.

The Children and Families Service as at May 2017 is forecasting an overspend of £637k after an assumed total use of reserves and drawdown of grant of £4.6m, including full use of the Commissioning Activity Reserve of £2.5m.

The Children's Social Care net budget including recharges totalled £46m for 2016/17 and forms part of the overall budget of the Children and Families Service of £56.8m. The outturn for 2016/17 for Children and Families Service is a slight underspend of £25k after the planned use of grants and reserves of £3.7m. There has been a requirement to draw down from the Commissioning Reserve since 2012/13 due to the increased number of children in care and a shortage of in-house foster carers. The Commissioning Activity Reserve drawdown for 2016/17 was £1.9m.

The increase in commissioning costs has been driven by an increase in the number of looked after children since 2011/12, and this trend looks to continue through 2017/18. There is a continuation of a large proportion of children being placed with independent foster agencies (IFAs) due to a lack of suitable in-house foster carers. The marginal cost of an IFA placement is significantly greater than that of an in-house placement. Hackney has a strategy in place to recruit and retain in-house foster carers and was successful in reaching recruitment targets last year, however this has not yet translated into a significant increase in in-house foster placements and improvements are not expected to be significant in the short to medium term.

There has been a significant increase in residential placements since 2015 adding considerable budget pressures with an average weekly unit cost of £3.5k. There is also pressure from an increase in the number of young people placed in semi-independent accommodation in both the 16-18 and the 18+ age categories. These pressures have been recognised by the Group Director - Finance & Corporate Resources with a total growth of £4.3m included in the base budget between 2012/13 to 2017/18.

The Children in Need Service is forecasting an overspend £448k for 2017/18 arising from a number of vacant posts being covered by agency staff. Recruitment activity is taking place to fill these posts.

The Overstaying Families Intervention Team (OFIT) is forecasted to overspend by £83k for 2017/18 after use of available reserves due to a high level of Section 17 activities forecasted based upon worked activity data. It is anticipated that this will reduce as a result of the Home Office now prioritising applications where families are receiving financial support from the local authority.

Young Hackney are forecast to underspend by a total of £212k. This is due to combination of vacant posts, delayed recruitment to a number of posts and employees opting out of the pension scheme.

The Domestic Abuse Intervention Service (DAIS) is forecast to overspend by £75k (after use of reserves) due to a budget shortfall when the service transferred to the Children and Families Service from the Chief Executive's directorate in April 2017.

The Children and Families Service has continued to make significant contributions to the efficiency agenda of the Council. Over the previous seven years the services have delivered £10.1m savings with further £0.9m being delivered in 2017/18.

### **Leadership changes**

2016/17 saw a number of changes in Hackney Council's corporate structure, with Anne Canning appointed as permanent Group Director for Children, Adults and Community Health in December 2016, joining together the Children and Families Service, Adult Services, Public Health and Education Services (delivered through Hackney Learning Trust). 2016/17 also saw changes in Hackney Council's political structure following the September 2016 by-election, with Mayor Glanville replacing Jules Pipe, and the Lead Member for Children's Services becoming the Deputy Mayor, ensuring that the Children and Families Service remain a priority for the Council.

Sarah Wright was appointed as Director of Children and Families in October 2016 and there have been a number of changes in the CFS management structure, including the Youth Justice Service and Family Support Services moving under Young Hackney to become the Early Help and Prevention Service, Clinical Services moving under the Director of Children and Families, and Corporate Parenting and Safeguarding and Learning becoming two distinct service areas.

Throughout these changes, the high quality of services delivered by practitioners and leaders in CFS has been maintained and continues to strengthen and develop.

### **Progress since Ofsted Single Inspection Framework inspection July 2016**

Hackney Children's Services was inspected by Ofsted over a four-week period in July 2016. The inspection focused on services for vulnerable children, young people and families provided by the local authority, and any services commissioned by the local authority. Hackney's overall effectiveness judgement of 'good' places it in the top quartile of local authorities nationally that have been inspected to date.

The report recognised a number of strengths in the Children and Families Service including; leaders have high aspirations for children which leads to good outcomes; children and families receive good-quality services that provide effective help and support including from a wide range of early help services when needs and concerns first emerge; children are well protected through robust child protection processes; children have detailed assessments of their needs that lead to interventions that improve their outcomes; there are high aspirations for looked after children and care leavers who benefit from good-quality placements and adoption support is comprehensive, with permanence achieved for a broad range of children. Inspectors

highlighted the Clinical Service and the Leaving Care Service as areas of particular excellence.

Following the inspection, the Children and Families Service has undertaken development work to: revise the housing protocol for 16/17 year olds who present as homeless; reduce assessment timescales over the past year; implement mandatory case recording training for all practitioners, with identity training planned throughout 2017/18; ensure senior managers attend unit meetings on a regular basis and developed a recording template to support better documentation of key decisions and progress of plans.

## Service Area Trends

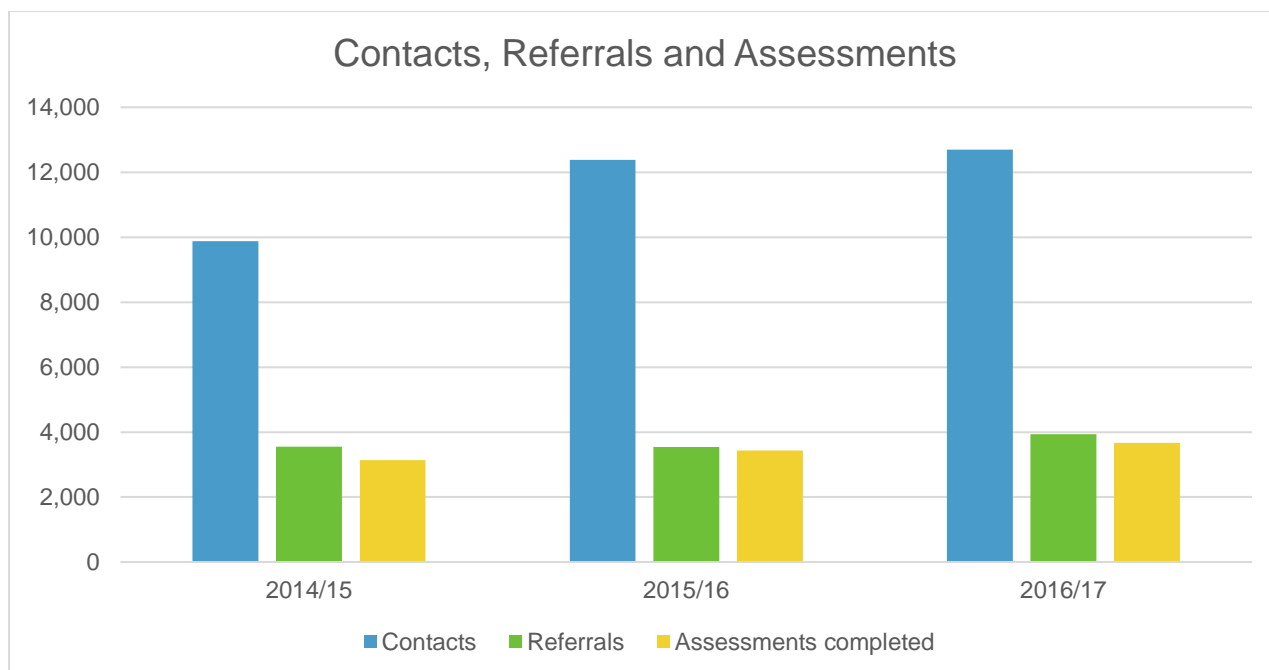
### The Access and Assessment Service

The Access and Assessment Service undertakes statutory assessments of children in need and child protection investigations for all new referrals to Children’s Social Care. The First Access and Screening Team (FAST) acts as a single point of contact for contacts and referrals to the Children and Families Service for children in need of support or protection. The multi-agency and co-located team of police, probation, health, social work and research staff work together to share intelligence and jointly assess risk. All contacts with FAST are immediately progressed as a referral to Children’s Social Care if the threshold for a statutory assessment is met, otherwise FAST supports children and young people to access universal and targeted early help provision.

#### *Contacts, Referrals and Assessment*

In 2016/17, FAST received 12,699 contacts from sources including schools, health, housing, local authority services, the police, individuals and other legal agencies of which 3,940 were accepted as a referral to Children’s Social Care; this was an 11% increase in the number of referrals compared to 2015/16. The number of referrals per 10,000 increased in Hackney from 578.6 in 2015/16 to 660.9 in 2016/17. This is higher than the referral rate for our statistical neighbours (503.9) and the national average (532.2) in 2015/16 (the most recent published data).

	2014/15	2015/16	2016/17
<b>Contacts</b>	9,875	12,386	12,699
<b>Referrals</b>	3,551	3,543	3,940
<b>Assessments completed</b>	3,140	3,434	3,668



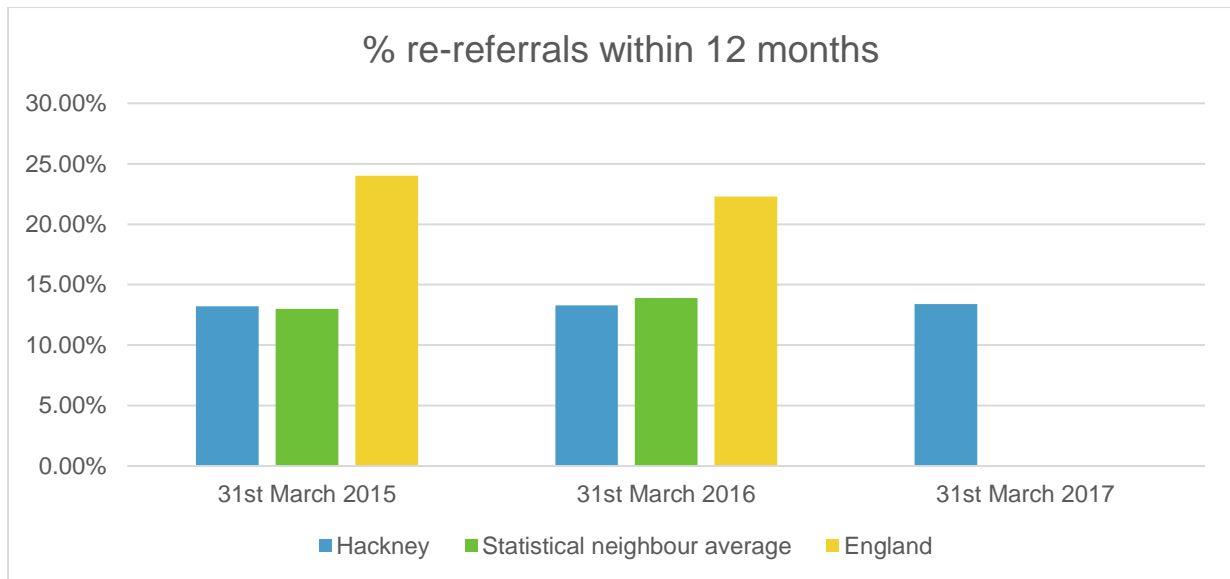
Contacts that are not progressed to a statutory social work assessment but require early help or targeted support continue to be diverted to the Family Support Service, Young Hackney, Children’s Centres or are referred to the Children and Young People’s Partnership Panel and Multi-Agency Team panel.

3,668 statutory social work assessments were completed in 2016/17, a 7% increase compared to 2015/16 and this is higher than the number completed in the two previous years: 3,140 in 2014/15 and 3,434 in 2015/16.

The percentage of re-referrals has increased slightly from last year to 13.4%, although it remains significantly lower than the national average at 22.3%. Hackney’s lower than average repeat referral ratio is suggestive of consistently high quality assessments and timely access to appropriate support.

**Percentage of re-referrals within 12 months of a previous referral**

	<b>31<sup>st</sup> March 2015</b>	<b>31<sup>st</sup> March 2016</b>	<b>31<sup>st</sup> March 2017</b>
<b>Hackney</b>	<b>13.2%</b>	<b>13.3%</b>	<b>13.4%</b>
<b>Statistical neighbour average</b>	13.0%	13.9%	Not yet published
<b>England</b>	24%	22.3%	Not yet published



Hackney continues to exercise dispensation agreed by the Department for Education for statutory assessment timescales which has enabled the Access and Assessment Service to adopt a proportionate and flexible approach with families during assessment. The average length of assessment in 2016/17 was 47 days, a decrease from 2015/16 at 49 days.

A workstream to manage the increase in service demand has been established as a result of the increase in contacts, referrals and assessments, to both understand and try to mitigate against the impact of these increases across the Children and Families Service.

*Mary was 13 and living with her mother and 3 siblings. Mary was arrested by the Police at her home after she hurt her sister with a knife during an argument over a phone charger. The Police referred Mary and her family to the Access and Assessment Service for an assessment. Access and Assessment also undertook a piece of work with the family to draw up an agreement around how they would prevent similar incidents happening again, with both sisters and their mother agreeing to their part of the contract.*

*Access and Assessment handed the case over to Young Hackney who allocated a worker to engage with Mary. The worker noticed that Mary had a unique way of understanding information and events and that she was also frequently getting detentions at school. When discussing life with Mary, it was clear that she often did not understand why her siblings were getting frustrated with her and why she was getting in trouble at school. It was evident that Mary was very sorry for hurting her sister, however she also found it very difficult to stay calm during disagreements because she felt people wouldn't listen to her and she could not make herself understood.*

*Young Hackney supported Mary to explore her communication with a Speech, Language and Communication Therapist (SALT) within the team. The Therapist provided practical communication advice to Mary and the key people in her life. Mary preferred not to share her SALT assessment with her teachers but agreed for her Young Hackney worker to speak to Rose (the School Safeguarding Officer). Rose did not share Mary's assessment but worked with her teachers to understand Mary's specific communication needs.*

*In addition to the SALT work, Mary completed 7 sessions with her Young Hackney worker; these sessions focussed on developing Mary's ability to recognise her emotions and use strategies to help her handle emotions in a positive way. At the end of the work with Young Hackney, Mary was able to demonstrate ways she had put her learning to good use, particularly at times when she was getting upset or angry. Mary was also pleased that, as agreed with her family, they had been giving her alone time to calm down when she was upset. Mary was also getting fewer detentions at school.*

*Despite Mary committing a very serious initial offence, Young Hackney was able to de-escalate and divert Mary away from the criminal justice system. Young Hackney met Mary's needs at a lower and less costly level by providing a short and diverting intervention, addressing the causes of her offence and working with Mary's family. Her worker addressed the causal factors rather than trying to treat the symptoms, this increases likelihood of sustained positive outcomes. Also important, Young Hackney carried out interventions with both family and school alongside work with Mary, this avoids individualising the problem and focusses on work with the child and the systems around the child, to create sustainable changes.*

### *Responses to potential family breakdown with 16 and 17 year olds*

In 2016/17 the Access and Assessment Service undertook 17 homeless assessments of 16/17 year olds, following which 9 young people were provided with accommodation by the Council. The remaining 8 young people either returned home or were supported to live with wider family members. This has been achieved through a strong focus on reparation of familial relationships when teenagers are facing exclusion from the family home and family life and by facilitating access to parenting support at the point of referral, as well as local provision of rapid response Family Network Meetings (further information on Family Network Meetings is included (on page 14 below).

It remains our strong belief that children and young people achieve better outcomes when they remain living within their families. The service maintains a strong track record in achieving stability in families and in successfully rehabilitating children and young people back to their families when it is safe to do so, thereby reducing the risk of young people entering care unnecessarily.

Following the Ofsted inspection in July 2016, there has been considerable focus with the Access and Assessment Service on 16/17 year old homeless young people. Hackney's protocol was updated and has been operational since December 2016. All assessments take place within a 6 week timescale and additional senior management oversight process have been put in place.

### *Family network meetings (FNM)*

Family Network Meetings are based on the Family Group Conference model that was developed in New Zealand to allow social work practice to work with Maori values and culture regarding the extended family network.

The FNM Service aims to rapidly mobilise existing support networks in families to prevent family breakdown and enable children to remain living within their family networks by offering a flexible and swift response.



Between April 2016 and March 2017 the service received 133 referrals, a decrease from the 150 referrals in the previous year although the number of Family Network Meetings (FNMs) was 102, compared to 103 held in 2015/16. The FNM Service has also held 5 Pre-FNMs and 13 additional meetings with key family members, in order to assist families to develop an appropriate family care plan. In addition to this, 3 second FNMs were held.

#### **Family Network Meeting outcomes 2016-17**

As the table below indicates, 80 of the 102 FNM's held in 2016/17 resulted in children remaining within their immediate or extended family network.

<b>Outcomes for 102 FNM's held:</b>	
<b>April 2016 – March 2017</b>	
Children remain in family home	53
Reunification with family from foster care	4
Kinship placement	13
Kinship placement maintained	10
Foster care placement	15
Adoption placement	0
Other <ul style="list-style-type: none"> <li>- semi-independent (with family support)</li> <li>- supported accommodation</li> <li>- prison</li> <li>- mental health unit</li> </ul>	7
<b>Total</b>	<b>102</b>

#### *Contact Services*

The Ferncliff Contact Service is a purpose-built environment for children to have supervised contact with their family members. The centre provides a safe and welcoming environment where contact sessions can take place. Children's Social Care have commissioned Family Solutions to deliver contact services since 2012 which has resulted in savings for the Council without compromising on quality.

In 2016/17 the centre provided 208 children in 151 families with supervised contact and facilitated, on average, 460 contact sessions between children and their families each month which equates to 813 hours of contact time.

#### *Out of Hours Social Work Service*

The Out of Hours Social Work Service, or Emergency Duty Team (EDT), forms part of a 24-hour and seamless front line child protection service delivered by experienced and senior social work staff working on a voluntary rota basis. The service meets the local authority's out of hours statutory social care responsibilities in safeguarding the welfare of children.

Demand for the service can vary considerably from day to day. On average, between 500 – 700 calls are logged each month. Referrals usually require extensive liaison with children and their relatives in addition to a range of other individuals and organisations including friends and neighbours, foster carers, residential establishments, police, hospitals, other local authorities, housing providers, solicitors, courts and voluntary sector providers. The service provides advice in both simple and complex situations and also initiates child protection investigations and/or protective services including admission into care.

### **The Children in Need Service**

The Children in Need Service is responsible for the safeguarding of children and young people assessed as being ‘at risk’ including child protection work, court proceedings and statutory family support to help children remain at home safely.

*‘She is direct, straight forward, honest and polite. She takes pride in her work, she is very dedicated. She is a problem solver – can zero in on the cause of problems and kindly offers creative solutions. She is prompt, and accurate in communications. She [...] has truly changed the picture I always had about Social Services, a big thank you from me [...] and my family.’*

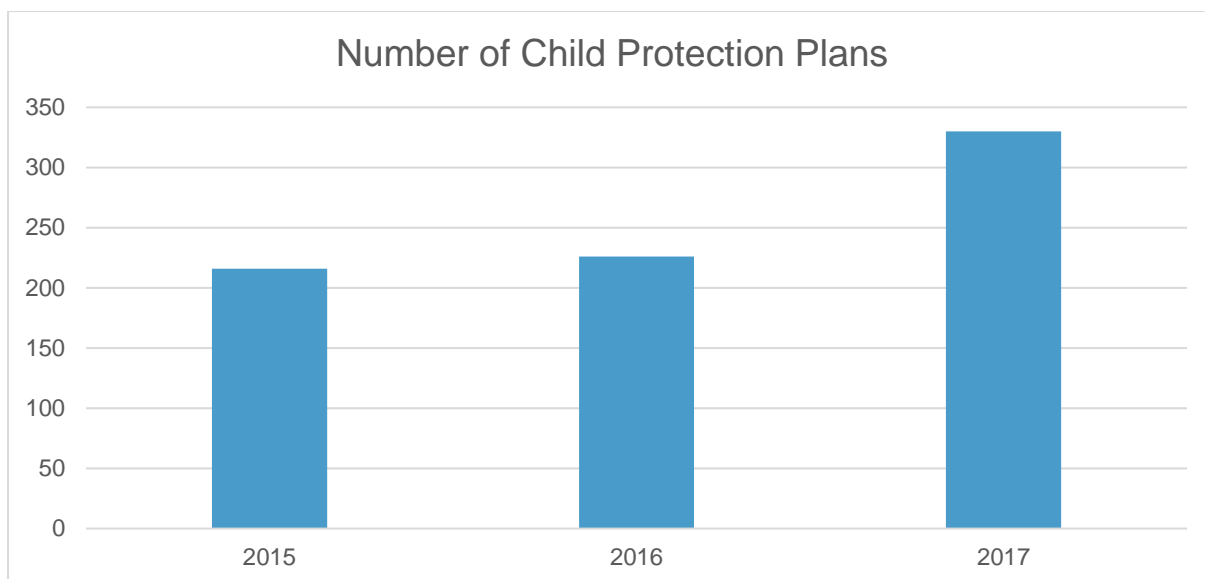
*Parent about their Children in Need social worker*

### Child Protection Plans

Children deemed at risk of significant harm are considered at an Initial Child Protection Conference to determine the need for a Child Protection Plan – a Child Protection Plan will outline the intense multi-agency interventions and support that will be put in place around the child and family to reduce the risk of harm and to achieve significant change within the family. Child Protection Plans are reviewed at regular intervals, and will end when the multi-agency group agrees that the child is no longer at risk of significant harm.

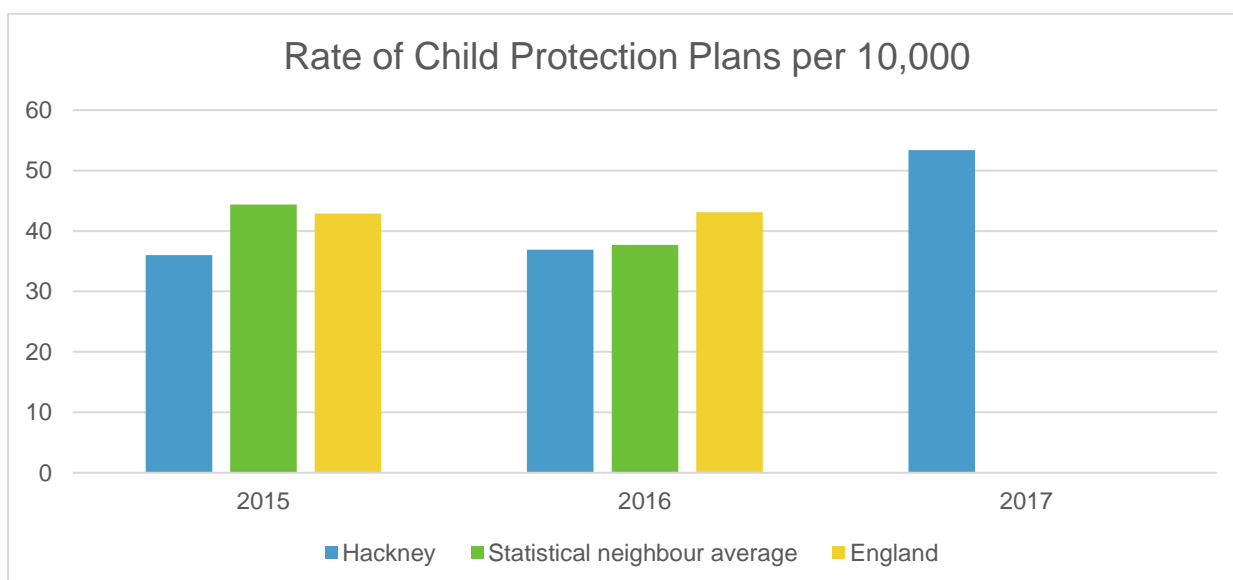
#### **Number of Child Protection Plans (at 31<sup>st</sup> March)**

<b>2015</b>	<b>2016</b>	<b>2017</b>
216	226	330



**Rate of Child Protection Plans per 10,000 population aged under 18 (at 31<sup>st</sup> March)**

	2015	2016	2017
<b>Hackney</b>	<b>36.00</b>	<b>36.9</b>	<b>53.4</b>
<b>Statistical neighbour average</b>	44.36	37.7	Not yet published
<b>England</b>	42.9	43.1	Not yet published



As at March 2017, there were 330 children subject to a Child Protection Plan, a 46% increase from 226 in March 2016.

The rate of Child Protection Plans in Hackney in March 2017 was 53.4 children per 10,000. This is a significant increase from the rate of 36.9 children per 10,000 in

March 2016. This is higher than statistical neighbours (2016 figure of 37.7 per 10,000 children) and the national average (2016 figure of 43.1 per 10,000 children).

Following a deep dive audit into Child Protection Plans, it became clear that some children were on plans not due to their individual risk, but because of the risks presented to one of their siblings. Also there were a number of cases that were ready to be stepped down to Child in Need or early help services, or where proceedings to take children into care were being considered. Following a review of all cases, the number of children subject to a Child Protection Plan at the beginning of August 2017 was 271, an 18% decrease from March 2017. Further analysis is continuing into the trend, but there is also a recognition that external factors may be having an impact on levels of need within the local community. This will continue to be closely monitored by senior managers as part of the workstream to manage the increase in service demands.

### *Duration of Child Protection Plans*

Child Protection Plans lasting two years or more are carefully monitored to ensure the effectiveness of the Child Protection Plan in eliminating or significantly reducing the risk of significant harm. The percentage of children subject to Child Protection Plans for more than 2 years has decreased from the end of March 2015 at 8% to 3% at the end of March 2017. This significant decrease is a result of the robust monitoring process that has been put in place to quality assure planning in all long-term cases, and ensure that action is taken to escalate intervention where progress has not been made in reducing risk.

### **Percentage of children who were the subject of a Child Protection Plan at 31 March, by length of time as the subject of a plan**

<b>Duration of Child Protection Plan</b>	<b>31 March 2015</b>	<b>31 March 2016</b>	<b>31 March 2017</b>
Under 3 months	34%	28%	36%
3 – 6 months	19%	20%	22%
6 – 12 months	25%	35%	27%
1 – 2 years	13%	14%	12%
Over 2 years	8%	3%	3%

### *Children becoming subject to a Child Protection Plan for a second or subsequent time*

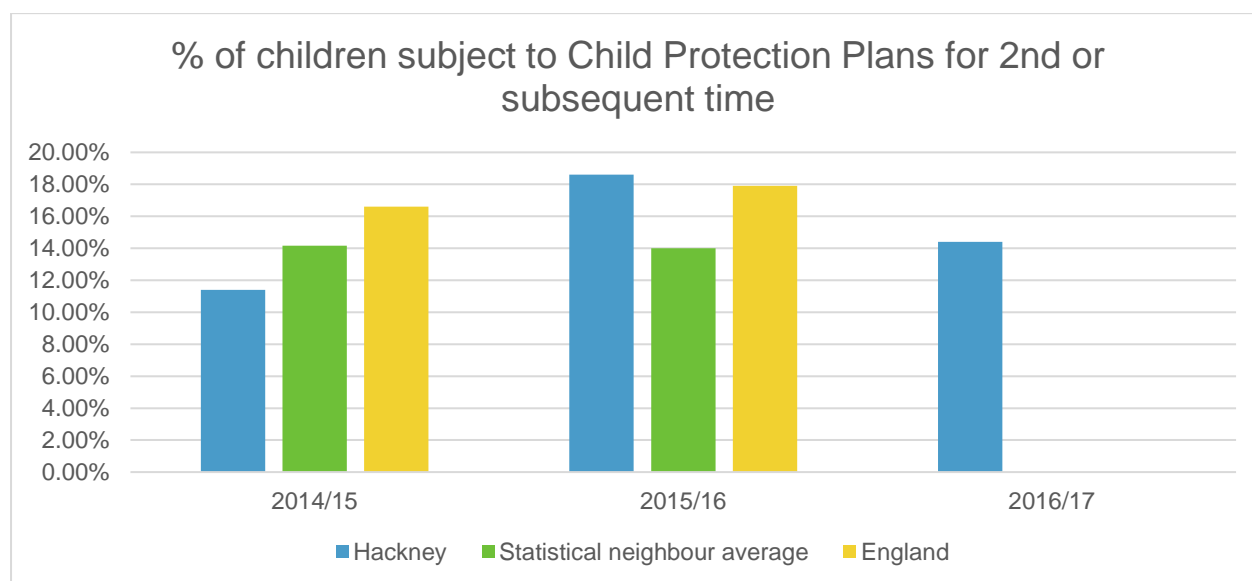
This measure indicates whether a Child Protection Plan was successful in effectively reducing risks over time in comparison to the necessity for a further Child Protection Plan. In practice, this is determined by work undertaken with parents and children through the plan, the quality of assessment of risks of significant harm, and the provision and accessibility of any support services subsequent to the Child Protection Plan. For this performance indicator, a low score is generally seen as indicative of good performance, although there are complex factors that effect this.

The percentage of children subject to a Child Protection Plan for a second or subsequent time decreased from 18.6% in 2015/16 to 16% in 2016/17, this is lower than the most recently published national average of 17.9%. The decision for a child to

become subject to a Child Protection Plan for a second or subsequent time is subject to a robust oversight process, with a decision only taken on consultation with the Head of Service, and it is clear that this is having an impact on repeat plan numbers.

**Percentage of children who became the subject of a Child Protection Plan during the year ending 31 March who became the subject of a plan for a second or subsequent time**

	2014/15	2015/16	2016/17
<b>Hackney</b>	<b>11.4%</b>	<b>18.6%</b>	<b>16%</b>
<b>Statistical neighbour average</b>	14.17%	14%	Not yet published
<b>England</b>	16.60%	17.9%	Not yet published



### The Family Courts

The Government implemented the Family Justice Review (FJR) in 2011 in an attempt to significantly reduce delay within the family courts and in care proceedings. In June 2013, the national average length for the completion of care proceedings was 46 weeks. As a result of the FJR, the expectation is that all care proceedings should be completed within 26 weeks. It is accepted that in exceptional circumstances, cases may need to be extended for a further 8 weeks.

The overall average length of proceedings in Hackney during 2016-17 was 25 weeks. This is 1 week under the target 26 weeks, and 9 weeks shorter than the overall average for 2015/2016 which was 34 weeks. The significant decrease in average case duration is partly due to making greater efforts to ensure rigid case management and not allowing cases to go over the recommended 26 weeks unless necessary. The decrease is also due to a greater number of cases which went into court following a review of the use of Section 20. Some of these cases involved children who had already been looked after for some time with the agreement of their families, with cases usually uncontested by parents, meaning that some proceedings were able to conclude very quickly. It is likely that the average duration of care proceedings from April 2017 onwards will increase, partly due to the pressures on courts within London.

The public law outline (PLO) is a process that all local authorities have to follow in their conduct of care proceedings. In most cases the Public Law Outline requires Children's Social Care to arrange a meeting with the parent(s) to see if it is possible to reach agreement about what needs to happen to protect the child from harm, so that court proceedings can be avoided.

For care proceedings to run smoothly and efficiently, it is essential that as much work as possible is done in the preliminary stages before care proceedings are issued. The family courts expect that a Family Network Meeting (FNM) must have been held prior to issuing care proceedings (further information on Family Network Meetings is available on page 14). The role of the FNM is becoming increasingly important in care proceedings. Prospective family members who may be considered as an alternative long-term carer for a child should be identified at the earliest possible stage to ensure assessments commence in a timely manner.

The London Family Justice Board agreed to implement the new care proceedings timescales from 5<sup>th</sup> August 2013. Every local authority has responsibility for tracking its own performance in relation to pre-proceedings decisions, assessments and planning, care proceedings duration and permanency planning for each child.

During the pre-proceedings process parents are made aware of the concerns and local authority's intention to issue proceedings if specified improvements are not made.

From April 2016 to March 2017, pre-proceedings agreements and assessments were initiated in Hackney for 35 children (26 cases). 28 (19 cases) of the 35 children did not go to court as a result of intervention and improvements made by their parents and the pre-proceedings process remained ongoing or ended. Care proceedings were issued in relation to the 7 remaining children (7 cases).

*'The guardian, the mother and the court said that the local authority had conducted outstanding social work.'*

**Feedback from Counsel about a court case**

### Social Work in Schools Project (SWiS)

The Children in Need Service launched the Social Work in Schools Project (SWiS) in eight Hackney schools in November 2014 in order to provide effective family intervention to children and families at the earliest signs of difficulties to prevent children from becoming subject to child protection processes or becoming looked after. In September 2015, the project expanded into a further 4 schools in Hackney.

In March 2017, it was agreed that the project would draw to a close. It had been hoped that funding could be secured to continue SWiS into 2017 and beyond, but this was unsuccessful, and staff seconded to the project have returned to their substantive posts in the Children and Families Service. All open cases continue to be supported by early help, social care or schools to ensure families' needs are being met. Families

that are identified as requiring support by schools previously part of the SWiS project are now referred to FAST in the usual way. Learning and strengths from the SWiS project are being taken forward through wider work to develop and evolve the Children and Families Service.

## **The Clinical Service**

The Hackney Children and Families Clinical Service is an integrated and specialist Child and Adolescent Mental Health Services (CAMHS) for children accessing Children's Social Care Services, the Family Support Service, Young Hackney and the Youth Justice Service. It works in partnership with the City and Hackney CAMHS Alliance and is accountable through integrated CAMHS commissioning arrangements. Outcomes for the Clinical Service are also monitored via the national CAMHS Outcomes Research Consortium (CORC). The recent Ofsted inspection in July 2016 found that: *'A noteworthy area of service is the local authority's excellent in-house clinical service, which provides swift access to child and adolescent mental health support for those children who need this support. The service has an impressive range of therapeutic options for children and their families and these are leading to demonstrable benefits in children's lives.'*

The Clinical Service operates on an outreach basis in order to promote accessibility for families, and does not have a waiting list. In 2016/17, the Clinical Service provided over 12,000 hours of casework and practice-related consultation to frontline practitioners, and offered 1,240 episodes of care (i.e. clinical assessments or interventions working directly with children and families).

As part of its remit to support the wider CFS workforce, the Clinical Service delivered over 230 hours of training to social workers, foster carers and other frontline practitioners. This included topics such as managing self-harm risk, and recognising and responding to the attachment needs of looked after children. The Clinical Service also provided postgraduate training programmes in Systemic Practice to Children and Families Service social workers. In order to further embed clinically-informed and reflective practice, regular clinical group supervision was also offered to Independent Reviewing Officers, Consultant Social Workers, the Young Hackney Substance Misuse Service and the Youth Justice Service.

*'[...] made me understand things, she helped me out'*

**Young person about their clinician**

The Clinical Service has well-developed links with local NHS CAMHS and in 2016/17 continued to deliver joint specialist care pathways for the assessment and treatment of young people with autism, problem-sexualised behaviours and self-harm. There is also an active partnership with the Anna Freud Centre to develop the New Beginnings Parent-Infant Mental Health programme for at-risk babies and their families, which was recognised at the recent national Infant Mental Health Awards.

**Clinical Services activity data: April 2016-March 2017**

<b>Number of new cases</b>	461
<b>Total number of cases</b>	1,084
<b>Number of appointments in hours</b>	3,647
<b>Number of consultations in hours</b>	12,007
<b>% of positive CHI-ESQ feedback</b>	100%
<b>% of positive SDQ improvement</b>	68%

Maddox

*Maddox was a 7 year old boy who came from a home environment where parental substance misuse and domestic violence had been commonplace. He was placed with a foster carer and referred to the Clinical Service. Maddox presented as unhappy, often tearful, and anxious about getting things wrong. He lacked resilience and would disengage whenever he felt challenged. He told lies in an attempt to negate conflict and consequently had no real friendships.*

*Following a clinical assessment Maddox was offered weekly individual Child Psychotherapy for a period of one year. Much of this work focussed on helping Maddox develop an increased awareness of his emotional states and develop his resilience. In his sessions he played with toys provided, often enacting violent scenes. The therapist offered interpretation of his play, naming how they imagined the different characters in his play must feel. Maddox was initially rejecting of these ideas and would hide, ask to leave the room or insist on changing the play to something less threatening. However, he grew to value the experience of having a space in which some of his thoughts and feelings could be expressed and thought about. The therapist gradually linked Maddox's play to his own actual and emotional experiences. In doing so, Maddox's play developed further, with many sessions spent using Lego to build a house of increasing sophistication and strength. Maddox and the therapist thought about this as Maddox's 'therapy home'; a place of safety that was both an external and real thing but also symbolised his own internal state of safety and increased resilience. Maddox's mistrust and perception of adults as dangerous and unreliable changed and he was increasingly able to talk to other adults around him when he needed comfort and support. At the end of his treatment Maddox was better able to regulate his emotional states and instead talked about his difficulties, resulting in a reduction in his sometimes extreme behaviour or outbursts.*

Jacob

*Jacob was 6 and came to live with his father after his mother became unable to care for him. Jacob's father has a diagnosis of Schizophrenia, for which he takes medication. Jacob's social worker had concerns that Jacob's father's ability to tune into, and respond to Jacob emotionally might be inhibited by the medication; and Jacob's teachers were concerned that the changes in his home life were impacting on his behaviour and ability to concentrate at school. Jacob's social worker therefore referred the family to the Clinical Service for help with assessing and strengthening the relationship between Jacob and his father.*

*The Clinician worked with Jacob and his father for 5 months using Video Interaction Guidance; a therapeutic intervention that involves sharing short, edited video clips of parent-child interactions to understand and strengthen communication within the relationship. The*



*Clinician helped Jacob's father to identify his goals for the work in accordance with his own parenting values. The Clinician made short films of Jacob and his father playing and talking together, and then edited the films to demonstrate the most powerful moments of 'emotional attunement'. The Clinician showed these clips to Jacob's father, so that together they could look at exactly what Jacob's father was doing to enable Jacob to feel understood and loved. Through this process Jacob's father's skill in communicating with his son developed further, and his confidence in himself and his parenting were significantly enhanced. He also expressed that his trust and confidence in professionals had increased through doing this work.*

*By the end of the intervention, the positive impact on Jacob was noted by his social worker, and his teachers, who reported that Jacob was now flourishing at school, both socially and academically.*

## **The Corporate Parenting Service**

The Corporate Parenting Service is responsible for all areas related to the safeguarding and welfare of children who are in the care of the local authority. This includes planning for their future placements via fostering and adoption, supporting rehabilitation home whenever possible, and supporting young people who have previously been in care up to the age of 21, or 25 for those remaining in higher education. Adoption and post-permanency services are managed within the Children in Need service but are covered in this section of the report.

The Service works very closely with Hackney Gets Heard, the Children in Care Council, to develop and improve the services and support that looked after children and care leavers receive. More detail about Hackney Gets Heard's work over the past year is provided on page 63.

Following work with Hackney Gets Heard in March 2016 to confirm priorities, Hackney's current Corporate Parenting Strategy for 2016-19 was approved by the Corporate Parenting Board. This strategy is based on the Hackney Promise to Children and Young People in Care (see appendix 3) developed by young people, and puts outcomes for children at the heart of work to improve services.

*'I want to show my gratitude to Hackney social services for their support towards me and my foster family. I am grateful for all the support all this years... Also, many thanks to every hand that wrote on that lovely card for my birthday.'*

***Feedback from a looked after young person to her social work unit***

### Overview of care population

#### **Number of looked after children at 31<sup>st</sup> March**

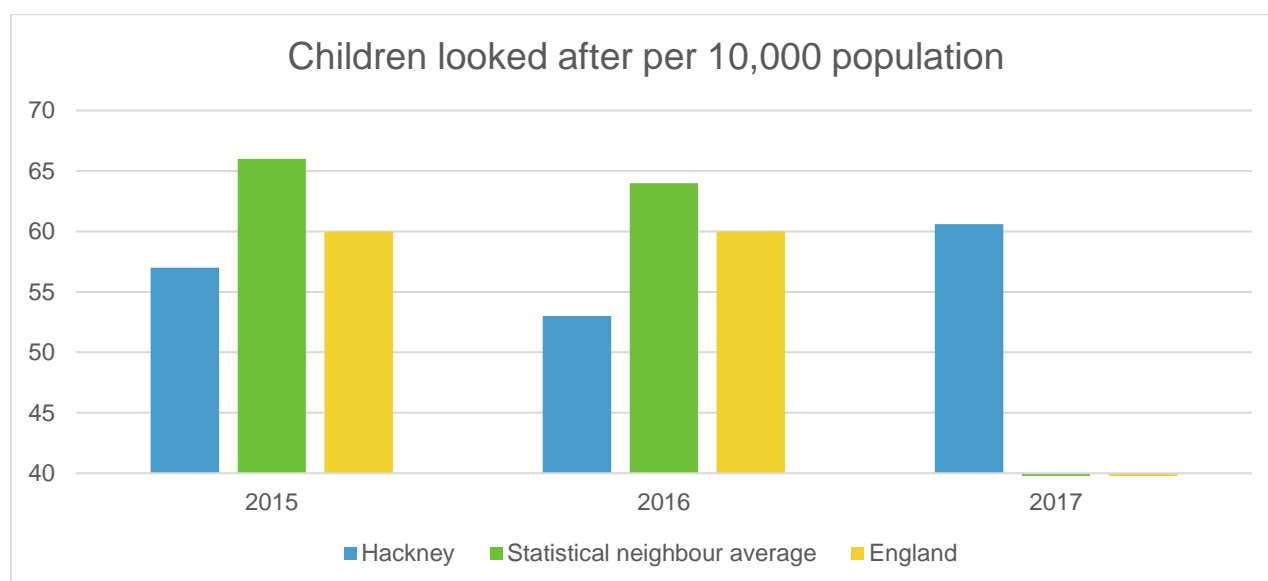
	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Hackney</b>	<b>340</b>	<b>325</b>	<b>371</b>

**Note** Historical data has been rounded to the nearest 5 (as published by DfE).

As at 31<sup>st</sup> March 2017, Hackney was responsible for looking after 371 children and young people, this is a 14% increase in the number of looked after children since March 2016. The snapshot figure at March 2016 is, however, misleading in terms of representing the trend in the number of looked after children during 2015/16 – the monthly figure for the total number of looked after children throughout the rest of the year ranged from 336 to 345 children. However, the number of looked after children at March 2017 is still a significant increase, and the rate of looked after children per 10,000 is at its highest for recent years.

**Children looked after per 10,000 population aged under 18 at 31<sup>st</sup> March**

	2015	2016	2017
<b>Hackney</b>	<b>57</b>	<b>53</b>	<b>60.6</b>
Statistical neighbour average	66	64	Not published yet
England	60	60	Not published yet



Although Hackney continues to have a lower number of children in care per 10,000 than its statistical neighbours, this has increased from 53 per 10,000 in 2016 to 60.6 per 10,000 in 2017. Hackney's rate of children in care in 2017 (60.6) is now in line with the most recently published national average (60) after many years of being below the national average.

246 children entered care in 2016/17. This is a 29% increase compared to the number of children than entered care in 2015/16.

**Age breakdown of children entering care during the year ending 31 March, by age on starting**

Age	2015		2016		2017	
	England	Hackney	England	Hackney	England	Hackney
<b>Under 1</b>	19%	25 (15%)	18%	20 (10%)	Not published yet	28 (11%)
<b>1 – 4</b>	19%	20 (12%)	18%	20 (9%)		27 (11%)
<b>5 – 9</b>	18%	15 (10%)	17%	30 (15%)		43 (17%)
<b>10 - 15</b>	29%	60 (36%)	29%	65 (33%)		73(30%)
<b>16 and over</b>	16%	45 (27%)	18%	60 (33%)		75(30%)
<b>Total</b>		<b>165</b>		<b>190</b>		<b>246</b>

**Note** The table above includes data published by DfE. Numbers have been rounded to the nearest 5 (excluding 2017 figures) and percentages rounded to the nearest whole figure.

75 young people aged 16 and over entered care in Hackney in 2016/17 - 30% of the total number, compared to the national average of 18% in 2016. This has had a significant impact on the stability of placements as there are fewer options to meet the needs of older children, and also adoption figures, as older children are far less likely to be adopted. The number of over 16's and the percentage of this age group within the total number accounts for a large proportion of the new admissions to care each year. The significant increase from 5 young people aged 16 and over entering care in 2010/11, (5% of the total number entering care), to the current position of 30% at March 2017 is in part attributable to the acceptance of young people with housing needs as being looked after and the correlation with an increase in the use of Section 20 (Children Act 1989) accommodation. There has also been a recent trend in unaccompanied asylum seeking males aged 17 years presenting for services, (there is more detail about this on page 69). Since December 2012, all young people remanded to custody automatically become looked after children, and this has also had an impact on the number of young people entering care, particularly in the older age range.

The number of adolescents within the total number of children entering care has increased consistently since 2014 and accounts for a large proportion of the new admissions to care each year. These young people often present with more complex needs. During 2016/17, 123 young people aged 14 or over entered care representing 50% of all children entering care. The largest single cohort of children entering care were aged 17 years old, representing 20% (48 young people) of the total cohort.

The increase in the number of young people over 16 entering care also has an impact, when this cohort turn 18, on the numbers of care leavers the Service is supporting.

The percentage of children and young people becoming looked after for the second or subsequent time within the last 12 months was 11.8% between April – March 2017, a slight increase compared to 11.5% for 2015/16.

The table below includes an age breakdown of the total number of looked after children at year end which also illustrates the impact of the increase in the over 16 age group on the total number of looked after children between 2015 and 2017. Nationally, at the end of March 2016, 23% of children in care were aged 16 and over. The older profile of children entering care in Hackney has an impact across the service as it adjusts to

meet the more complex needs of this cohort, including on placement stability (see page 38).

**Age breakdown of total number of looked after children, at year ending 31 March**

Age	2015		2016		2017	
	England	Hackney	England	Hackney	England	Hackney
Under 1	5%	15 (5%)	5%	10 (3%)	Not published yet	14 (4%)
1 - 4	15%	40 (11%)	13%	30 (9%)		27 (7%)
5 - 9	21%	50 (15%)	20%	45(14%)		61 (16%)
10 - 15	38%	140 (41%)	39%	140 (43%)		153 (41%)
16 and over	22%	95 (28%)	23%	100 (31%)		116 (31%)
<b>Total</b>		<b>345</b>		<b>325</b>		
<b>Total statistical neighbour average</b>		<b>394</b>		<b>385</b>		<b>Not published yet</b>

**Note** The table above includes data published by the Department for Education. Numbers have been rounded to the nearest 5 (excluding 2017 figures) and percentages rounded to the nearest whole figure.

The table above includes an age breakdown of the total number of looked after children at the year end point which also illustrates the impact of the increase in the over-16 age group on the total number of looked after children between 2015 and 2017, with approximately one third (31%) of the total number of looked after children as at 31<sup>st</sup> March 2017 being aged 16 and over, compared to 23% nationally.

Young people aged 14 years and older made up 49% (181) of the total cohort of children in care at the end of March 2017. These young people often have complex needs requiring greater levels of support and appropriate placements to match these needs are often difficult to source. 73 of these young people were aged 17 years, representing 20% of the total cohort of looked after children at the end of March 2017.

The number of children leaving care during 2016/17 was 212. Of these, 81 (38%) returned home to live with parents, relatives or another person with parental responsibility. A further 71 (33%) left care due to turning 18, 15 (7%) left care due to Special Guardianship Orders or Child Arrangements Orders (previously known as Residence Orders) being granted, and 19 (9%) were adopted.

*Alexa is 13 years old with significant complex emotional and behavioural needs that her parents were unable to meet, and has been looked after by a foster carer for the past year. Alexa's school have struggled to meet her needs and recently approached her social work unit to recommend that she moves from a mainstream setting to a specialist school. Alexa has found the uncertainty around whether or not she will move school distressing, and her behaviour while at home with her foster carer has deteriorated, creating a lot of pressure on the placement.*

*Despite the uncertainty created by Alexa's school, her relationship with her carer was positive. Alexa's carer has a strong support network, and regular respite care was already in place which has given Alexa's carer the chance to take breaks. The social work unit ensured that there was therapeutic provision in place from the in-house Clinical Service, to support Alexa and her carer, as well as the unit.*

*Alexa's social work unit have strongly advocated that she should remain at her school as she is a bright and able child and is capable of thriving in a mainstream setting with the right support. The social work unit met with the Virtual School and Clinical Service to explore different strategies to work with Alexa and support the school to have a better insight into her needs. The unit met with the school over several sessions to advocate for Alexa to remain.*

*As a result of the extra support put in place and advocacy by the social work unit, Alexa stayed at her school, and an allocated teacher now leads on supporting her. Alexa is aware she can approach this teacher whenever she needs to or feels distressed. Alexa's performance at school has improved considerably, she is achieving well in most of her subjects and her behaviour at home has been more settled and positive.*

### *Returning home/to family network*

During 2016/17, 81 children and young people returned home or to live with a relative or wider member of their family support network. The high proportion (38%) of these young people of all of those that leave care, correlates to the increase in adolescents aged 16+ entering care who subsequently return home or to a relative or member of their family support network, often as a result of family support work or family network meetings. A child will usually return home as a result of changes that the family have made, either as a result of intervention by Children's Social Care, or by the family making alternative support arrangements for example as a result of the plan created at a Family Network Meeting that will mean their child's needs are being met. These plans and changes may not always be sustained by families despite the support put in place, so if children are referred back again to Children's Social Care, any previous looked after child episodes are considered as part of the assessment (as are prior Child Protection Plans) and a Service Manager will approve any decisions or plans made in relation to these children to ensure children are not left in neglectful or abusive environments.

### *Use of Section 20*

Over the past few years, there has been judicial and sector concerns about the use of Section 20 of the Children Act 1989 (under which children can be accommodated by the local authority by agreement with their family). These concerns about the use of Section 20 are the result of a number of cases in England where local authorities: failed to get informed consent from parents from the outset; there was not recording of parental consent in writing; allowed Section 20 arrangement to continue for too long, meaning that children did not have a clear plan to either return home or for court proceedings to be initiated; or were slow to return the child to the parent(s) immediately after parental consent was withdrawn. These concerns were highlighted again in July 2017 by the Family Rights Group report '*Co-operation or Coercion? Children coming into the care system under voluntary arrangements*' which concluded that some parents were finding themselves subject to 'soft coercion' when agreeing to have their children accommodated under Section 20; with social workers not explaining fully the implications of Section 20 in terms of their parental responsibility.

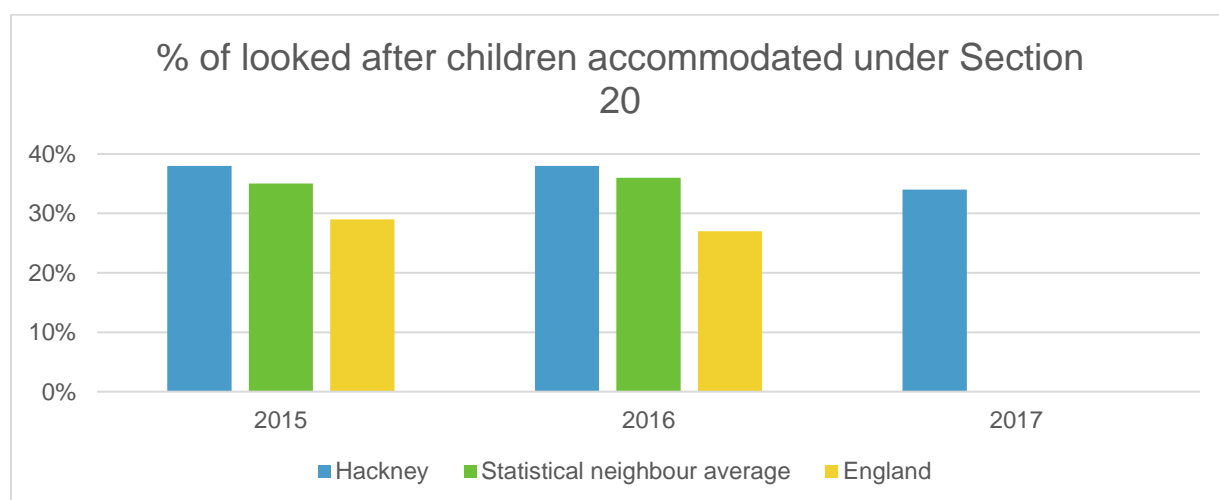
All cases where a child or young person was looked after under Section 20 in Hackney were reviewed over the spring and again in the winter of 2016 to ensure that this remained the most appropriate current legal option and framework for these children. As a result of this review, revised guidance around the use of Section 20 arrangements was developed in collaboration with the legal department with parental understanding and consent at the core of this guidance, and a stronger management oversight process for all Section 20 cases has been put in place. This will ensure that the rationale and decision-making for Section 20 cases is clearly recorded, consistent and in accordance with the guidance.

At the end of March 2017, there were 126 children accommodated under Section 20, accounting for 34% of all children who were looked after. Some of these young people are aged 16 or 17 years old, who can choose to come into care under Section 20. This is a decrease in the proportion of children looked after under Section 20 compared to the previous two years, and similar to the proportion in our statistical neighbour authorities in 2015/16. The use of Section 20 will continue to receive senior management oversight over the coming year.

**Number of looked after children accommodated under Section 20 at 31<sup>st</sup> March**

	2015	2016	2017
<b>Hackney</b>	<b>130 (38%)</b>	<b>125 (38%)</b>	<b>126 (34%)</b>
Statistical neighbour average	143 (35%)	137 (36%)	Not published yet
England	19,850 (29%)	18,730 (27%)	Not published yet

**Note** The table above includes data published by DfE. Numbers have been rounded to the nearest 5 (excluding 2017 figures) and percentages rounded to the nearest whole figure.



**Educational attainment of looked after children and young people**

The Virtual School for looked after children works with children and young people from early years to the age of twenty five. It prioritises the individual learning or training needs of a child or young people in care, identifies the skills necessary for participation

in an education, training or work environment and supports young people to acquire and adapt these skills for learning and for life. The Virtual School began to do work with young people on youth justice orders in 2014/15 to support their engagement in education and assist them to make more positive choices.

The results for looked after children in Hackney rely on established integrated partnership working between the Virtual School, social workers, schools and carers. This is supported by robust education and training plans and the provision of additional targeted support together with the understanding of how the day to day realities of being in care can affect a young person's capacity to learn and participate.

The Virtual School management committee has been recently strengthened by the addition of a foster carer on its board to contribute to the strategic function of its work.

### *Early years*

Children in reception class are assessed in the Early Years Foundation Stage. Schools report this data to the Department for Education but they are not part of the national indicator set for looked after children. In order to track the educational progress and attainment of our youngest children, the Virtual School collects data in a number of areas. Children are judged against the criteria of emerging expectations, meeting expectations and exceeding expectations. This year data collected will be in the following areas:

- Personal, social and emotional development
- Physical development
- Communication and language
- Maths
- Literacy

As at May 2017, there are 21 pupils (age 2-5) in early years settings including 11 children in the reception year, which is a similar profile to previous years. This year the early years learning mentor has continued to develop the home school support strategy to ensure foster carers are well equipped to support early years educational attainment. Sensory books are available for foster carers to develop speaking and listening skills and visits to the cinema and activities in the park are encouraged to support children who are not yet school age.

The early years social pedagogue has been active in ensuring that when appropriate, children are accessing the 15 hours of free nursery support that they are entitled to. This is a valuable additional resource that supports the holistic education of the child. An occupational therapist continues to provide support to early years settings and carers, and develops intervention packages that can be delivered in the child's nursery and school, or in the home.

### *Educational attainment*

The Department for Education educational attainment data for looked after children does not record results for cohorts that are below 10 children. This is reflected in the information below.

## Key Stage 2

Pupils in year 6 receive support from the Virtual School according to need. Pupils are identified for additional teaching support according to their academic level and the Virtual School intervention teacher delivers creative one to one sessions in Maths and English. Feedback from young people and schools is very positive and the accelerated progress of each child is evident.

All pupils are offered support for the transition to secondary school and wherever possible additional visits are arranged. Links with designated teachers are made before the children transition to their new school and since the new process was introduced in March a member of the Virtual School staff will attend their first Personal Education Planning (PEP) meeting.

In 2016 in Hackney there were 14 pupils in the Key Stage 2 (KS2) cohort who had been looked after continuously for at least 12 months. 6 (43%) achieved the required standard in maths, 8 (57%) achieved the required standard in writing and 6 (43%) achieved the required standard in reading.

**% of KS2 Pupils achieving the required standard or above in maths, reading and writing (performance of children who have been looked after continuously for at least 12 months)\***

	Reading	Writing	Maths	Spelling, Punctuation and Grammar	Reading, Writing and Maths
England	41%	46%	41%	44%	25%
Statistical neighbour average	46%	59%	47%	51%	33%
<b>Hackney</b>	<b>43%</b>	<b>57%</b>	<b>43%</b>	<b>43%</b>	<b>X</b>

**N.B. Local Authority figures are rounded to the nearest 5.**

**x = number less than or equal to 5 or the percentage where the numerator is less than or equal to 5 or the denominator is less than or equal to 10.**

Reading and Writing results were above the national average and generally in line with the statistical neighbour average at Key Stage 2 for the last year. Over the next year the Virtual School will continue to develop more creative approaches to supporting these young people, delivered by the Virtual School intervention teacher.

A new measure was introduced this year to measure average progress between Key Stage 1 and Key Stage 2. A child that makes average progress receives a score of 0. Above average progress is indicated by numbers above 0 and less than average progress indicated by numbers below 0.



## Key Stage 2 Average Progress Score

	Reading	Writing	Maths
England	-0.5	-1.0	-1.3
Statistical neighbour average	0.3	0.6	-0.9
<b>Hackney</b>	<b>-1.5</b>	<b>-0.3</b>	<b>-2.8</b>

Whilst the cohort achieved the same percentage of children reaching the required standard in maths as statistical neighbours, this indicator suggests they did not make as much progress as they should have. This is an area that will be prioritised this year.

## Key Stage 4

Pupils in Key Stage 4 are offered additional sessions of one to one tutoring in maths and English in both years 10 and year 11. Their progress is monitored throughout by a dedicated Key Stage 4 mentor who provides individual targeted support for the young people, often performing the role of critical friend and advocate as well as ensuring clear and effective communication between schools, carers and the relevant local authority.

All pupils receive a laptop to support them with their studies and the Virtual School carefully monitors progress towards a young person's GCSE targets. This year there are a number of high achieving students in the cohort and the Virtual School is hopeful for a positive set of results in summer 2017.

All year 11 pupils receive support to identify appropriate pathways once statutory schooling has ended, and when necessary, are accompanied to college open days and interviews by a member of the Virtual School staff.

In 2016 in Hackney there were 23 pupils in the Key Stage 4 (KS4) cohort who had been looked after continuously for at least 12 months. 38.5% achieved 5 GCSEs graded A\* – C, while 34.8% gained 5+ GCSEs graded A\* – C including English and maths.

Comparing results for those young people who are in Hackney with those that are living outside of Hackney shows that for those young people who gained English and maths at GCSE, 1/3 (1 of 3) living in borough were successful and 1/3 (7/20) of those living outside of Hackney were successful.

There is a new measure for this cohort of young people: the percentage of young people entered for and achieving the English Baccalaureate (EBac). Hackney had too few numbers in either of the new categories to be reported nationally, however the percentage entered for the EBac was 17.4% and 4.3% achieved it.

Percentage of KS4 Pupils achieving A\*-C in both English and maths (performance of children who have been looked after continuously for at least 12 months) in 2016

	A* - C in both English and maths at GCSE	Entered for EBac	Achieved EBac
England	17.5%	8.2%	2.8%
Statistical neighbour average	25.3%	14.5%*	6.8%*
<b>Hackney</b>	<b>34.8%</b>	<b>x</b>	<b>x</b>

N.B. Local Authority figures are rounded to the nearest 5. x = number less than or equal to 5 or the percentage where the numerator is less than or equal to 5 or the denominator is less than or equal to 10. \*= Inner London average used in place of statistical neighbour due to low numbers entered for EBac.

Outcomes for this group of pupils are very good. Hackney's looked after children achieved the third best GCSE results in the country. This is the result of a cohort of young people who were dedicated to their studies and received good support from their schools, foster carers, social workers and the Virtual School.

There are two new additional measures for the GCSE cohort.

Attainment 8 averages the scores of the best 8 subjects for each young person, adds them together to get a cohort score. (The maximum score possible is 80, assuming 8 A\* results).

#### Key Stage 4 Attainment 8 in 2016

	Attainment 8
England	22.8
Statistical neighbour average	24.5
<b>Hackney</b>	<b>27.5</b>

Hackney performed well in this measure achieving better results than England and the statistical neighbour average and came 20<sup>th</sup> overall in the country.

The second new measure for this cohort is Progress 8 which measures progress from Key Stage 2 to Key Stage 4. A child who makes average progress receives a score of 0. Above average progress is indicated by numbers above 0 and less than average progress is indicated by numbers below 0.

#### Key stage 4 Progress 8 in 2016

	Progress 8
England	-1.14
Statistical neighbour average	-0.97
<b>Hackney</b>	<b>-0.81</b>

Hackney again achieved well with this measure attaining results better than England and statistical neighbour average and came 28<sup>th</sup> overall in the country.

### Attendance and exclusions

The results published for the last academic year have shown a decline in performance from the previous year.

#### Percentage of looked after children classed as persistent absentees at 31<sup>st</sup> March

	2014	2015	2016
<b>Hackney</b>	<b>12.8%</b>	<b>6.8%</b>	<b>12.2%</b>
Statistical neighbour average	9.8%	11.1%	11.1%
England	8.9%	9%	9.1%

\*A low percentage represents better attendance

The Virtual School has worked hard over the last year to improve this figure by sending out attendance leaflets to all foster carers and monitoring every young person's attendance every 2 weeks. It is hoped that this will have a positive effect on the results.

The number of young people who have had fixed term exclusions has increased this year to 51 from 34 the year before. This appears to be a national trend, the causes of which are in part down to a zero tolerance to poor behaviour approach being implemented by an increasing number of schools.

19 of the pupils who received an exclusion attend either special schools or alternative provision selected specifically because these types of provisions should be able to manage more complex behaviour. Social pedagogues and learning mentors within the Virtual School have supported the majority of these young people and the school settings to minimise the disruption to their education.

The percentage of children with at least 1 fixed term exclusion shows that Hackney achieved better results than the statistical neighbour average and worse results than the national average.

	% of children with at least 1 fixed term exclusion	% of children permanently excluded
England	10.42%	0.14
Statistical neighbour average	12.1%	X
<b>Hackney</b>	<b>10.95%</b>	<b>0</b>

There were no permanent exclusions during 2016/17.

### Pupil Premium

Each looked after child is entitled to pupil premium funding worth £1,900 annually to provide them with additional educational support. Young people are eligible to receive this additional funding from their first day in care and the Virtual School Headteacher is responsible for distributing and monitoring the funding. For the financial year

2016/17 the Virtual School spent £518,000 through pupil premium funding. The majority of the money was put into schools with the remainder being used to provide additional support centrally, such as tutoring.

Each school provided a spending plan for how this additional support was to be offered and a range of interventions including maths and literacy catch-up programmes, tutoring, additional equipment, and counselling were identified.

### *EPIC (Exceptional People in Care) Awards*

In February 2017, the EPIC Awards took place at Hackney Empire to celebrate the achievements of Hackney’s looked after children and care leavers. Children and young people were nominated for a range of reasons including improved performance at school, achievements in sport and music, and having a positive attitude in spite of difficulties such as changing school or placement.

Care leavers engaged in education, employment and training activities also received an award as it is recognised that for some of our young people engagement in education and positive activities remains challenging.

A total of 234 young people were nominated for an award in recognition of their hard work and commitment to their education. Lemn Sessay was a guest and gave a motivational speech that was very well received.

### *Education, employment and training*

The Virtual School supports young people, who have left statutory care at the age of 18, into education, employment and training opportunities.

The consistent support offered by the team has again last year resulted in a low number of young people who are NEET (not in education, employment or training).

### **% of looked after children and care leavers in education, employment or training (EET)**

#### **Care Leavers aged 17 and 18 at 31<sup>st</sup> March 2016**

	<b>In higher education</b>	<b>In other education</b>	<b>Training or employment</b>	<b>Overall EET</b>	<b>NEET illness</b>	<b>NEET other</b>	<b>NEET pregnant</b>
England	3%	40%	19%	61%	4%	25%	4%
Inner London*	4%	44%	16%	63%	2%	22%	4%
<b>Hackney</b>	<b>x</b>	<b>51%</b>	<b>30%</b>	<b>84%</b>	<b>X</b>	<b>13%</b>	<b>x</b>

\*Inner London average used in place of statistical neighbour average as low numbers mean an average cannot be calculated

The overall EET figure for the cohort of 17 and 18 year olds is more than 20% higher than our statistical neighbours.

## Care Leavers aged 19, 20 and 21 at 31<sup>st</sup> March 2016

	In higher education	In other education	Training or employment	Overall EET	NEET illness	NEET other	NEET pregnant
England	7%	18%	24%	49%	10%	23%	7%
Inner London*	12%	20%	21%	53%	4%	28%	5%
<b>Hackney</b>	<b>10%</b>	<b>23%</b>	<b>31%</b>	<b>65%</b>	<b>x</b>	<b>17%</b>	<b>X</b>

\*Inner London average used in place of statistical neighbour average as low numbers mean an average cannot be calculated

Currently 8 young people are undertaking apprenticeships in a range of areas such as building surveying, business administration and app design (IT).

At July 2017, 76.1% of young people were successfully engaged in education, employment or training, the same percentage as at July 2016. These results show that there has been no variation in the overall NEET figure for this group of students over the last three years. When compared to the national figures Hackney performs very favourably.

### *Higher education*

The national average for care leavers attending university in 2016 was 7%. Hackney performed very strongly with 10% of care leavers in higher education, higher than the national average.

41 young people were attending university in June 2017 which remains statistically high. There are potentially 18 young people due to start university in September 2017 and support will be provided by the 16+ team in the Virtual School to ensure they are fully prepared.

### Health of looked after children

The Hackney Looked After Children (LAC) health service was re-commissioned during 2014 and from September 2014, the service has been provided by Whittington Health. The service was previously provided by Homerton University Hospital Foundation Trust (HUHFT); the Designated Doctor and paediatric support for looked after children's health continues to be provided by HUHFT.

The service is delivered by a dedicated team closely aligned with Hackney's universal school-based health service and is co-located with the Virtual School to promote the delivery of a more holistic and integrated service to our Looked After Children and Young People. A Specialist Occupational Therapist works with the Health and Virtual School team to provide additional support to Looked After Children.

The health team work in partnership with the other Whittington LAC teams in order to pursue and achieve excellence in their practice. Peer to peer observation, support and auditing is currently in progress, along with a strong focus on the voice of the child to encourage and empower children and young people and promote an interest in following a healthy lifestyle.

Looked after children and young people have the same health risks and concerns as their peers. However, they are known to have a higher level of vulnerability as they often enter into care with unidentified health issues as a result of receiving poorer parenting, histories of abuse or neglect, having an unknown health history and higher levels of mobility. Therefore, they generally have poorer long term health outcomes than their peers. The National Institute of Clinical Excellence (NICE) reported in 2013 that about 60% of children and young people who are looked after in England are reported to have emotional and mental health problems and a high proportion experience poor health, educational and social outcomes after leaving care.

Initial Health Assessments for looked after children in Hackney are completed by members of the Community Paediatric Team from HUHFT under the supervision of a Senior Paediatrician in a weekly, dedicated clinic.

Over the past year Children’s Social Care and the looked after children health service have worked to ensure that referral pathways and information sharing processes between CSC and LAC health providers are robust so that children and young people receive their initial health assessment within statutory timeframes.

It is a statutory requirement for children and young people coming into care to have an initial health assessment within 28 days of entering care and subsequent review health assessments every 6 months up to the age of 5 then annually thereafter.

**% looked after children whose health checks were in time during a 12 month period**

	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>
<b>Hackney</b>	<b>89%</b>	<b>84%</b>	<b>90%</b>
Statistical neighbour average	92%	94%	Not published yet
England	89%	90%	Not published yet

90% of children and young people had their review health assessment completed on time in 2016/17, an increase from 84% last year and in line with the national average from 2015/16. This reflects the efforts to increase stability in the staffing of the team over the year. There will always be a small number of young people who do not attend or refuse a health assessment. The looked after children nursing team follow up all non-attendance and attempt to arrange further appointments at venues convenient for young people, as well as offering vouchers to encourage them to attend their health assessments.

The looked after children health team have signed up to the Hackney Promise for Looked After Children and will be working with Hackney Gets Heard over the coming year to understand the views of children and young people about the current service.

## % looked after children whose immunisations are up to date

	2014/15	2015/16	2016/17
<b>Hackney</b>	<b>87%</b>	<b>86%</b>	<b>79%</b>
Statistical neighbour average	81%	78%	Not published yet
England	89%	84%	Not published yet

79% of children and young people received the appropriate immunisations for their age in 2016/17, a decrease from the figure of 86% in 2015/16 and lower than the national average of 84%. Work is ongoing to improve the immunisation uptake particularly with older children. The looked after children health team are reliant on obtaining children and young people's immunisation status from a variety of health partners which can be challenging as they may have experienced multiple changes in address before coming into care.

The looked after children health team co-ordinates the health needs of looked after children, ensuring that they have access to the Healthy Child Programme (Department of Health 2012), which provides a framework of universal and targeted services for children and young people to promote optimal health and wellbeing. Comprehensive initial health assessments and developmental reviews provide opportunities to identify and address any developmental delays.

Where particular health needs are identified the child or young person may be supported by the looked after children health team or where necessary referred on to specialist services. Children with emotional needs are referred to the Clinical Service within the Children and Families Service.

In addition to completing statutory health assessments, the LAC health team offer a range of health-based interventions, health promotion, advice, signposting and referrals. Information is offered to looked after children and their carers to improve their health and well-being. These include dental health, referral and accompaniment of young people to sexual health clinics, support and training to foster carers, smoking cessation and monitoring of weight, growth and development.

The looked after children health team also provides drop-in sessions to social workers on a fortnightly basis, attends panels within Children's Social Care to advise on children's health status and needs and ensures every child has a health plan which clearly sets out how any identified health needs will be addressed.

**% looked after children who had an up to date dental check**

	2014/15	2015/16	2016/17
<b>Hackney</b>	<b>87%</b>	<b>83%</b>	<b>74%</b>
Statistical neighbour average	90%	85%	Not yet published
England	86%	84%	Not yet published

74% of looked after children had an up to date dental check in 2016/17, a decrease from 83% in 2015/16 and lower than the statistical neighbour average of 85% and the national average of 84%.

Advice about dental health and hygiene is considered and promoted at each health assessment. The date of the last dental check is sought from the carer and young person. Further work is taking place in 2017/18 to improve performance against this indicator.

Placement activity

*Placement stability*

On the whole, placement stability is associated with better outcomes for children. The indicators below are important measures of the stability of care that children looked after by the local authority experience.

**Percentage of looked after children with three or more placements in one year**

	2014/15	2015/16	2016/17
<b>Hackney</b>	<b>9%</b>	<b>13%</b>	<b>18%</b>
Statistical neighbours	10%	11.6%	Not published yet
England	10%	10%	Not published yet

For this indicator, a lower score is indicative of good performance. The percentage of looked after children with three or more placements in one year has increased to 18% in 2016/17, in comparison with last year's performance at 13%. This is higher than the statistical neighbour and the national averages.

Further analysis related to children who experienced multiple placement moves showed that they were generally aged over 13 (40% of this group) and their placement changes were associated with higher levels of need and complexity related to adolescence. Hackney's profile of looked after children continues to change towards an older and more complex group, and placement stability is likely to become more challenging to maintain. Young people in this age group, increasing numbers of whom are entering care for the first time, often come into care at a point of crisis, frequently



at night or at the weekend and are placed in an emergency. Resulting placement changes often happen as a result of carers being unable to meet the complex needs of young people in this age group

26% of the children who experienced 3+ placements had siblings who also moved as placement decisions were made in order to keep siblings together. 13% of the group were under 1 years of age when they became looked after, meaning that for most, their first placement was the hospital where they were born. Subsequent moves can include one move to a mother and baby assessment facility, then a move to a foster carer.

Providing appropriate placements to meet the needs of complex adolescents is a national issue and one which the North London Adoption and Fostering Consortium, which Hackney is a member, is working to address by training specialised carers and putting in place better support for these carers.

A placement stability strategy is in place and being implemented throughout 2017-18. The strategy is focusing on: exploring support options across the Children and Families Service; regular reporting on placement stability; undertaking audit activity; strengthening policies and procedures around placement planning and stabilising placements; and developing business cases for new initiatives to provide additional support to young people at risk of placement changes. Placement stability continues to be a challenge for the service in the current year and will remain an area of focus into next year. The impact of this strategy will be closely monitored.

**Percentage of looked after children aged under 16 looked after continuously for at least 2½ years who have been living in the same placement for at least 2 years** (or placed for adoption and their adoptive placement together with previous placement lasting for at least 2 years) as at 31<sup>st</sup> March

	2015	2016	2017
<b>Hackney</b>	<b>61%</b>	<b>60%</b>	<b>69%</b>
Statistical neighbours	66.5%	68.5%	Not published yet
England	68%	68%	Not published yet

*Please note that due to changes to the definition in 2014/15 by the Department for Education, data for 2015 onwards is not comparable with previous years.*

The purpose of this indicator is to demonstrate the long-term stability for children. For this performance indicator a higher score is indicative of good performance. Instability for children is associated with poor outcomes, often disrupting children’s education, their access to services and threatening friendships established in a previous placement or school. It is important that placements are sufficiently matched to children’s needs, are of sufficient quality, and are well supported, if placement breakdown is to be prevented.

Hackney’s performance for this indicator in 2017 has increased to 69% compared to performance in 2016 at 60%. This is higher than the national average of 68% and the

statistical neighbor average of 68.5% in 2016. Most placement moves are carefully planned, with the majority of children continuing to reside in their new placement more than 12 months after the move.

When this indicator is viewed alongside the indicator for children who experienced 3+ placements within one year, it seems surprising that long term stability is increasing, while there is a greater incidence of children experiencing 3+ placement moves. However, a greater number of children are entering care for the first time at an older age, and these children are experiencing higher levels of placement moves. Those children who have entered care at a younger age, are experiencing more stable placements.

### *Placement location and type*

There are many reasons why some looked after children are placed away from Hackney. Whilst availability of placements is a factor, some young people need to live out of area to help keep them safe from harm or from dangerous influences closer to home. Others may need specialist care that is not available in all local authority areas, or long-term foster placements that may be in short supply. Some looked after children move out of area so that they can live with brothers and sisters, or to be cared for by relatives who are approved as foster carers.

Of the 371 children looked after by Hackney at March 2017, 91 (25%) were placed in Hackney - compared to last year, this is an increase in the number of children at 82, but the same proportion of 25%. 298 (80%) of the total looked after children were placed in London local authorities (including Hackney, and neighbouring and non-neighbouring boroughs). 68 children (18%) were placed in neighbouring local authorities (Waltham Forest, Newham, Haringey, Islington, Tower Hamlets or City), and 212 (57%) were placed in non-neighbouring local authorities, classified as being 'at a distance'. The majority of looked after children in placements classified as being 'at a distance' are placed in other London local authorities or local authorities adjoining London, such as Essex, Kent and Surrey. These figures are consistent with other London boroughs.

### **Placement location of looked after children, as at 31<sup>st</sup> March 2017**

<b>Placement location</b>	<b>Number of looked after children</b>
Hackney	91 (25%)
Neighbouring London local authority	68 (18%)
Other London local authority	139 (37%)
Local authority adjoining London	35 (9%)
Other 'at a distance' local authority	38 (10%)
<b>Total</b>	<b>371</b>

It is recognised that children placed away from their home area may need additional support and the quality and impact of care and support they receive is carefully planned and closely monitored.

**Number of looked after children by placement type, as at 31 March 2017**

Placement type	Number of looked after children
Foster placements	<b>288 (78%)</b>
Placed for adoption	<b>10 (3%)</b>
Placement with parents	<b>7 (2%)</b>
Residential (children's homes)	<b>21 (6%)</b>
Secure unit	<b>1 (0%)</b>
Semi-independent	<b>38 (19%)</b>
Youth Offender Institution*	<b>3 (0%)</b>
Family Centre or Mother & Baby Unit	<b>1(0%)</b>
Residential school	<b>0 (0%)</b>
Other	<b>2 (1%)</b>
<b>Total</b>	<b>371</b>

*\* Since December 2012 all young people remanded to custody automatically become looked after children (under the Legal Aid, Sentencing and Punishment of Offenders Act 2012).*

The vast majority of looked after children are in foster placements (78%). Hackney has a low number of children in residential placements (children's homes), with 21 children in residential placements at 31<sup>st</sup> March 2017. There has however been an increase in the number of children in residential placement compared to last year, with 21 children in residential placements at 31<sup>st</sup> March 2017, compared to 13 children at 31<sup>st</sup> March 2016

The use of residential placements is linked to the number of older young people coming into care, some with very concerning behaviour who struggle to adapt to living in an alternative family environment and for whom it is very difficult to find the right accommodation. Hackney has fewer young people in residential care than the national average due to a conscious decision to only use residential care where we cannot offer a placement in a family setting. There are no children's homes in Hackney therefore any residential placements used will be outside of the borough and carefully matched to a young person's needs. Where a residential placement is considered the 'best fit' for a young person, the service aims to move them on as soon as possible through careful care planning with a long term ambition for family life (at home or within a foster placement). The use of residential placements is continually monitored, which includes regular visiting, and scrutinised by senior managers within the service.

One young person was placed in secure accommodation on welfare grounds during 2016/17. The young person was very vulnerable to sexual exploitation and was placed in secure accommodation for their own safety and to reduce the risk of them absconding. During this time the Service was carefully planning the young person's next placement to match their needs. The Service continues to evaluate the effectiveness of using secure accommodation.

## Placement costs

### Average weekly marginal cost of selected placement types as at 31 March 2017

Placement type	Average weekly cost as at 31 March 2017
In-house foster placements	£436
Independent Fostering Agency (IFA) placements	£886
Residential placements	£3,554
Secure welfare placements	£5,310

The table above shows the difference in the average weekly costs in payments for in-house foster placements (excluding Fostering Service staffing costs), Independent Fostering Agency placements and residential placements.

There was a slight reduction in the volume and total cost of Independent Fostering Agency placements and in-house foster care in 2016/17 compared to 2015/16.

There has also been an increase in cost of semi-independent under 18 and over 18 placements, although the numbers have remained steady for under 18 and slightly decreased for over 18 between 2015-16 and 2016-17. The impact of these and other changes are indicated in the tables below.

### Comparative analysis of actual spend in the 2015/16 and 2016/17 financial years

Looked After Children	2015/16		2016/17 Outturn		Difference	
	Final Volume	Final Outturn (£)	Final Volume	Final Outturn (£)	Volume	Outturn (£)
In-house Foster Care	72	1,639,553	72	1,541,460	0	-98,093
Independent Foster Carers	156	6,966,295	151	6,865,545	-5	-100,750
Family & Friends	27	512,224	30	533,765	3	21,541
Residential Care Placements	10	2,178,980	20	3,660,697	10	1,481,717
Semi Independent (<18)	24	956,714	24	1,009,312	0	52,598

<b>Permanency</b>	<b>2015/16</b>		<b>2016/17</b>		<b>Difference</b>	
<b>Placement activity</b>	<b>Final Volume</b>	<b>Final Outturn (£)</b>	<b>Final Volume</b>	<b>Final Outturn (£)</b>	<b>Volume</b>	<b>Outturn (£)</b>
Adoption Allowances	132.16	1,139,760	126	1,097,862	-6.16	-41,898
Residence Order Allowances	73.95	274,250	72	309,608	-1.95	35,358
Special Guardianship Allowance	170.73	1,489,635	190	1,446,394	19.27	-43,241

<b>Leaving Care</b>	<b>2015/16</b>		<b>2016/17</b>		<b>Difference</b>	
<b>Placement activity</b>	<b>Final Volume</b>	<b>Final Outturn (£)</b>	<b>Final Volume</b>	<b>Final Outturn (£)</b>	<b>Volume</b>	<b>Outturn (£)</b>
Semi Independent (18+)	53	1,187,405	47	1,434,179	-6	246,774
Staying Put	16	249,388	20	309,812	4	60,424
Overstayers	16	290,491	22	419,235	6	128,744

### Foster carer recruitment

Recruitment of foster carers continues to be a priority for Children's Social Care and the foster carer recruitment and retention strategy is steering an ongoing drive to increase the number of in-house foster carers available to provide care for Hackney's looked after children. A priority within this is ensuring rigorous assessment of foster carers and a strong training offer for foster carers including access to social pedagogy training.

The foster carer recruitment and retention strategy's deliverables are monitored monthly by the Sufficiency Strategy Board.

In 2016/17, the Service recruited 18 new mainstream in-house foster carer households against a target of 20. This is an increase on the 11 new mainstream in-house foster carer households recruited in 2015/16. 5 'connected person' carers (a family member or friend with a prior connection to the child) were approved by Hackney in 2016/17.

The number of resignations and terminations of mainstream in-house foster carers was low, with only 8 during 2016/17 compared to 15 during 2015/16.

Foster carer recruitment and retention continues to be regularly monitored by the Corporate Parenting Board.

## Additional support for looked after children

### *Independent visitors*

An independent visitors service is available to Hackney looked after children, whether they are placed in Hackney or outside of the borough. The service is provided by Action for Children and there were 30 children matched to visitors at the end of March 2017. There are currently 9 children waiting to be matched to an independent visitor, however there are a number of approved volunteers ready to be allocated, so it is anticipated that children will not be waiting for an extended period.

The independent visitor service recruits volunteers who befriend, support and advise looked after children and young people. A careful matching process takes place to understand the interests of the young people and the independent visitor - they may share a hobby, sport or interest. The project provides induction, training, support groups and supervision for the volunteers. A monthly drop-in session is held at the Hackney Service Centre for staff to discuss referrals or share information with the Referral Coordinator from Action for Children.

Social workers refer young people to the service when they think a young person would benefit from developing a supportive relationship with an independent person. The service is explained to young people and the young person makes the final decision about whether they would like to be matched with an independent visitor.

Independent visitors have contact with a young person at least once a month including telephone calls, text message conversations and taking part in fun activities. Many of the young people currently matched with an independent visitor are teenagers. Most matches last a few years and usually come to a natural end point as young people get older and lead more independent lives themselves. Some of the relationships with independent visitors that the current group of young people have developed will continue after these young people have turned 18 by agreement.

### *Clinical services*

Hackney's in-house Clinical Service provides specialist Child and Adolescent Mental Health Services (CAMHS) support to looked after children and care leavers.

The Clinical Service undertakes specialist assessments of parenting, child mental health, attachment relationships, autistic spectrum conditions, ADHD, self-harm, problem sexualised behaviour, learning and neuro-developmental difficulties, and trauma. A significant number of these assessments were completed as expert psychological assessments for the Family Courts. These assessments support social work assessments of need and risk and interventions. Further information about the Clinical Service can be found on page 21.

Since April 2008 all local authorities in England have been required to provide information on the emotional and behavioural health of children and young people in their care. Data is collected through a Strengths and Difficulties Questionnaire (SDQ). The SDQ is a brief behavioural screening questionnaire about 3-16 year olds. A

summary figure for each child (the total difficulties score) is submitted to the Department for Education (DfE) annually.

The average SDQ score for Hackney’s looked after children in 2016/17 was 15. This is slightly above the national average score for looked after children of 14 for 2015/16. The scoring range is between 0-40. On an individual basis a score of 13 or below is normal and 17 and above is a cause of concern (14 -16 is borderline). Every child whose SDQ score was of concern has received additional support from the Clinical Service.

## Adoption

### *Children placed for adoption*

In 2016/17 a total of 19 Hackney children were adopted; an increase from the 16 children adopted in 2015/16.

**Number (and percentage) of looked after children who ceased to be looked after who were adopted**

	2014/15	2015/16	2016/17
<b>Hackney</b>	<b>10 (6%)</b>	<b>15 (8%)</b>	<b>19 (9%)</b>
Statistical neighbour average	20 (9%)	19 (9%)	Not yet published

**Note** *The table above includes data published by the Department for Education. Numbers have been rounded to the nearest 5 (excluding 2017 figures).*

Of the 19 children adopted in Hackney last year, 8 were boys and 11 were girls. An age breakdown is included below of the children’s age at the time of the Adoption Order being granted (this will be different from the age when the children were placed with their adopters). Hackney has increased the number of children being adopted over the past three years, even considering that children entering care in Hackney are older than the national profile, with more complex needs (see page 25), and the judiciary continue to show reluctance in granting Adoption Orders, preferring to keep children within their families.

**Age breakdown of children’s age at the time of the Adoption Order being granted (2016/17)**

Age (in years)	Number of children
1	10
2	1
3	1
4	2
5	3
6	1
7	1
<b>Total</b>	<b>19</b>

As at 31<sup>st</sup> March 2017, 16 children were placed with their adoptive family but an Adoption Order had not yet been granted (please refer to appendix 4 for further

information). A further 20 children had a formal plan for adoption but had not yet been placed with an adoptive family.

As at 31<sup>st</sup> March 2017, there were 10 children in adoptive placements. 5 had Adoption Order applications before the court and 4 had been placed within the last few months and therefore an application for an Adoption Order could not be made as the child must be placed for 10 weeks with an adoptive family before this can happen. 1 child was placed in September 2016 and the family are receiving additional clinical support prior to submitting their application.

During 2016/17, the children who have been adopted have generally been placed quickly with adopters, with most children waiting on average 4 months from the time the Placement Order (please refer to appendix 4) has been granted to the date they moved in with their adoptive families. For one sibling group of 4 children and one child with complex health needs, finding families to meet their needs took longer, but these children have now been successfully placed with their adoptive families.

### *Recruiting adopters*

6 adopters were approved in 2016/17. As at 31<sup>st</sup> March 2017, 8 Hackney adoptive families who were previously approved by the Adoption Panel have had Adoption Orders granted for their children. 3 adoptive families are currently being assessed at Stage 1, and 2 at Stage 2 of the adoption assessment process. 4 adoptive families who have children placed with them are being supported and there are 5 adoptive families who are approved but do not yet have children placed with them. These families are actively 'family finding'. All other families currently being supported by the Adoption Unit have either had children placed with them or are linked to children and are waiting for the placement to be approved.

Since November 2013 Hackney has been a member of the North London Adoption and Fostering Consortium (Barnet, Camden, Enfield, Hackney, Haringey and Islington). The consortium benefits from joint recruitment of adopters with increased capacity for targeted recruitment for specific children, centralised training for staff, adopters and foster carers and joint commissioning of services which is effective and provides financial savings for all boroughs.

Recruiting the right adopters for children remains a challenge for all local authorities and the situation in Hackney is no different. Considerable efforts have been made to attract prospective adopters to Hackney through advertising/marketing, increased activity through the consortium, and building partnerships with private organisations. Our profiles of children are well-designed, up to date and use good quality DVDs. Responses to requests for information about children are made in a timely way, and the matching process is reviewed to be the most effective for each individual child.

Support for adoption is commissioned by the consortium and is easily accessible to adopters, diverse in what is on offer, and provides comprehensive services to families whenever they may need it.



### *Adoption support*

The Post-Permanency team provides support to adoptive parents, their children and birth family members in a variety of ways, for up to three years post-Adoption Order. Following this, the duty to provide support is the responsibility of the local authority where the child resides. This support includes: supporting birth families to remain in touch where this is in the best interests of the child; ongoing therapeutic support; financial reviews in regard to adoption allowances; intervention to prevent the disruption of an adoption; a support phone line; Adoption Support Reviews three years after an Adoption Order has been granted; life story work with children; support to adopted adults to access their records and intermediary services with birth families and adopted adults. The Service also commissions support with Consortium partners in the form of therapeutic services, training, and education support to families. Support is also provided to adoptive families through the Post Adoption Centre. This support includes helplines, counselling, independent support groups, training and outreach centres.

### *Regionalisation of adoption services*

Detailed proposals are being developed for the regionalisation of adoption services in London. As at August 2017, 26 London local authorities have formally committed to participate in a regionalised service; most of the remaining authorities are considering partnerships with neighbouring authorities outside of London. The regional adoption agency will be responsible for the recruitment and preparation of prospective adopters together with the provision of post-adoption support. It is envisaged that the regional arrangements will be in place by 2019.

### *Special Guardianship Order support*

The Post-Permanency team works with families who are caring for children under Special Guardianship Orders. During 2016/17, 15 children and young people became subject to Special Guardianship Orders, the same number as last year. A Special Guardianship Order (SGO) means that while parental responsibility remains with the parents, a carer (including foster carers) or relative can apply for the child to live with them, and make day to day decisions on behalf of the child.

The service works with all SGO cases for three years following an order being granted and provides support by: making SGO support payments; undertaking financial reviews until the child is 18; providing contact support; preparing carers for SGOs; establishing an SGO support group for families and training staff on SGOs and support plans. The Post-Permanency team is working with Consortium partners to provide training for families with an SGO. The Adoption Support Fund includes SGO applications. The Post-Permanency team and The Tavistock and Portman NHS Foundation Trust have developed an intervention programme named Video Intervention, Positive Parenting, which will support SGO and adoptive parents in the early stages of placement.

*'I personally want to take this time to thank you all for the support, encouragement and training you have given myself to support and care for [my child] throughout the past two years.'*

*Thank you from a Special Guardian to the Post Permanency team*

### *The Therapeutic Life Story Project*

Life story work is important for adopted children and those who will become adopted, to help them and their families understand their history, including how they came to be in care. It can be used as a therapeutic tool for those families with a high level of need.

A Therapeutic Life Story Project in Hackney has been funded through £150,000 from the Government Adoption Support Fund. This was granted in order to provide training to adopters; produce life story books for adopted children whose book needed updating or creating; and in cases with a high level of need, offering direct therapeutic intervention for adoptive families.

Adoption Plus, a specialist adoption support organisation, was commissioned to run the project with Hackney Post Permanency and Adoption Services. The project focused on training parents, providing a new life story book completed by a social worker from Hackney with regular consultation provided by Adoption Plus and direct therapeutic work led by one of two specialist life story practitioners from Adoption Plus.

### Leaving Care Service

The Leaving Care Service ensures that young people are supported to develop independent living skills, offered career advice and training and educational opportunities, and supported to reach their full potential in all aspects of their life. This can make the difference between achieving independence and requiring long-term help. The local authority keeps in touch with care leavers until they are aged 21, or to the age of 25 if they are engaged in a full-time course of education. The July 2016 Ofsted SIF inspection found that *'the support that care leavers receive is outstanding'*.

265 care leavers aged 17-21 were being supported by the Leaving Care Service, as at March 2017, a 6% increase compared to 250 at the same point in March 2016.

64 care leavers aged over 21 years were being supported at the end of March 2017. This is slightly lower than the end of March 2016 when 66 care leavers aged over 21 years were being supported by the Leaving Care Services.

Housing is a significant issue for care leavers and the Leaving Care Service has been active in a number of areas to ensure young people are accommodated in suitable provision, with an established working group to ensure that Hackney continues to provide excellent support for young people as they transition to independence. This group includes membership from other services across the Council as well as partner agencies such as the Housing Service, Job Centre Plus, health, Hackney Learning Trust, Probation and Young Hackney. The working group delivers a number of

initiatives to benefit young people across a range of issues they need most support with, such as housing, probation and benefits. The Setting-Up Home Allowance of £2,000 helps young people purchase required items for their permanent home, including white goods and furniture.

The percentage of care leavers aged 19-21 who were in suitable accommodation in 2016/17 was 75%, a decrease from 80% last year and lower than the statistical neighbour and national averages, both of which were at 83% for 2015/16.

### *Staying Put arrangements*

The Children and Families Act 2014 introduced a new duty on local authorities in England to facilitate, monitor and support staying put arrangements for fostered young people until they reach the age of 21, where this is what they and their foster carers want, unless the local authority considers that the staying put arrangement is not consistent with the welfare of the young person. Hackney has offered the option of staying put arrangements to young people up to age 21 for a number of years.

As at 31<sup>st</sup> March 2017, 17 young people were living in Staying Put arrangements, compared to 27 young people at the end of March 2016.

### *Permanent social housing*

Each year the Leaving Care Service is provided with a quota of permanent housing stock which young people are able to bid for. Care leavers are nominated for a tenancy as they become ready, being offered a probationary tenancy for 1 year. Care leavers are offered support sessions in Young Hackney hubs to manage the transition to independent living, with Housing Service representatives on hand to guide them through housing processes. It is possible that the quota for Council housing tenancies for care leavers may reduce in future years due to the lack of available social housing stock in Hackney. The Children and Families Service are currently working with the Council's Housing Service to ensure that housing for care leavers is prioritised within any future changes.

## **Young Hackney**

Young Hackney is the Council's early help, prevention and diversion service for children and young people aged 6-19 years old and up to 25 years if the young person has a special education need or disability. The service works with young people to support their development and transition to adulthood by intervening early to address adolescent risk, develop pro-social behaviours and build resilience. The service also encompasses Troubled Families and the Youth Justice Service (see page 56).

While the service is open and universal in terms of youth hub activities and participation, there are priority groups that the service places an emphasis on engaging, including:

- Those displaying persistent disruptive behaviour
- Those at risk of disengaging from learning or who are at risk of exclusion from school

- Young people not in education, training or employment (NEET)
- Young people who offend, are at risk of offending or who are victims or perpetrators of violence
- Those who display harmful sexual behaviour or who are at risk of sexual exploitation
- Those whose physical or emotional health and wellbeing are at risk
- Those missing from home or education
- Looked after children and care leavers
- Young people with additional needs
- Young carers
- Culturally-specific groups (Young Hackney also commissions culturally specific work, for example from Interlink, North London Muslim Community Centre and London Gypsy and Traveller Unit)

Young Hackney's approach to early help is based on a systemic understanding of the key relationships in a child or young person's life and, in particular, the critical influence of peers and family members. The service offers outcome-focused, time-limited interventions through universal plus and targeted services designed to reduce or prevent problems from escalating or becoming entrenched and then requiring intervention by Children's Social Care. Children and young people are also encouraged to engage with universal opportunities through Young Hackney's network of youth hubs and commissioned projects. This allows them to join a range of peer groups engaged in positive activities and allows staff to monitor progress and sustain support. Young Hackney's approach of early help in the context of youth work has been commended by Ofsted and Partnership for Young London. Young Hackney is also contributing to the Council-wide work on improving outcomes for young black men, focusing on how to raise aspirations through youth work and work-related learning.

*'I also want to mention what a change myself and [my colleague] have noticed in James since his weekly meetings with [...] Young Hackney. He is much more focused and is dealing with his emotions in a mature manner which is also having a positive impact on his work. Furthermore, there have been situations where I have expected him to answer back, be rude and get himself into trouble but he has surprised me, stayed calm and dealt with them sensibly. Thank you again, it really does make a big difference.'*

***Feedback from a school about Young Hackney***

### *Universal services*

Universal provision is delivered through Young Hackney's youth hubs where a range of activities take place such as group work, cooking classes, boxing, wheelchair basketball and sessions specific to Juniors and Seniors. Staff at the youth hubs offer structured activities to aid children and young people's social and emotional development and help develop their decision-making and critical-thinking skills. Two of the youth hubs are managed by Young Hackney (Forest Road and The Edge) and

three are commissioned to the community and voluntary sector (Hoxton Hall, Stoke Newington and Concorde). Positive activities are also delivered through adventure playgrounds and community sector youth clubs. All children and young people are able to access Young Hackney's universal services regardless of their needs.

During 2016/17, there were 68,599 attendances by named children and young people aged 6-19 years recorded at the 5 Young Hackney Hubs, a 17% increase compared to 58,656 for 2015/16. There were 149,527 attendances by named children and young people aged 6-19 years during 2016/17 at the wider youth provision delivered through Young Hackney and commissioned services for young people. This is a 24% increase compared to 2015/16 when there were 120,503 attendances by named children and young people.

#### *Adventure playgrounds and play streets*

Adventure playgrounds are spaces dedicated solely to children's play with activities that explore the physical environment such as digging, making fires, building and demolishing dens; activities not usually provided in other settings where children play. There are a total of 5 adventure playgrounds in Hackney which are open all year and attended by young people aged 6 to 15. In 2016/17, there were 19,255 attendances from children and young people at Hackney Marsh and Shoreditch adventure playgrounds.

#### *Youth and school sports*

Government statistics report that almost 15% of children in Hackney are obese compared to the national average of 9%, demonstrating the need for sport based activities in the borough. The Youth and School Sports Unit was set up in 2013 to serve as a legacy of the 2012 London Olympic and Paralympic Games and provides sport participation opportunities that would be rare for young people to participate in otherwise. There are a number of different curriculum based programmes for 6-19 year olds including primary school sports and holiday programmes, after school sports participation and leadership and ambassador programmes. There is a focus on inclusive, and non-traditional Olympic and Paralympic sports and the unit delivers and manages sports sessions all over the borough based on the needs of young people.

The impact of the Youth and School Sports Unit has been significant in engaging children and young people in the borough, providing them with activities, competitions and volunteering and leadership opportunities. In 2016/17, 9,033 attendances by children and young people were recorded. There are significantly more young people participating but these are not yet reflected in figures due to the nature of delivery and accessibility of schools data; this reporting mechanism is currently being developed. The Council's Public Health service has also commissioned the Unit to deliver all health and sport related work with children and young people, such as the Health Heroes and Personal Best programmes which focus on healthy eating and encouraging the least active students to exercise

### *Individual Support - Universal Plus and Targeted Support*

Where young people are experiencing some emerging challenges and are at risk of not reaching their full potential, a Universal Plus service is provided. This is a time limited one-to-one, school based or targeted group based intervention that involves working with the young person and their low level additional needs. Targeted support is offered to children and young people who are demonstrating significant needs which may be persistent, serious and/or complex in nature. These needs may affect their ability to achieve and reach their full potential. At any one time, Young Hackney work with approximately 300-350 young people through the Early Help team providing tailored individual support. In 2016/17, there were 786 attendances across secondary schools and alternative education providers in Hackney. The most common presenting issues include:

- Risk of sexual exploitation
- Behaviour, attendance and truanting
- Risk of offending
- Risk of becoming not in education, employment or training (NEET)
- Different cultural expectations within the family

*Sayid was referred to Young Hackney from the Children and Young People's Partnership Panel after coming to the attention of the Police as part of a group linked to mobile phone theft. Sayid's school noted that Sayid was intelligent, but his attendance was very low. Young Hackney were asked to work with Sayid to divert his from the risk of offending and increase his attendance at school.*

*Sayid was allocated a Young Hackney Worker, who met with the whole family. Sayid's family were open to support, and at the first visit by the worker explained that Sayid was staying out late, not contacting his parents and his father in particular found it very difficult that Sayid was not attending school regularly. Sayid was reluctant to engage with his worker who noted that Sayid was a good footballer. The worker initially tried to undertake fitness sessions with Sayid as well as look into football opportunities to build a rapport between them.*

*The intervention plan focussed on keeping Sayid safe and increasing his school attendance. Sayid's school decided that a new start might help reframe his experiences and arranged a placement at the Boxing Academy. This placement worked very well, Sayid was very motivated by sports and the opportunity to play football. Sayid was also very academic and through his regular attendance at school, was able to catch up with GCSE's. Through the Boxing Academy the Young Hackney Worker was able to gain Sayid's trust and met him for community based sessions, working to keep himself safe and stay away from gang associated young people.*

*The intervention plan then shifted to focus on his future and his relationship with his parents. The worker carried out careers sessions with Sayid to support his ambition to become a football player, but also supported him to understand his academic potential. Sayid responded positively to these sessions and has since completed college applications.*

*The worker was also able to reflect with Sayid on his relationship with his parents. The worker suggested Sayid learned about the country where his parents grew up, as well as cultural and language differences. These sessions allowed Sayid to understand his parents' journey to the UK and their efforts to work and provide for him. From this work Sayid has a deeper respect for his parents and a better understanding of their expectations. This work*

*coupled with Sayid's positive behaviour reports from school have contributed to a much calmer and happier home environment. Sayid completed his GCSEs and received an offer from a Football Club to attend their BTEC sports course.*

### *Prevention and diversion*

Prevention and diversion takes place at the point when a young person enters police custody following arrest for a low level crime for the first time. It seeks to use police custody areas as a 'gateway' whereby young people can be rapidly assessed to ensure that they are dealt with swiftly and effectively and the police can agree to deal with the matter outside of court. Prevention and diversion interventions are delivered as a 6-week intensive one-to-one programme focusing on restorative justice, knives and weapons awareness, substance misuse awareness and crime prevention. The team also manage orders such as Youth Cautions and Youth Conditional Cautions. In 2016/17, the team supported young people through 192 out of court disposals compared to 171 in 2015/16.

### *Reparation*

Reparation is an important component of Young Hackney delivery for the prevention and diversion of youth crime, combining elements of payback to the community and to the individual victims of crime, with opportunities for young people to develop new skills that will help them understand the consequences of their actions, develop their moral reasoning and desist from criminal behaviour. Where victims do not wish to be involved in the process, Young Hackney facilitates young people to carry out activities that are beneficial to the local community.

### *Substance Misuse Team*

The Substance Misuse Team supports children and young people aged 6-25 years, both those who are directly affected by substance misuse, or affected through their parent's misuse. The team raises awareness about the dangers of substance misuse and drug dealing and develops targeted support plans for young people. Interventions take a tailored and holistic approach that builds young people's resilience and addresses issues of family and relationships, finances, education and housing, while liaising with other services and partners as necessary. Over 2016/17, the Team worked with 216 people on a targeted basis and delivered outreach sessions that attracted 3,199 anonymous attendees.

### *Health and Wellbeing Team*

In October 2016, Young Hackney set up a Health and Wellbeing Team to deliver a holistic, child-centred, prevention-focused health and wellbeing education service. The service aims to build the knowledge, self-esteem and resilience of all children and young people in Hackney and the City of London aged 5-19 years, and up to 25 years for those with additional needs, to enable them to lead healthier and safer lives both now and in the future. The team provides a universal and targeted service, delivering advice and information; signposting; health promotion and awareness raising; and health education.

The Health and Wellbeing Team supports the Council in relation to statutory duties to provide sexual health services by delivering a comprehensive Sex and Relationships Education (SRE) offer for young people.

There were 1,031 attendances by named individuals and 3,065 anonymous attendances at the outreach education sessions delivered by the Health and Wellbeing Team in 2016/17.

### *Participation*

Co-production is valued strongly in Young Hackney as a means to achieve a child-centred and focussed provision. Opportunities are sought to support young people to become directly involved in service review and delivery as inspectors, peer educators, peer mentors, recruitment panellists, volunteering or through establishment of their own social enterprises. Engagement of young people at a local level is driven through the Hackney Youth Parliament, Hackney Gets Heard (Hackney's Children in Care Council), Youth Forums, Youth Opportunity Fund (YOF) Panels and youth-led inspections and can be facilitated at any level (universal, universal plus, targeted support). These opportunities are the platform for young people to be involved in decision making and social action locally, regionally and nationally, for example through the UK Youth Parliament and National Citizen Service.

### *Work related learning and accreditation*

Work related learning broadens young people's perception of the options open to them after they leave school or college. Staff provide workshops, events and individual support to enable young people to explore potential routes to employment and develop additional skills that will help them in the job market. Many programmes link to accreditation, leadership or volunteering opportunities, which help young people develop a greater sense of purpose, belonging and self-worth. Young Hackney participated in the Hackney 100 scheme, offering work experience and apprenticeships to young people in the field of communications, youth work and business operations. Young Hackney continue to offer apprenticeships to young people as a means to advance their skills and support entry to working life.

Through Young Hackney, young people also gain qualifications through Award Scheme Development and Accreditation Network (ASDAN) courses, National Governing Bodies (NGB) sports awards or the Duke of Edinburgh award scheme.

The Young Hackney volunteer programme was launched in June 2016 and as at the end of March 2017, 61 volunteers have supported one-off events organised by Young Hackney, and there were 6 volunteers working across Young Hackney teams.

At the end of March 2017, Young Hackney offered 3 students from London Metropolitan University placements as part of their BA in Youth Studies. 8 young people aged 14-16 completed 2 weeks of work experience with Young Hackney and Young Hackney have successfully trained 5 apprenticeships in Youth Work (level 3) as part of the Hackney apprenticeship scheme.



### *School support*

Young Hackney works closely with schools to support the delivery of the core Personal, Social and Health Education (PSHE) programme as well as to support behaviour management interventions. A curriculum has been developed that is delivered in schools and focuses on topics such as healthy relationships, substance misuse, e-safety and youth participation and citizenship. The majority of secondary schools in Hackney have an allocated Young Hackney team who will work with them to identify students who require additional support to participate and achieve. If schools identify students who would benefit from individual support, Young Hackney will create an appropriate intervention with the school.

### *Family Units and the Troubled Families programme*

On 5<sup>th</sup> October 2015 the remodelled Family Support Service became operational. The Units are primarily social work led delivering targeted support to families in need of additional and/or intensive support, including those identified as 'Troubled Families'.

At the end of 2016, the Multi-Agency Support Team (MAST) was launched to deliver support to families under the Hackney Troubled Families programme. MAST offers support to families for 6 months on a voluntary basis, with a tailored support package to help families with health services, learning services, parenting support, relationship services, and employment. MAST is staffed by multi-agency specialists from Family Support, probation, primary health, adult mental health and adult substance misuse services

In September 2015 Hackney joined the Expanded Troubled Families Programme which requires Hackney to identify, work with and turnaround 3,720 (reduced to 3,510 in May 2015) families meeting a minimum of two of six headline criteria:

- Parents and children involved anti-social behaviour
- Adults out of work or at risk of financial exclusion or young people at risk of worklessness
- Children who are not attending school regularly
- Children who need help: children of all ages, who need help, are identified as in need or are subject to a Child Protection Plan
- Families affected by domestic violence and abuse
- Parents and children with a range of health problems

Hackney agreed to work with 1,896 families in year 1 and 2 (September 2015-March 2017), and has met this target. This leaves 1,614 families to be worked with until the programme concludes in March 2020.

The multi-agency Troubled Families Steering Group meets quarterly and has overseen a number of service developments including the Troubled Families Outcomes Plan which sets out the measurement of significant and sustained progress against met criteria, service transformation and data sharing.

## *Domestic violence*

From April 2017, the Domestic Abuse Intervention Service (DAIS) joined the Children and Families Service as part of the Early Help and Prevention Service. DAIS works with anyone experiencing domestic abuse who is living in Hackney, aged 16 or over, of any sex and gender, and of any sexual orientation. The service assesses need; provides information and support on legal and housing rights; supports service users with court attendance; supports service users to obtain legal protection; and works with service users and other professionals to address their needs. The service also works with perpetrators of domestic abuse to try to reduce risk. Information about the DAIS will be included in future reports.

## **Youth Justice Service**

The Youth Justice Service works with all young people in Hackney who are arrested or convicted of crimes and undertakes youth justice work including bail and remand supervision and supervising young people who have been given community or custodial sentences. The Service covers all aspects of post-court youth justice processes, from bail supervision to life licence supervision and all statutory orders in between, and young people are supported by a multi-agency team including a Forensic Psychologist, the Virtual School, Speech and Language Therapists, the Police, a Nurse, Probation Services, a Substance Misuse Worker and a Dealing Officer. A focus on crime prevention and diversion activities throughout the year, alongside the extensive Young Hackney and community based provision offer, has helped to divert young people before they enter the youth justice system and has helped to keep the rate of first time entrants (FTE) per 100,000 young people below the rates seen by our comparator London YOTs.

The number of young people entering the youth justice system for the first time in Hackney has increased from 103 young people in 2015/16 to 114 in 2016/17. There is a growth in crime across London, and a growth of FTEs in younger teenagers aged 13-15, and this is also reflected in the rise experienced in Hackney. There has been a rise in offences including weapon carrying and more parents are using the police to respond to domestic incidents.

Overall, Hackney has a relatively low proportion of 10-18 year olds involved in the youth justice system, and a low number of remands and custodial sentences. The number of young people re-offending in Hackney within a 12 month period has fallen over the last year, from 75 at the end of March 2016 to 68 at the end of March 2017 cohort. Similarly, the number of re-offences per offender has decreased compared to last year. However the number of re-offences per reoffender is slightly higher at the end of March 2017 at 3.1, compared to 3.0 at the end of March 2016; this is due to a small number of young people with complex problems who reoffend more frequently.

The use of custodial sentences has decreased in 2016/17 with only 6.6% of all sentences being custodial in 2016/17, compared to 10.3% in 2015/16. This can be attributed to young people at risk of custody being provided with robust community sentence proposals and extended curfews. This has increased the confidence of the court that the Hackney Youth Justice Service can offer effective alternatives to a custodial sentence.

Education can be a strong protective factor for young people at risk of offending. The Youth Justice Service has a strong focus on securing access to education, training and employment and is supported the Virtual School. At the end of March 2017, 94.7% of young offenders were attending and engaging in full time education, training or employment.

The Youth Justice Service Book club began in September 2016, and is a simple, low-cost project that aims to enrich the daily experiences of children and young people in custody, offering an alternative form of engagement. Initially available to young people aged 12-17 held in an institution whilst on remand or whilst serving a custodial sentence, at any one time, up to 15 young people in Hackney fall within this criteria and all have engaged with the Book Club. The young people read more than they had previously and share the material with other inmates. The club has now begun to expand to children who are supervised in the community, extending the reach of the club to 140 young people.

### **The Disabled Children Service**

The Disabled Children Service (DCS) is part of the Special Educational Needs and Disability (SEND) service within Hackney Learning Trust. It operates a social model of disability in offering assessment and intervention in line with the Children Act to families who are experiencing crises due to the disability of their child and or social isolation as a result of their child’s disability in accessing universal or targeted services. All referrals for an assessment from DCS are made through the First Access Screening Team (see page 11).

At the end of March 2017, the service was working with 248 children and young people. This is an increase compared to March 2016 when the service was working with 233 children and young people.

The following tables show breakdowns by age group and type of disability for the 248 children that were open to the service at the end of 2016/17. Of the 248 children, 173 were male and 75 were female.

#### **Age and disability breakdown for cases open to the Disabled Children Service, as at 31 March 2017**

<b>Age</b>	<b>Number of children</b>
5 or under	29
6 - 8	44
9-11	40
12-14	58
15+	77
<b>Total</b>	<b>248</b>

<b>Type of disability</b>	<b>Number of children</b>
Physical disability	137
Learning disability	55
Both learning and physical disability	41
Down’s syndrome	15
<b>Total</b>	<b>248</b>

### *Personalised budgets*

Personalisation remains a cornerstone in providing service users with choice and control over their lives, particularly in how their needs are met within the DCS, as many families want more control over their lives and the opportunity to choose their own provision to meet family circumstances when it best suits them.

The Children and Family Act 2014 advocates the use of personal budgets, so that disabled children, young people and their carers are supported to be able to plan and spend their budget as they choose. The service uses a Resource Allocation System (RAS) for first time entrants to the DCS to support with transparency in personal budgets and support planning. The aim is to use the RAS for all families at review stage once further training for staff has occurred.

#### ***Number of families choosing to use Direct Payments as personalised budgets to receive care through the Disabled Children Service***

	2014/15	2015/16	2016/17
<b>Number of families</b>	70	64	82

There has been an increase in Direct Payment allocation and usage this year compared to 2015/16, reflecting an increase in families who want more freedom to choose how to manage their care package.

The DCS works closely with the Children's Community Nursing Team (CCNT) from Homerton University Hospital and many of their Personal Health Budgets are joint-funded with the DCS. There were 23 CCNT packages in place at the end of March 2017.

### *Short breaks*

Short breaks are defined as any service or activity outside of school hours which gives the family of a disabled child or young person a break from their caring responsibilities, and gives the disabled child or young person an enjoyable experience. Eligible provision therefore includes both targeted and specialist provision and mainstream activities outside school hours, for example holiday play schemes, after school clubs or one to one outreach support. There are currently seven commissioned short break providers in Hackney, including providers offering support specifically within the Orthodox Jewish community.

Although there has been a year on year increase in the uptake of Short Breaks in Hackney as shown in the table below, further analysis of the data for 2016/17 shows that not all families who have been assigned to a provision are actually accessing and using this provision. In 2016/17, of 1,193 young people known to Short Breaks, 769 were accessing provision. Letters have been sent to families who are not using provision to understand the reasons for this and prompt those families who have not selected provision to do so.

	2014/15	2015/16	2016/17
<b>Number of young people accessing Short Breaks provision</b>	840	1,081	1,193

There has been increased demand for Individual Budgets, as families opt to receive a personalised budget direct from the Council to purchase provision to suit their family situation. More than half of the families currently receive funding through the Individual Budgets programme in Hackney. This is a cash value amount for families to buy their own provision which they record in a receipt book for audit purposes. Families use the Short Breaks website and a list of providers that other families have used to help get ideas and decide how to spend their budgets. Families have used Individual Budgets to tailor activities to their child including: driving lessons, swimming sessions, music lessons, visiting Legoland, drama clubs, dancing lessons as well as paying for a carer.

### *Transition*

During 2016-17, 18 young people transitioned from children's to adult's services as they reached the age of 18. Work is underway to strengthen transitions processes to ensure that joint planning is effectively managed.

If a young person is not likely to be eligible for support from Adult Services then the Disabled Children Service will link the family with transition health services to provide other support.

### **Private Fostering update**

A child under the age of 16 (under 18, if disabled) who is cared for, or proposed to be cared for, and provided with accommodation by someone other than a parent, person with parental responsibility or close relative for 28 days or more is described as being privately fostered. A private foster carer may be a friend of the family, the parent of a friend of the child or someone previously unknown to the child's family who is willing to privately foster a child. They may also be from extended family such as a cousin or great-aunt.

Local authorities do not approve private foster carers, but are required to assess and say whether or not they agree and accept a private fostering arrangement to ensure that the welfare of privately fostered children is being safeguarded and promoted. To fulfil this duty local authorities must take a pro-active approach in partnership with other agencies and other key professionals in raising public awareness of requirements regarding notifications of private fostering arrangements. The City & Hackney Safeguarding Children Board (CHSCB) also has a key role to play in awareness raising in relation to private fostering.

## Overview of activity 2015/16

As at the end of March 2017 there were 18 children in private fostering arrangements in Hackney. This is a decrease from the figure of 29 private fostering arrangements in March 2016.

Of the 18 children in private fostering arrangements, 7 were new arrangements which began in 2016/17.

**Total number of children in a private fostering arrangement between 1 April 2016 and 31 March 2017, by age**

Age (at 31 <sup>st</sup> March 2017)	Number of children
Under 1	0
1 – 4	0
5 - 9	7
10 - 15	10
16 and over	1
<b>Total</b>	<b>18</b>

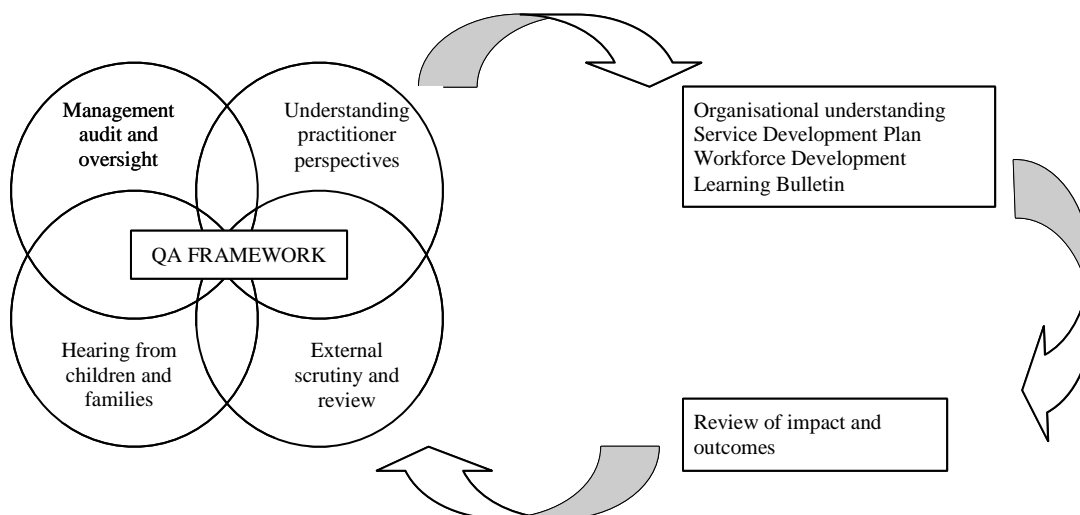
**Total number of children in a private fostering arrangement between 1 April 2016 and 31 March 2017, by place of birth**

Place of birth	Number of children
UK	5
Europe (other)	5
Africa	7
Asia	1
Middle East	0
Oceania	0
Canada and USA	0
Caribbean, Central and South America	0
Other	0
<b>Total</b>	<b>18</b>

Hackney's leaflets on private fostering for professionals, parents and carers and young people are distributed on a regular basis to relevant groups including schools, GPs, children's centres, faith groups, housing offices and libraries. Lunchtime seminars for the Children and Families Service staff on private fostering continue to take place on a regular basis, and multi-agency private fostering training events are organised through City and Hackney Safeguarding Children Board.

## Quality assurance framework

The Children and Families Service is a complex system and many tools are used to understand learning opportunities, themes and trends within the service to enable the service to continue to adapt and change to new demands. This ensures that we are a responsive and learning service.



The Safeguarding and Reviewing Team plays an important role in the quality assurance and improvement of all services within Children's Social Care. Further information on the activity of this team in 2016/17 is included in the separate Independent Reviewing Officer (IRO) annual report.

### Management and audit oversight

#### *2016/17 audit programme*

The audit programme for 2016/17 has continued with a regular programme of audits being completed by Service Managers and Heads of Service across the Children and Families Service, with a total of 677 audits completed during the year. There has also been an increased focus on themed audits completed within each service area. Trends identified are used to inform themes for future case review days and specific actions arising from audits are incorporated into the Children's and Families Service Development Plan to drive forward service improvement.

As part of our commitment to organisational learning in Hackney, regular case review days are held within Children's Social Care, (with one joint Children and Families Service case review day held annually, bringing together early help, social care and youth justice services) during which the senior management group reviews practice across a specific area of the service or in relation to a particular issue. The day also involves dialogue with practitioners about how we can transform learning into improvements to practice.

A case review day in September 2016 focussed on Unaccompanied Asylum Seeking Children (UASC). Reviewers found that assessments were thorough and care plans

were outcome-focussed and were reviewed regularly. It was noted that there was not a Personal Education Plan (PEP) on file for each young person. The PEP process was relaunched by the Virtual School in 2016-17 and the use of PEPs is being closely monitored, with significant improvement noted so far.

A case review day in January 2017 looked at placement stability. Reviewers found good examples of partnership working and good clinical support offered to the young people and their carers. Placement planning and placement stability meetings were highlighted as areas requiring improvement. The learning from this case review day has fed into the Placement Stability Strategy and action plan for 2017-18 to improve placement stability.

In March 2017, a case review day focused on youth violence, and involved managers and practitioners from across Children's Social Care, Young Hackney and Youth Justice. Reviewers found that assessments considered the needs of young people in relation to increased risk of or vulnerability to violence. In some cases it was found that interventions were having little effect on decreasing risks and vulnerability levels for these young people. Improvement actions have been agreed following this case review day and are being taken forward.

The audit programme for 2017/18 will continue with monthly audits and targeted themed audits as well as quarterly case review days and continued evaluation to ensure audits are effective for all staff across the service.

### **Hearing from children and families**

The views of children and families using our services are collected in a variety of ways and there are a number of mechanisms in place to ensure that children are supported to represent their views. In Spring 2016, Hackney's in-house advocacy support for children was strengthened through the development of new Children's Rights Service which offers advocacy, support to young people regarding complaints and independent return home interviews when a young person has gone missing. The Children's Rights Service focusses on ensuring children and young people get the support they need in having their voice heard and participating in the development and direction of the Children and Families Service.

*Kiara was referred to Hackney's Children's Rights Service for advocacy to initially support her to understand her Section 20 status (see page 27) and to support her to understand why her social work unit was applying for a full care order. Kiara's advocate aimed to involve her in her care planning and ensure that her wishes and feelings were being considered.*

*At the point of Kiara's initial advocacy session, she had just experienced a breakdown of her foster carer placement and was being cared for in a residential placement. Kiara spoke to her advocate about the sacrifices her mother had made to bring her up and about her feelings of loyalty to her mother. Kiara explained that she had been unable to settle into her previous foster placement as it felt to her like it would replace her mother and she did not want her mother to feel rejected.*

*The advocate worked with Kiara to help her articulate her needs, which were: to feel connected to her family; to feel safe; to engage in education and for her care plan to include overnight contact with her mother. Kiara was able to articulate this at her Looked After Child*



*review that took place a couple of weeks later. Kiara made impressive and significant contributions to her care plan, choosing to have less regular visits with her family, but having longer overnight stays during half term holidays.*

*Kiara's social work unit applied for a full care order and her advocate helped her to write a letter to the judge overseeing her case to express her wishes and feelings. Kiara felt that as a result of her advocacy she has been heard and has been better able to contribute to her care planning.*

### *Hackney Gets Heard – Hackney's Children in Care Council*

Hackney's Children in Care Council gives looked after children the opportunity to shape and influence the corporate parenting that they receive at every level. It gives young people the opportunity to have a say about the things that really matter in their lives, helping to shape the overall strategy for looked after children and young people in Hackney.

The young people involved in Hackney Gets Heard have a year-long work programme that includes a mixture of fun and interesting activities and opportunities to influence matters related to the care they receive. In January 2017, the Hackney Gets Heard Juniors group began for children aged 7-12 year, with older young people attending the Hackney Gets Heard Seniors. Since January 2017, the Juniors have attended activities including workshops around friendship, healthy eating, climbing, baking, and wheelchair basketball. Seniors have attended activities including sessions on budgeting, meal planning, healthy eating, healthy relationships, emotional well-being mental health, attended various trips such as to Breakin Escape Rooms and meals out. Hackney Gets Heard continue to look at ways to better include looked after children living outside of the borough in Hackney Gets Heard activities.

Hackney Gets Heard took part in the recruitment of a number of staff positions in the Children and Families Service as 'young people panels'; this will be developed and expanded over 2017/18. Young people have been involved in consultations with Public Health; consultations around the documentation for new Looked After Child reviews, and reviewing how Child Protection Conferences can be made more child-friendly, including suggesting that children's artwork should be displayed in rooms where conferences are held.

Members of Hackney Gets Heard have been consulted on the priorities of the Corporate Parenting Strategy 2016-19 which have been based on meeting the Hackney Promise to ensure it continues to reflect the views of children and young people. The next youth-led inspection will review Hackney's performance against the Corporate Parenting Strategy priorities and will take place in 2017/18.

### *Family Feedback*

The family feedback programme is being relaunched in the autumn of 2017 with the aim of providing a regular and embedded approach to seeking feedback from children, young people and families on their experiences of the Children and Families Service. Consultation will take place with Hackney Gets Heard and the Hackney Foster Carer Council as part of this.

## Workforce development

The provision of high quality services for families and the delivery of improved outcomes for children and young people can only be maintained and improved upon through the continued efforts of a committed and skilled workforce. The Children and Families Service is proud of the carefully recruited staff and culture of learning, negotiation and openness in which they work, but remains aware of the need to further cultivate and refine personnel and working practices, especially given the fast moving and ever changing social, statutory and financial environments in which we operate.

Hackney's model of social work intervention continues to develop and the role of Practice Development Manager (PDM) which was introduced in 2013/14 has now embedded well into the service, with a number of new appointments made in early 2017. The PDM role provides a progression to a higher grade for high performing Consultant Social Workers who are keen to develop their leadership and management skills. Within Children's Social Care we aim to 'grow our own' social care workforce, providing a clear progression route from Qualified Children's Practitioner, to Social Worker, to Consultant Social Worker and then on to Practice Development Manager if staff wish to progress within the organisation.

In February 2017, the Department for Education published data on the children's social work workforce as at 30<sup>th</sup> September 2016, and linked this with the Child In Need census data return as at March 2016 to provide an estimation of caseload per social worker.

### Department for Education published information on children's social work workforce

Table to show number of children in need per children's social worker

	2014	2015	2016
<b>Hackney</b>	<b>18</b>	<b>19</b>	<b>21</b>
Statistical neighbour average	17	16	14
London average	16	16	14
England average	16	15	16

The data published by the Department for Education estimates that Hackney had 21 children in need per children's social worker in 2016. This is higher than the statistical neighbour average of 14 and the national average of 16.

All cases are allocated to the Consultant Social Worker (CSW), or the Practice Development Manager (PDM) within the units. A traditional unit comprises of a CSW, Social Worker (SW), Qualified Children's Practitioner (QCP) and a Unit Coordinator (UC), however the unit sizes differ and change as our practitioners' skills develop or new challenges arise. Units also have access to experienced clinicians who provide additional perspectives.

Within Hackney, children's social workers have access to a wide range of in-house services to support them by undertaking direct work with children and families. These include the Virtual School, Parenting Support, Clinicians and the Family Learning and

Intervention Programme (FLIP). This needs to be taken into consideration when comparing the number of cases per social worker with statistical neighbours and nationally, as where caseloads appear higher, the social worker is undertaking direct work with children and families in conjunction with these other services.

Hackney's vacancy rate at the point of submission of this data to the Department for Education was 22.6% in 2016, a decrease of 1.7% from last year. This is higher than the national average at 16.7% but lower than the statistical neighbour average at 24.1%. There has been continued successful recruitment since September 2016 and the current vacancy rate is 20% as at 26<sup>th</sup> July 2017, with recruitment and staff progression still ongoing to fill vacant posts. At 55, the number of agency workers remains higher than the statistical neighbour average of 47 and is a slight increase from last year's figure of 53. There has been a concerted effort to recruit high quality social work practitioners and to reduce the number of agency workers across the service. As well as covering vacancies, agency workers are providing maternity cover or backfill for staff seconded to other projects within the Children and Families Service.

Hackney's turnover rate for social workers is much lower at 13.9% in comparison to 25% for our statistical neighbours, and lower than the 15.1% nationally – Hackney is one of the top 30 local authorities in the country in regards to performance against this measure. Hackney has worked hard to retain staff and provide development opportunities to encourage staff to pursue career progression internally.

During 2016/17, the Children and Families Service provided an extensive training and learning programme based on our workforce development strategy and in response to feedback from staff and managers about learning needs and areas identified through organisational learning activities including case audits, family feedback and inspections. The training programme seeks to address knowledge and development needs in relation to emerging local and national themes relating to safeguarding children. In 2016/17 this included training or lunchtime seminars on good practice when communicating with children with autism, speech and language needs, leadership and management, genograms, Prevent, Section 47 investigations, female genital mutilation (FGM), forced marriage and honour-based violence, and many more.

Two Practice Development Days were held during the year that all practitioners across the Children and Families Service attended. The Practice Development Days focused on a specific subject and featured expert speakers, with one held in September 2016 on the theme of 'Working Systemically with Family Violence' and the second held in February 2017 on 'Working with Diversity'. Both events were very well attended and received positive feedback.

The workforce development strategy for 2016 -19 has been developed to cover all service areas in the Children and Families Service and has five key priorities: to integrate Young Hackney and Children's Social Care workforce development frameworks and practices; continued development of the Professional Development Programme; embedding leadership across all levels within CFS; continuous improvement of recruitment and retention of CFS staff; and development of Hackney as a centre of excellence in practice. The workforce development strategy is reviewed annually and a revised version will be published in autumn 2017.

*[...] is a wonderful Social Worker and is fully invested in Kevin's welfare'.*

### **Feedback about a social worker from a residential home manager**

## **Compliments and complaints**

Children's Social Care monitors compliments received from children and families, external bodies and internally. In 2016/17, 22 official compliments were received in comparison to 34 in 2015/16. These compliments are utilised to identify excellence in social work practice, promote achievements and share learning from good practice across the Children and Families Service.

Children's Social Care has a statutory duty to respond to complaints regarding services offered to children and families under the Children Act 1989. Children Act complaints are an opportunity to learn about what is not working as well as it could within the service and to implement change and shift to improve practice.

Over the year the service received 102 new representations, 73 of which (72%) were formalised as complaints under the Children Act, Corporate or Child Protection Conference procedures. A total of 68 new Children Act complaints and 5 new corporate complaints were received in 2016/17. 115 complaint-related representations were received in 2015/16 of which 60 (52%) were formalised as complaints. This represents a decrease in the number of complaint-related representations received, but an increase in the number and percentage that progressed to become formal complaints. Reasons for representations not being pursued as formal complaints include issues being resolved through early intervention, the issue falling outside of statutory remits or the complainant no longer wishing to pursue the matter

In line with last year, the majority of complaints came from parents and guardians (33, or 68%). There has been a decrease in the number of complaints made through advocates on behalf of children and young people, decreasing from 10 (15%) in 2015/16 to 4 (27%) in 2016/17. There has been an increase in the number of complaints from foster carers, increasing from 1 in 2015/16 to 6 in 2016/17.

In 2016/17, the service continued to focus on mediation to resolve complaints early and prevent them from escalating. Of 49 completed Stage 1 complaints, 9 (18%) progressed to Stage 2, with 1 (2%) of these progressing to Stage 3. CFS will continue engaging with complainants at an early stage in an attempt to resolve their issues quickly and without recourse to the statutory process.

Learning from complaints is included in the Workforce Development Plan and Service Development Plan and compliments are used in case studies and themes shared with practitioners through the CFS Learning Bulletin.

## Other priorities for the Children and Families Service

### Ethnicity and Children's Social Care

The population in Hackney is very diverse with significant numbers of Black African, Black Caribbean, Black British, Turkish, Kurdish and Charedi (Orthodox) Jewish children. There are over 100 languages spoken in the borough. Hackney and the City of London have a higher proportion of pupils being educated in independent schools (25%) than across London (10%) or nationally (7%).

The 0-19 population is projected to increase across Hackney over the period 2014-2020, but the increase is not geographically uniform. The greatest increases are projected in the Stamford Hill area of Hackney, where there is a high birth rate, and annual growth of 4.2%.

#### Ethnicity breakdown of Child Protection Plans and looked after children, at 31 March 2017

Ethnicity	Children subject to Child Protection Plans (2017)	Looked after children (2017)	Total Hackney under 18 population*
White	31%	29%	55%
Mixed	18%	19%	6%
Asian or Asian British	11%	5%	11%
Black or Black British	37%	42%	23%
Other ethnic groups	3%	5%	5%

\* Total under 18 population ethnicity breakdown from Hackney 2011 census return

When compared to the percentage ethnicity breakdown of the Hackney population taken from the 2011 census, there is clear disproportionality in the ethnic representation of the Child Protection and looked after children population compared to the general population. Much research has been undertaken about disproportionality in the ethnicity of looked after children in the care system in England compared to the general population. Owen and Statham's report on *Disproportionality in Child Welfare* (2009) is widely referenced in relation to this issue and shows that children from black and mixed ethnic backgrounds are usually over-represented in the care system and in the children in need statistics in England, with children from Asian backgrounds usually under-represented.

Hackney's Child Protection and looked after population follows this national pattern, but also has under-representation of children from white backgrounds. There is a particularly low representation of children from the Charedi Jewish community who make up approximately 20% of the borough's under 18 population overall. It is difficult to establish definitive reasons for disproportionality in the ethnicity of families accessing the Children and Families Service in Hackney, however the Service aims to ensure that it operates within the context of the community and develops culturally competent services that promote good outcomes for all children and families.

The Hackney Young Black Men (YBM) programme has been established to address outcomes for YBM which tend to be disproportionately lower in a wide range of areas including: educational achievement, health and wellbeing, employment and housing

and criminal justice. A partnership group, chaired by the Deputy Mayor (who is also the Lead Member for Children's Services), is working to identify and deliver solutions that address the complex underlying issues that contribute to this disproportionality.

As at August 2017, Young Hackney has successfully delivered Racial Identity Training (from an African Perspective) for all staff as a baseline of understanding, language and framing of what drives inequalities. Parental engagement events were held in June and July in conjunction with the Hackney Council for Voluntary Service. These events were held in order to develop an understanding of trust between parents of black or mixed race children and children and families services, and to generate discussion of hidden barriers to working together to achieve good outcomes for children.

Cultural Competence and Racial Identity training is planned during 2017/18 for all practitioners within the Children and Families Service who have not already received this. This training aims to scope out a leadership programme framed by the Public Sector Equality Duty which will enable us to think in a more multi-dimensional/systematic way about organisational approaches to eliminating discrimination, advancing equality and fostering positive relations.

The aim is to embed the thinking and desire behind cultural competency and identity training into existing policies and practice frameworks, which will be scalable and cost effective – getting the balance between externally facilitated sessions and internally delivered by champions within the service. This will require a focus on institutional leadership and culture, alongside the individual work streams which focus on key identified targets.

### **Support for migrant families**

Hackney, like many London local authorities, has a number of families living within its boundaries who are, or should be, subject to immigration controls as defined by the Immigration & Asylum Act 1999. Such families are excluded from access to welfare benefits, public housing and asylum support and are collectively known as having No Recourse to Public Funds (NRPF). This group includes adults who have overstayed their visa entitlement in the UK together with their children who have often been born in the UK. Children's Social Care has a duty to assess children's needs under Section 17 of the Children Act 1989 if they are at risk of homelessness or destitution, even if their parent has no legal entitlement for services in the UK.

In 2016/17 Overstaying Families Intervention Team (OFIT) assessed 144 families with 294 dependent children. Of these, 114 families were provided with accommodation and/or subsistence during the course of the assessment. This is an increase from 2015/16 when the team assessed 109 families with 209 dependent children. The team spend approximately £145,552 per month supporting families provided with accommodation and subsistence; there were 199 children living in 107 families open to the team as at August 2017. The Children and Families Service assist families to resolve their immigration issues, and in most cases, the support offered is on short-term basis.

*[...] from the OFIT Team has worked and done a lot for me. She is so kind and caring. When my sons school the head teacher wanted to throw him out of school she worked with the school and said he deserved a second chance. Sierra fought for me and my family. When things have bothered me I can call her and she provides advice and I can see her face to face. She allows me to live a good life and sent me on a family strengthening course which helped my family life. I now understand my son and his behaviours. She has also helped me with charities and court issues. I appreciate the support she has given me and my son.'*

**Parent about their OFIT worker**

## **Young people seeking asylum**

As at 31<sup>st</sup> March 2017, 30 unaccompanied asylum seeking children aged under 18 (UASC) were looked after by Hackney Children and Families Service. These young people either presented directly to Hackney Children's Social Care or were dispersed for assessment through the London rota which is administered by the London Borough of Croydon. Most of these were young men aged 16-17 years at the point of referral. Where there is evidence that a young person may have been trafficked into the UK or is at risk of modern slavery, referrals are made to appropriate agencies such as the Police or the National Referral Mechanism.

In the autumn of 2016, Hackney made available to the Immigration Service additional placements for children displaced as a result of the closure of the refugee camps in Calais and accepted responsibility for two young people who were granted leave to enter the UK to join relatives already resident here.

UASC in Hackney are supported in the same way that all looked after children are supported, although their care plans may need to address any needs that arise specifically from their experiences as a UASC. This may include specialised legal advice and support, therapeutic support, educational support from the Virtual School including learning English, addressing their physical health needs including ensuring immunisations are up to date and dental health checks are undertaken. When developing care plans for all looked after children, and especially UASC, practitioners ensure that plans consider young people's identity, including religion, cultural needs, food, sexuality and language. Practitioners provide referrals and information to young people about support groups, organisations and services to meet their needs, and help UASC to meet with other young people. This practical care is essential for young people who are often isolated to help them to integrate into the community and build their support networks. Training for foster carers and staff on understanding the needs of UASC has been delivered throughout 2016/17.

*In January 2017, Ela was referred to the Access and Assessment team as an unaccompanied asylum seeker via the London rota, administered by the London Borough of Croydon. The referral from the Home Office queried Ela's age and explained that she was from Eritrea and had travelled to the U.K. alone by lorry, train and bus.*

*Based on the referral information, it was expected that Ela could probably be placed in semi-independent accommodation. The social work unit in Access and Assessment met with Ela*

*as part of the assessment process and, on meeting her for the first time, it was clear that she was traumatised by her experiences in Eritrea and also by her journey and needed more support than a semi-independent placement would be able to offer.*

*An in-house foster carer family was found who were a cultural match for Ela. Clinical support was put in place quickly to support Ela's emotional wellbeing. Ela's foster carers were very nurturing and she felt well supported and safe in their care. Ela's assessment was completed within 4 weeks and at this point, her age was judged to be under 18.*

*Ela turned 18 in the summer and is currently in a Staying Put placement with her foster carers, while appropriate semi-independent accommodation is sought in Hackney by the Leaving Care team. The Leaving Care team are working with the Red Cross to trace Ela's family and are also liaising with the Home Office around Ela's immigration status. Ela continues to receive Clinical Services support.*

## **Vulnerable adolescents**

In September 2016, the City and Hackney Safeguarding Children Board (CHSCB) CSE and Missing Working Group's (chaired by the Director of the Children and Families Service) remit expanded to address the needs of 'vulnerable adolescents' more broadly, which include child sexual exploitation and harmful sexual behaviour, missing children, mental health, radicalisation and gang and youth violence. It was identified that the complex vulnerabilities of young people frequently intersect and overlap and agreed that approaching these as separate needs is less effective than considering the complexity of a young person's needs as a whole.

### *Contextual Safeguarding*

In November 2016, the Children and Families Service in partnership with the University of Bedfordshire submitted a bid to the Department for Education (DfE) Children's Social Care Innovation Programme. In March 2017 we were informed that our bid to implement a contextual safeguarding framework to work with vulnerable adolescents was successful.

Our contextual safeguarding project seeks to introduce systemic change that will radically shift the focus of social work with adolescents and build on research, practice evidence and feedback from young people using our services. As a service we have become increasingly alert to the potential for extra-familial contexts and peer relationships to pose risk of significant harm during adolescence. Current child protection systems are primarily designed to respond to risk within families and do not fully support social workers, or the wider system, in addressing extra-familial risk.

To address this, Hackney is applying 'contextual safeguarding' theory (developed by Dr Carlene Firmin at the University of Bedfordshire) to our practice and develop approaches to child protection that address extra-familial risk. Contextual safeguarding draws upon theories of situational crime prevention and multi-systemic practices to recognise the relationship between child development, relational safety and environmental risk factors.



As part of this initiative, social work intervention models that address peer and contextual relationships will be developed and piloted, including group work, multi-family therapy and interventions informed by models of detached youth work, social pedagogy, community psychology and restorative justice. Policies, procedures, tools and training are being implemented to ensure contextual safeguarding factors are addressed in each aspect of the child's journey. This includes the development of assessment models and IT systems that capture peer and environmental factors as well as information about the individual young person and their family context. Meeting structures are being developed in which groups of young people or locations of concern could be considered and plans formulated, together with all relevant agencies and organisations to address the specific needs arising from the identified contextual issues. After a period of two years, it is anticipated that there will be a cultural shift across the borough and contextual safeguarding will be fully embedded into everyday working practices within the Children and Families Service and across the multi-agency partnership.

As at August 2017, the core project team has been recruited with recruitment for other posts ongoing; engagement has taken place with multi-agency stakeholders; two training sessions have been held for staff; information sharing has taken place; the Advisory Board and Project Board have been established; the first contextual safeguarding conference has been held in Dalston with multi-agency partners connected to the area looking at how to better coordinate interventions and resources to have greater impact for young people.

#### *Child Sexual Exploitation (CSE) and Harmful Sexual Behaviour (HSB)*

A detailed and comprehensive CSE and HSB dataset has been developed for the MASE (Multi-Agency Sexual Exploitation group) by the Vulnerable Adolescents analyst which is being updated and analysed on an ongoing basis. The development of this dataset is in recognition of the ever changing profile of CSE and HSB and acknowledges that traditional, periodically retrospective datasets, do not provide sufficient analysis of the current picture. The ongoing analysis of Hackney's dataset will enable identification of emerging themes which can inform service improvement. These themes are reported at the regular MASE meetings and actions are implemented as a result. During 2016/17, there were 70 Multi-Agency Planning (MAP) meeting referrals, of which 50 met the threshold for a MAP meeting to be held to identify the level of risk and develop an intervention plan for young people at risk of CSE or displaying HSB.

#### *Missing children and Independent Return Home Interviews*

In order to ensure young people who frequently go missing are supported and that the Director and senior managers are kept informed, fortnightly missing children meetings are convened whereby practitioners provide an overview of the risk in relation to the child, the circumstances around the current missing episode and actions being taken to address risk.

When a young person returns from an episode of going missing, they are offered an independent return home (IRH) interview by the Children's Rights Service. The most prominent themes in reasons children and young people have been going missing is

‘difficulties at home or school’, with overcrowding being highlighted in a number of cases. Mental health and emotional wellbeing was also a key precipitating factor for missing episodes and additional learning needs whereby young people became confused with how to get home or made poor decisions due to peer influences.

### **Female Genital Mutilation (FGM)**

A new mandatory duty to report female genital mutilation (FGM) came into force on 31<sup>st</sup> October 2015 under the Serious Crime Act (2015). Regulated health and social care professionals and teachers in England and Wales, including those working in private education and healthcare, are now required to report known cases of FGM in under 18-year-olds to the police.

This is a personal duty (i.e. the responsibility is that of the individual not the organisation) and requires social workers to report a disclosure of FGM from a girl or young woman to the police, with failure to report meaning the professional is subject to disciplinary measures. A Service Manager for the Children and Families Service sits on the multi-agency FGM Steering Group. Between April 2016 and March 2017, 132 children were the subject of FGM related referrals, the majority of which were identified by health professionals, commonly in maternity care.

### **Looked after children from other local authorities placed in Hackney**

There are more looked after children from other local authorities placed in Hackney, than Hackney looked after children living in the borough. This number includes children from other areas placed for adoption with Hackney families, children from other areas placed with foster carers that work for other local authorities, including friends and family carers, children placed with Independent Fostering Agency (IFA) carers, and young people in semi-independent accommodation in Hackney.

**Number of looked after children from other local authorities placed in Hackney, as at 31<sup>st</sup> March (DfE published data)**

<b>Looked after children placed in Hackney</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Hackney looked after children	80	65	80
Looked after children from other local authorities	95	110	105
<b>Total looked after children placed in Hackney</b>	<b>175</b>	<b>180</b>	<b>185</b>

There is a statutory duty on local authorities to notify the host local authority area that a looked after child has been placed in their area. As at 31<sup>st</sup> March 2017, the Service was aware of 140 looked after children and young people from other local authorities placed in Hackney. 31% of this cohort were aged 16 and 17 years.

Reporting systems related to information on children from other local authorities placed in Hackney are currently being improved to enable more useful reports to be run that will allow the Service to understand and monitor this cohort of children more

closely. This will help us better understand the types of placement for this cohort of children and young people, for example if there are carers or placements within the borough that the Service is unaware of or not using.

In line with revised statutory guidance that was published regarding out of authority placements in July 2014, there are processes in place for sharing relevant information with other local authorities when contacted about the appropriateness of potential placements in Hackney.

## **Young carers**

Young carers are children and young people under 18 who provide regular or ongoing care and emotional support to a family member who is physically or mentally ill, disabled or misuses substances.

A young carer may do some or all of the following:

- Undertake practical tasks, such as cooking, housework and shopping;
- Provide physical care, such as lifting, helping a parent on stairs or with physiotherapy;
- Provide personal care, such as dressing, washing, helping with toileting needs;
- Manage the family budget, collecting benefits and prescriptions;
- Administer medication;
- Look after or “parenting” younger siblings;
- Provide emotional support; and/or
- Interpret, due to a hearing or speech impairment or because English is not the family’s first language.

A young carer becomes vulnerable when the level of care giving and responsibility to the person in need of care becomes excessive or inappropriate for that child, impacting on his or her emotional or physical well-being or educational achievement and life chances.

The multi-agency Hackney Young Carers Steering Group continues to monitor and support the Hackney Young Carers Project.

At the end of March 2017, Hackney Young Carers Project, funded by the Children and Families Service and delivered by Action for Children, was working with 209 young carers, compared to an average over 2015/16 of 154 young carers. The project provides a variety of support services which include group work, and one to one work with children in more complex situations. Regular term time clubs take place such as cooking and homework clubs which take place every week, and one additional term time group that varies by term consisting of drama, sewing or cinema club. Positive activities and fun holiday sessions are well attended by the young people, there are support groups in four secondary schools in Hackney.

## **Family Learning Intervention Programme**

In 2014, Hackney successfully applied to the Department for Education’s Children’s Social Care Innovation Programme for funding for the Family Learning Intervention Programme (FLIP). The ambition behind FLIP is to improve outcomes for young

people on the edge of care, through supporting them to remain with their families or within a stable foster placement.

FLIP is a model for a radically different residential facility which provides preventative and responsive interventions for young people on the edge of care and their families. FLIP is staffed flexibly by our own expert practitioners who have the skills and existing relationships to best support our edge of care cohort. It is anticipated that over time costs will be avoided as a result of reduced residential placements either because young people are able to return home or are placed in appropriate foster care supported by FLIP. Each intervention is developed with, and tailored to, the needs of the family, with family members usually attending the property together, alongside key professionals involved in their support as appropriate, undertaking a range of interventions and activities.

A property was purchased in February 2016 located in Oxfordshire and this was refitted. FLIP welcomed the first family at the house in February 2017, with 12 families using the property as at August 2017. In total, the programme has worked with 30 families since August 2015 to August 2017, using alternative provision such as Centre Parcs to provide the facilities and space families need outside of Hackney before the property opened.

*Using the property in Oxfordshire, FLIP simultaneously delivered two interventions with two families during one week. The first family was the Abraham family, including mother Ola and daughter Casey, aged 13, who was in care due to the breakdown of their relationship. The intervention aimed to repair their relationship in order to support Casey's transition back home. Ola and Casey were both musically talented and brought their instruments to the FLIP house. The family wrote a song together and then went to a recording studio where they could record this. This was really special for them both, and the week ended with a clear plan agreed for Casey to return home.*

*The second family was the Sharp family, consisting of mother Beatrice and her children Paul, aged 10, and Alice, aged 12, who had recently returned home to Beatrice's care. The family attended the FLIP house for a follow-up intervention after the children's transition home from care; this was aimed at further strengthening the family's identity and supporting Beatrice to meet her children's emotional and social needs. The week went well. The children are no longer considered to be at imminent risk of harm and continue to live at home with their mother after having spent 2 years in care.*

*During their free time in the FLIP house, both families shared their learning and experiences with each other in a spontaneous way. Ola taught Paul and Alice how to bake bread from scratch. Paul and Alice talked to Casey about their transition back home and how they have continued to build on their relationship with their mother. FLIP staff took a step back to make space for these interactions to naturally occur and this enabled both families to have positive shared experiences of their time in the house.*

## **North London Teaching Partnership**

Hackney Children and Families Service was successful in a bid for Department for Education (DfE) funding to develop a 'North London Teaching Partnership' (NLTP) in January 2017. Hackney Children and Families Service is the lead local authority in this development working with Middlesex University, Hackney Adult Services, Barnet

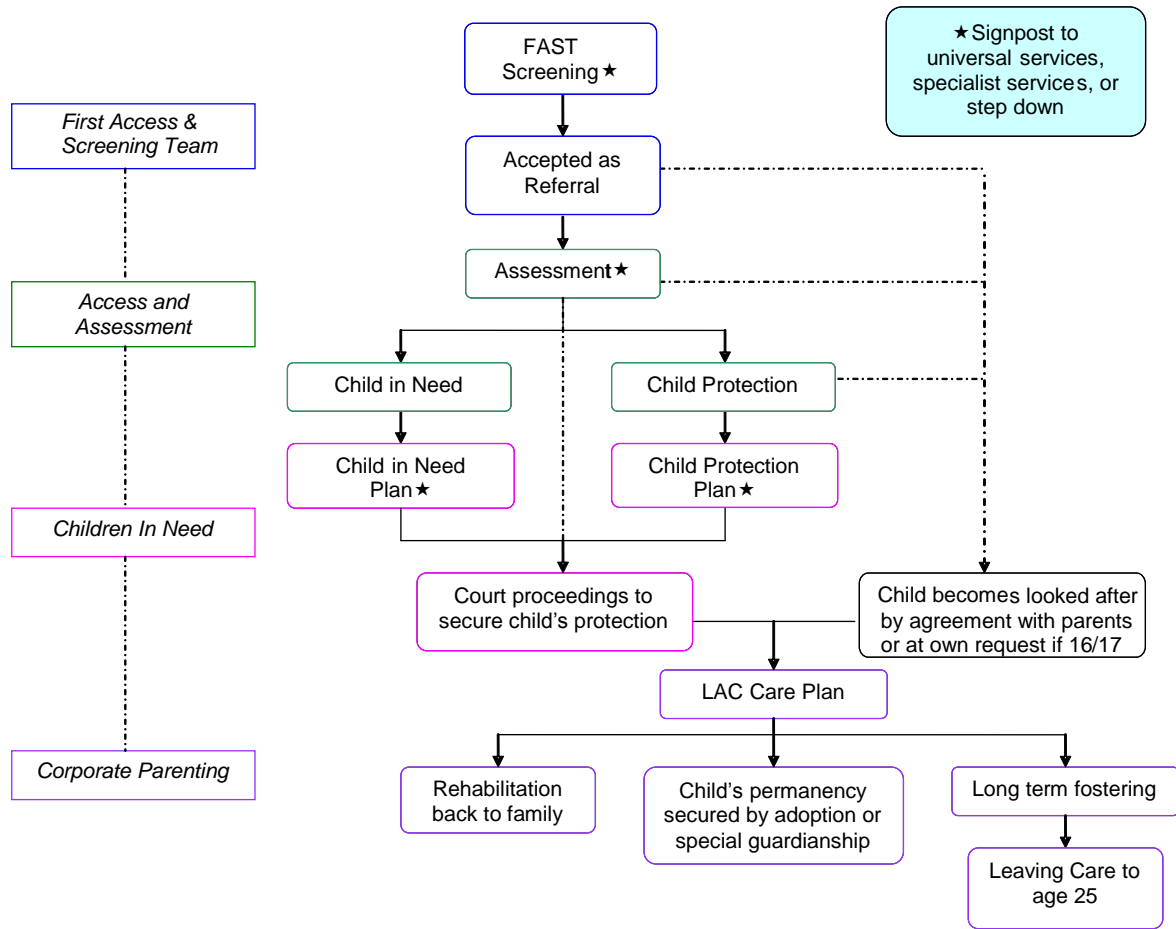
Children and Adult Services, Haringey Children and Adult Services, Enfield Adult Services, and Norwood (a Jewish charity that supports vulnerable children and families).

The 2 year project funding will be used to embed change and deliver improvements across the partner organisations. Partners will take a shared strategic approach to improvement and collaborative working amongst partners will enable mutual learning, innovation and sharing of good practice. Initiatives will be taken to improve the quality and supply of statutory placements for student social workers and to develop career pathways and professional development opportunities for practitioners at all levels. The NLTP will also create a local graduate recruitment pathway into social work, seek to improve retention and progression for social workers and their managers, build capacity for practice based research and encourage more professional interaction between academics and practitioners in all the partner organisations. Ultimately this will produce a stronger workforce, better equipped to meet the needs of our diverse communities and improve service user outcomes.

As at August 2017, the project team has been established; workforce analysis has been commissioned for all partnership local authorities; training needs analysis is underway to understand practitioner development needs around leadership and management; teaching and other academic opportunities have been identified at Middlesex University and applicants are being sought and targets to build capacity for delivering student social work placements have been met through training places for practice educators.

# Appendix 1

## Children's Social Care - Case Flow Chart



## Appendix 2: Useful Links

ADCS response to the consultation on the national assessment and accreditation system (March 2017)

[http://adcs.org.uk/assets/documentation/ADCS\\_response\\_National\\_assessment\\_and\\_accreditation\\_system.pdf](http://adcs.org.uk/assets/documentation/ADCS_response_National_assessment_and_accreditation_system.pdf)

Casey L., *Report of Inspection of Rotherham Metropolitan Borough Council* (February 2015)

<https://www.gov.uk/government/publications/report-of-inspection-of-rotherham-metropolitan-borough-council>

Department for Education, *Children's Social Work Workforce: Staff employed by children's social services in England as at 30 September 2016* (February 2017)

<https://www.gov.uk/government/statistics/childrens-social-work-workforce-2016>

Family Rights Group, *Co-operation or Coercion? Children coming into the care system under voluntary arrangements*, (July 2017)

<https://www.frg.org.uk/images/YFYV/KI-Report-10.07-final.pdf>

Government, *The Queen's Speech* (June 2017)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/620838/Queens\\_speech\\_2017\\_background\\_notes.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/620838/Queens_speech_2017_background_notes.pdf)

Home Office, *28 day pre-charge bail limit comes into force* (April 2017)

<https://www.gov.uk/government/news/28-day-pre-charge-bail-limit-comes-into-force>

Jay A., *Independent Inquiry into Child Sexual Exploitation in Rotherham, 1997 – 2013* (August 2014)

[http://www.rotherham.gov.uk/downloads/file/1407/independent\\_inquiry\\_cse\\_in\\_rotherham](http://www.rotherham.gov.uk/downloads/file/1407/independent_inquiry_cse_in_rotherham)

Ofsted, *Framework and evaluation schedule: children in need of help and protection and care leavers and Local Safeguarding Children Boards* (February 2017)

<https://www.gov.uk/government/publications/inspecting-local-authority-childrens-services-framework>

Ofsted, *Future of social care inspection: Consultation outcome and next steps* (February 2017)

<https://www.gov.uk/government/consultations/future-of-social-care-inspection>

Ofsted, *Hackney Single inspection of LA children's services and review of the LSCB* (September 2016) <https://reports.ofsted.gov.uk/local-authorities/hackney>

Ofsted, *Social care common inspection framework* (February 2017)

<https://www.gov.uk/government/collections/social-care-common-inspection-framework-sccif>

Owen C. & Statham J., *Disproportionality in Child Welfare: The Prevalence of Black and Minority Ethnic Children within the 'Looked After' and 'Children in Need' Populations and on Child Protection Registers in England* (June 2009)

Goodwill R., *As new children's minister I want to empower social workers* (July 2017)

<https://www.theguardian.com/social-care-network/2017/jul/06/new-childrens-minister-empower-social-workers>

U.K. Parliament, *The Children and Social Work Act 2017*

<http://services.parliament.uk/bills/2016-17/childrenandsocialwork.html>

## Appendix 3: The Hackney Promise to Children and Young People in Care

### **THE HACKNEY PROMISE** TO CHILDREN AND YOUNG PEOPLE IN CARE

WE PROMISE THAT WHEN YOU BECOME A LOOKED AFTER CHILD OR YOUNG PERSON, WE WILL LOOK AFTER YOU THE BEST WE POSSIBLY CAN.

#### **COMING INTO CARE**

WE PROMISE THAT WE WILL BE HONEST WITH YOU ABOUT THE REASONS FOR BEING LOOKED AFTER BY THE LOCAL AUTHORITY AND TELL YOU ABOUT DECISIONS THAT ARE BEING MADE.

WE PROMISE WE WILL SHARE AS MUCH INFORMATION WITH YOU AS WE CAN ABOUT YOUR FUTURE CARERS.

WE PROMISE WE WILL LISTEN TO YOU ABOUT WHERE AND WHO YOU WOULD LIKE TO LIVE WITH. IF WE CAN'T PROVIDE EXACTLY WHAT YOU HAVE ASKED FOR WE WILL EXPLAIN WHY THIS IS.

#### **BEING IN CARE**

WE PROMISE THAT WE WILL LISTEN TO YOU AND TAKE TIME TO GET TO KNOW YOU AND DO OUR BEST TO MAKE SURE YOU FEEL SUPPORTED BY US.

WE PROMISE THAT, WHEREVER POSSIBLE, YOU WILL KNOW ABOUT AND BE READY FOR ANY CHANGES THAT ARE COMING.

WE PROMISE THAT WE WILL TALK TO YOU AND DISCUSS IF AND HOW YOU CAN BE SUPPORTED TO STAY IN TOUCH WITH YOUR FAMILY AND FRIENDS.

#### **EDUCATION**

WE PROMISE TO LISTEN, RESPECT AND SUPPORT YOU IN WORKING OUT YOUR DREAMS AND AMBITIONS AND IN HELPING YOU ACHIEVE THEM, INCLUDING THROUGH MAKING SURE THAT YOU GET GOOD EDUCATION OPPORTUNITIES THAT MATCH YOUR NEEDS.

#### **GETTING WELL AND STAYING WELL**

WE PROMISE TO DO OUR BEST TO HELP YOU TO GET BETTER WHEN YOU ARE UNWELL AND TO HELP YOU TO STAY WELL.

WE PROMISE TO HELP YOU TO LEARN TO LOOK AFTER YOURSELF AS YOU GET OLDER.

#### **MEETINGS**

WE PROMISE TO MAKE SURE THAT YOUR NEEDS, THOUGHTS AND IDEAS ARE TAKEN SERIOUSLY, THAT YOU ARE AT THE CENTRE OF ALL MEETINGS ABOUT YOU (EVEN IF YOU ARE NOT ABLE TO ATTEND) AND THAT YOU ARE SUPPORTED TO TAKE PART IN A WAY THAT YOU FEEL HAPPY WITH.

#### **YOUR RIGHTS**

WE PROMISE THAT AT EVERY STAGE IN YOUR LIFE, YOU WILL KNOW WHAT OPTIONS ARE AVAILABLE TO YOU TO BE ABLE TO MAKE THE RIGHT CHOICES.

WE PROMISE THAT WE WILL HELP YOU TO FIND SOMEONE WHO YOU CAN SPEAK TO IF YOU ARE UNHAPPY ABOUT ANYTHING, INCLUDING ANYTHING THAT WE ARE DOING OR HAVE DONE.

#### **BECOMING AN ADULT**

WE PROMISE THAT WE WILL PREPARE YOU TO BECOME AN ADULT AND SUPPORT YOU TO MAKE THE DECISIONS THAT ARE RIGHT FOR YOU.

WE PROMISE THAT YOU WILL ALWAYS HAVE SOMEONE TO TALK TO.



## Appendix 4: Glossary of key terms

Access and Assessment Service	The Access and Assessment Service joined together referral and screening activity with statutory assessments for children in need and at risk at the 'front door' of the Children and Families Service.
Adoption Order	This is an order giving full parental responsibility for a child to the approved adopters, made on their application to the court. An adoption order severs the legal ties between a birth parent and the child so that the adoptive parent(s) become the child's legal parent(s) throughout life.
Child and Adolescent Mental Health Services (CAMHS)	CAMHS is used as a term for all services that work with children and young people who have difficulties with their emotional or behavioural wellbeing. Hackney's in-house Clinical Service provides specialist CAMHS support to looked after children and care leavers
City and Hackney Safeguarding Children Board	The key statutory board overseeing arrangements for safeguarding children and young people across the City of London and Hackney.
Children in Need Service	The Children in Need Service is responsible for the safeguarding of children and young people assessed as being 'at risk' including child protection work, court proceedings and statutory family support to help children remain at home safely.
Child Arrangement Order	This is a court order regulating arrangements relating to any of the following: (a) With whom a child is to live, spend time or otherwise have contact; and (b) When a child is to live, spend time or otherwise have contact with any person. This order gives 'parental responsibility' to the person who the order says the child will live with (if they don't already have it) for as long as the order is in force.
Child Protection Plan	A child protection plan is drawn up at the initial child protection conference. It says what support and monitoring will be put in place when a child is considered to be at risk of significant harm because they have suffered, or are likely to suffer physical abuse, emotional abuse or sexual abuse or neglected. The child's situation and the plan will be reviewed after three months and then every six months.
CIN (Child in Need) Plan	If an assessment finds that a child is not at risk but is in need of social work services, a child in need plan involving other agencies involved with the family will be developed and agreed with the child's parents at a child in need planning meeting.
Care Planning Panel	A fortnightly meeting where decisions are made on cases where: a permanency plan is not progressing in line with expectations; a child or young person has entered residential care; long-term fostering matches are being proposed or; decisions need to be made about private fostering arrangements
Children's Rights Officer	The person within the Children and Families Service who is responsible for offering advocacy and support to young people regarding complaints and independent return home interviews when a young person has gone missing.
Children's Resources Panel	A weekly meeting where decisions are made on whether children come into care. Decisions are also made on whether pre-proceedings or care proceedings should be initiated.
Child Sexual Exploitation (CSE)	A type of sexual abuse. Children in exploitative situations and relationships receive something such as gifts, money or affection as a result of performing sexual activities or others performing sexual activities on them. CSE can also include grooming, on-line exploitation and child trafficking

Consultant Social Worker/Practice Development Manager (CSW/PDM)	Children's Social Care units are led by a CSW/PDM and all cases within the unit are allocated to a CSW/PDM
Corporate Parenting	When a child comes into care, the local authority, elected members, employees and partner agencies are responsible for providing the best possible care and safeguarding for that child – they become corporate parents. In Hackney, we have made a commitment to the standard of that care in the Hackney Promise to Children and Young People in Care (appendix 3).
Emergency Duty Team (EDT)	Forms part of a 24 hour and seamless frontline child protection service delivered by senior social work staff working on a voluntary rota basis. This team provides services outside of normal working hours (after 5pm, at weekends and on bank holidays).
Education Health & Care Plan (EHCP)	Introduced in September 2014 the EHCP is a document which sets out the education, health and social care needs a child or young person has and the support to meet their needs. The 'gateway' for the EHCP is to have special educational needs, although the EHCP itself also covers health and social care needs and provision.
Emergency Protection Order	Used if Children's Services believes a child is in urgent need of protection. An Emergency Protection Order lasts for up to eight days and can be extended by the court once for a further seven days.
First Access and Screening Team (FAST)	A multi-agency team that acts as a single point of contact for contacts and referrals to the Children and Families Service for children in need of support and protection.
Full Care Order	A court order which places a child in the care of Children's Services. It lasts until the child is 18 unless the court ends it before then. When there is a care order, Children's Services share parental responsibility for the child with the parents.
Female Genital Mutilation	A new mandatory duty to report FGM came into force in October 2015 under the Serious Crime Act (2015)
Family Support Service	An umbrella term for a range of services that includes a number of Family Units delivering targeted family support and statutory social work interventions.
Hackney Learning Trust (HLT)	Responsible for Hackney's children's centres; schools and early years; and adult education. The Virtual School for Looked After Children is part of HLT.
Harmful Sexual Behaviour (HSB)	Sexual behaviours expressed by children and young people under the age of 18 years old that are developmentally inappropriate, may be harmful towards self or others, or be abusive towards another child, young person or adult.
Interim Care Order	An interim care order (ICO) is a temporary order made by the court which says that the child should be looked after in the care system for a temporary period. It means that the court has good reasons to believe a child has been seriously harmed or is likely to be seriously harmed, and that an Interim Care Order is the best thing for the child until there is a final hearing.
Initial/Review health assessment	It is a statutory requirement for children and young people coming into care to have an initial health assessment within 28 days of entering care and subsequent review health assessments every 6 months up to the age of five and annually thereafter

Independent Fostering Agency (IFA) carer	An IFA carer is a foster carer that is employed by an agency. Local authorities use IFA carers to care for children when they do not have any in-house placements available or when they require a carer with specialist skills to meet a child's needs.
Independent Reviewing Officer	Makes sure that the health and welfare of looked-after children and young people are prioritised, that they have appropriate care plans in place (which are regularly reviewed and updated), that any physical, emotional health or wellbeing needs or assessments identified by their care plans are met or completed, and that their views and wishes, and those of their families, are heard.
In-house foster carer	An in-house foster carer is a carer that is employed directly by the local authority. The local authority is responsible for recruiting, training, supervising and paying the foster carer.
Looked after child/ren	Children and young people who are cared for by the local authority under either a voluntary or statutory arrangement.
No Recourse to Public Funds (NRPF)	Section 115 of the Immigration and Asylum Act 1999 (IAA) states that a person will have 'no recourse to public funds' if they are subject to immigration control; public funds include welfare benefits and public housing.
Overstaying Families Intervention Team (OFIT)	Established by Hackney to manage the increasing demand for services from adults who have caring responsibilities who have no recourse to public funds (NRPF). In October 2013 the service merged with the Housing Needs Overstayers Team to create a single front door for NRPF families.
Practice Development Manager (PDM)	See CSW
Personal Education Plan (PEP)	A document describing the assessment and plan to meet the educational needs of a looked-after child or young person, and help them reach their full potential in education and afterwards. It forms part of a child's care plan.
Placement Order	A Placement Order is an order made by the court which gives social workers permission to go ahead with the adoption plan. This means that the child can go and live with a prospective adoptive family, if one has been matched as being suitable to meet the child's needs. This is called being placed for adoption.
Private Fostering	A child under the age of 16 (or 18, if disabled) who is cared for, or proposed to be cared for, and provided with accommodation by someone other than a parent, person with parental responsibility or a close relative, for 28 days or more, is described as being privately fostered.
Public Law Outline	This is the system which guides the courts on how to manage care proceedings.
Placement Management Unit (PMU)	Commissions all placements for looked after children and care leavers in Hackney. It seeks the most appropriate placement for each child, whether with an in-house carer, independent fostering agency carer or a residential placement.
Parental Responsibility	Parental responsibility is defined in law as "all the rights, duties, powers, responsibilities and authority, which by law a parent has in relation to the child and the administration of his/her property." In practical terms, it means the responsibility to care for a child and the right to make important decisions about the child, for example agreeing to medical/dental treatment.

Safeguarding & Learning Team	Responsible for monitoring and improving the quality of services provided to children and families in Hackney.
Section 17 of the Children Act 1989	This is the part of the law that says Children's Services should provide help to children in need (and their families) to safeguard and promote their welfare. Children's Services do this by offering family support services.
Section 20 of the Children Act 1989 (also called voluntary accommodation)	This is the part of the law (Section 20 of the Children Act 1989) that says Children's Services should look after a child when there is no one with parental responsibility for the child or when the person caring for the child is prevented from caring for them, for whatever reason. This requires the consent of those with parental responsibility for the child or if a young person is 16/17, they can give their own consent.
Section 47 of the Children Act (Child Protection Investigation)	Children's Services have a legal duty to look into a child's situation if they have information that a child may be at risk of significant harm. This is called a child protection enquiry or investigation. Sometimes it is called a "Section 47 investigation" after the section of the Children Act 1989 which sets out this duty.
Special Educational Needs and Disabilities (SEND)	Children and young people with SEND all have learning difficulties or disabilities that make it harder for them to learn than most children and young people of the same age. These children and young people may need extra or different help from that given to others.
Special Guardianship Order (SGO)	A carer (including a foster carer) or a relative can apply to the court for a child to live with them and make day to day decisions on their behalf under an SGO, while parental responsibility remains with the parents.
Supervision Order	A court can ask Children's Services to "supervise" how the parent cares for their child under a supervision order. A social worker will agree a contract or supervision plan with the parent, which will set out what is expected of the parent and the help the social worker will give.
Unaccompanied asylum-seeking children (UASC)	An unaccompanied asylum seeker is a child or young person who is under 18 years of age, and who travels to a new country alone without a parent, carer or other adult who, by law or custom, is responsible for them
Unit Coordinator	Responsible for administrative duties within each social work unit.
Virtual School for looked after children	The Virtual School works with looked after children and young people from early years to the age of 25 and also young people on Youth Justice Orders. It prioritises their individual learning or training needs, identifies the skills necessary for participation in education, training or work environment and supports young people to acquire and adapt these skills for learning and for life.
Young Hackney	This is the Council's early help, prevention and diversion service for children and young people aged 16-19 years old and up to 25 years if the young person has a special educational need or disability. Works with young people to support their development and transition to adulthood by intervening early to address adolescent risk, develop pro-social behaviours and build resilience.
Youth Justice Service	The Youth Justice Service works with all young people in Hackney who are arrested or convicted of crimes and undertakes youth justice work including bail and remand supervision and supervising young people who have been given community or custodial sentences.



**PENSIONS COMMITTEE ANNUAL REPORT 2016-17**

<b>COUNCIL</b> 25 October 2017	<b>CLASSIFICATION:</b> Open  If exempt, the reason will be listed in the main body of this report.
<b>WARD(S) AFFECTED</b>  All	
<b>GROUP DIRECTOR</b>  Ian Williams, Group Director of Finance And Corporate Resources	

## **1. SUMMARY**

- 1.1 The purpose of this report is to detail the role of the Pensions Committee and summarise the key activities and achievements in 2016/17 that demonstrate how the Committee has fulfilled its role effectively in its capacity as quasi-trustee of the Council's Pension Fund

## **2. RECOMMENDATIONS**

- 2.1 Council is requested to note the report**

## **3. BACKGROUND**

- 3.1 Delegated powers under the Council's Constitution have been given to the Pensions Committee to oversee the management of the Pension Fund as the Administering Authority and are set out in the Terms of Reference for the Committee.
- 3.2 The Pensions Committee is a committee of the Council and reports annually on the work undertaken at Committee. The attached report covers the 2016/17 Financial Year where the Committee has met 5 times to cover a broad spectrum of pension related business. The full programme of work and training undertaken by the Committee is set out in the Appendix to this report.
- 3.3 Members continued with an extensive training programme during the year which reflected the key requirements laid down in the CIPFA Knowledge and Skills Framework.
- 3.4 Committee papers have largely been provided in accordance with the agreed timeframe with 1 late report. This was a report concerning Brexit, provided after the publication deadline following the UK's surprise decision to leave the EU, made 3 days prior to the Committee.
- 3.5 The Annual Report of the Committee evidences the work that the Committee has undertaken and demonstrates that it has discharged its responsibilities effectively both in terms of its legal responsibilities under the LGPS Regulations and the Committees Terms of Reference.
- 3.6 The current year continues to provide the Committee with an extensive work programme which includes work on asset pooling in line with the Government's investment reform agenda. In addition the Committee will continue with the work on planned changes to the Fund's investment strategy. The Fund will, from 3rd January 2018, need to opt up as an elective professional investor, following the introduction of MiFID II.

3.7 The Committee will also continue to closely monitor the quality of membership data submitted to the Fund, with ongoing work for officers on process improvements within the Council. A number of policy reviews will also be undertaken to update current arrangements. Ongoing training for the Committee in relation to both the Knowledge and Skills Framework and pertinent investment and governance issues will continue to be a regular feature as will monitoring of funding levels and the Pension Fund budget.

#### **4. COMMENTS OF THE GROUP DIRECTOR, FINANCE AND CORPORATE RESOURCES**

4.1 The Pensions Committee act in the capacity of quasi trustees for the Pension Fund and its Administering Authority, the London Borough of Hackney, and are responsible for the management of approximately £1.39 billion worth of assets and for ensuring the effective and efficient running of the Pension Fund. The decisions taken by the Committee impact directly on the financial standing of the Fund and will affect its ability to meet its liabilities (pension benefit payments).

4.2 The Administering Authority has a responsibility to ensure that over time the Pension Fund is able to meet all its future liabilities. Prudent financial management by the Committee can assist in achieving this whilst ensuring that contribution rates for the Fund's employers, including the Council, are maintained at an affordable level.

#### **5. COMMENTS OF THE INTERIM DIRECTOR OF LEGAL**

5.1 The Council's Constitution gives the Pensions Committee responsibility for a wide range of functions relating to management of the Council's Pension fund. In carrying out those functions the Committee must have regard to the various legislative obligations imposed on the Council as the Fund's Administering Authority, particularly by the suite of Local Government Pension Scheme (LGPS) Regulations.

5.2 The Committee has legal responsibilities for the prudent and effective stewardship of the Pension Fund and a clear fiduciary duty in the performance of its functions.

5.3 The annual report of the Pensions Committee's activities demonstrates how it has undertaken and fulfilled its statutory and constitutional responsibilities during 2016/17.

5.4 There are no immediate legal implications arising from this report.

## APPENDICES

Appendix 1 – Annual Report of the Pensions Committee 2016-17

### BACKGROUND PAPERS

None

<b>Report Author:</b>	Rachel Cowburn <a href="mailto:Rachel.cowburn@hackney.gov.uk">Rachel.cowburn@hackney.gov.uk</a> 020 8356 2630
<b>Comments on behalf of the Interim Director of Legal</b>	Stephen Rix <a href="mailto:Stephen.rix@hackney.gov.uk">Stephen.rix@hackney.gov.uk</a> 0208 356 6122
<b>Comments on behalf of the Group Director, Finance And Corporate Resources</b>	Michael Honeysett 020 8356 3332 <a href="mailto:Michael.honeysett@hackney.gov.uk">Michael.honeysett@hackney.gov.uk</a>



APPENDIX 1

Annual Report of the Pensions Committee  
2016-2017

# ANNUAL REPORT OF THE PENSIONS COMMITTEE 2016/17

## 1. CHAIR'S INTRODUCTION – COUNCILLOR ROBERT CHAPMAN

1.1 The Pensions Committee has responsibility for the management of the Pension Fund acting as quasi-trustees on behalf of the Administering Authority, the London Borough of Hackney.

1.2 During the 2016/17 municipal year the Pensions Committee undertook an extensive work and training programme, and met 5 times during the year. The Committee carries with it a considerable responsibility to ensure that the Pension Fund, which was valued at £1,391m at 31 March 2017 and has over 23,000 scheme members, is managed in an efficient and effective way. The Committee has responsibility for all aspects of the Pension Fund including managing the investments, ensuring governance arrangements are appropriate and scheme members and employers are kept informed of key information.

1.3 2016/17 saw the approval of the Fund's 2016 valuation, with the funding level improving to 77%, up from 70% in 2013. The monetary value of the deficit reduced from £406m to £349m. The Fund remains strongly cash flow positive with contributions and transfers in outstripping benefits paid and transfers out by £22.8 million plus a further net inflow from investments of £14.4 million. This is an area in which the Pensions Committee maintains strong oversight given the maturity profile of the Fund and the ongoing austerity programme affecting public services. Active membership of the Fund has remained stable for the present, helping to maintain the strong cash flow position.

1.4 The Fund has continued its collaborative work through the National LGPS Frameworks project, which continues to deliver efficiency savings for both the Hackney Fund and the wider LGPS. Having been a founder member of a number of previous frameworks, Hackney continued its involvement by acting as a founder on the new Third Party Administration services framework.

1.5 Responsible Investment remained an important area of focus for the Committee during 2016/17. Understanding and managing the risks posed to the Fund by climate change has been a priority; in January, the Committee approved a target for the Fund to reduce its exposure to future fossil fuel emissions by 50% over 6 years. In setting its new investment strategy, the Committee has considered how best to meet this target in line with the move to asset pooling; a number of proposals are now being considered for implementation over the medium term.

1.6 The Fund introduced one new investment mandate during the year, investing £25m in Threadneedle's 'Low Carbon Workplace' property fund, in line with the proposals agreed by the Committee in 2015/16 to help measure and manage the risks faced by the Fund from climate change.

1.7 The Committee agrees a training programme each year to ensure that it is able to evidence it has met the requirements of the CIPFA Knowledge and Skills programme and is able to fulfil the governance role with which it is charged. The Committee takes this aspect extremely seriously and training forms a key part of the agenda for each meeting, along with Committee Members and officers attending additional external training on a regular basis.

1.8 Details on the work and training undertaken by Committee during the municipal year 2016/17 are set out in section 3 of this report. Section 4 provides an outline of the anticipated work for the forthcoming year.

## 2. COMMITTEE MEMBERSHIP AND ATTENDANCE

2.1 The following Councillors were members of the Committee during the 2016/17 municipal year –

- Cllr Robert Chapman (Chair)
- Cllr Michael Desmond (Vice Chair)
- Cllr Kam Adams
- Cllr Feryal Demirci
- Cllr Patrick Moule
- Cllr Geoffrey Taylor

In addition, Jonathan Malins-Smith is co-opted to the Committee as the Scheme Member Representative. The position of Employer Representative is currently vacant following the end of the contract with Hackney Homes and the return of its staff to the Council.

2.2 The table below outlines Members' attendance at Pensions Committee meetings during the 2016/17 municipal year and the training sessions at which members were in attendance. It is noted that Members have a large number of commitments, including other public meetings and ward commitments, and are therefore not always available to attend meetings of the Committee.

Committee Members Attendance 2016/17									
	27th June		19th September		6th December (strategy)	24th January		29th March	
	Meeting	Training	Meeting	Training	Meeting	Meeting	Training	Meeting	Training
Cllr Robert Chapman (Chair)	P	P	P	P	P	P	P	P	P
Cllr Michael Desmond (Vice Chair)	P	P	P	P	P	P	P	P	P
Cllr Kam Adams	P	P	P	P	P	P	P	P	P
Cllr Feryal Demirci	A	A	A	A	A	P	P	P	P
Cllr Patrick Moule	P	P	A	A	P	P	P	P	A
Cllr Geoff Taylor	P	P	P	P	P	P	P	P	P
<b>Co-Opted Members</b>									
Jonathan Malins-Smith	A	A	P	P	P	P	P	P	P
P = Present									
A = Absent									

### 3. WORK UNDERTAKEN IN THE 2016/17 MUNICIPAL YEAR

3.1 The Pensions Committee has responsibility for the strategic management of the Pension Fund, which by the end of the financial year held £1.39bn worth of assets with 23,295 scheme members. The Committee is responsible for deciding the broad asset allocation of the Pension Fund along with its strategic direction and for ensuring the long term solvency of the Fund, i.e. the ability to pay the pensions of all past, present and future scheme members. The Committee has considered a wide range of issues and taken a number of key decisions affecting the Pension Fund. The work of the Committee has broadly fallen under the following categories during the Municipal Year:

#### 3.2 Governance

3.2.1 During the year, the Committee approved the Fund's 2016 actuarial valuation, which saw the funding level improve from 70% to 77%, with the monetary deficit reducing to £349m from £406m. The improvement in the funding level is pleasing to note, and has permitted a decrease in the Council's contribution rate from 36.9% to 34.9% for 2017/18, with further incremental reductions planned over the following two years.

3.2.2 Compliance with The Pension Regulator's Code of Practice has continued to feature on the Committee's agenda during 2016/17. Although following the Code itself is not a legal requirement, it sets out how the Regulator expects the requirements of the Public Sector Pensions Act 2013 should be met. The Regulator has the power to take action where the provisions of the Act are not being met, and will use the Code as a core reference document in deciding on the appropriate action to take. The Committee has considered whether the management of the LB Hackney Pension Fund meets the standards set out in the Code through use of a compliance checklist, and ensured that appropriate processes are being developed for the few areas in which the Fund has not yet achieved full compliance.

3.2.3 The Committee has continued to closely monitor the quality of membership data supplied to the Fund, following a data audit carried out by the Fund's benefit consultants, AON, in 2015/16. The Council, by far the largest employer in the Fund, changed payroll provider in July 2017, meaning that for much of 2015/16, the Council needed to both manage the winding down of the previous contract and prepare for implementation with the new provider. This led to additional challenges with regards to data provision; the Committee have monitored developments closely, whilst officers from the Fund have been closely involved with the implementation project for the new payroll contract. This work has continued into the new municipal year and is likely to continue over the medium term, as the Fund looks to improve ongoing processes as well as completing a data cleansing exercise.

3.2.4 At the start of the municipal year, the Committee reviewed the business plan for the year and also the longer term objectives for the Fund to ensure that they remain appropriate for the Fund.

### 3.3 Investments/Asset Allocation

3.3.1 2016/17 has proven a positive, albeit turbulent, year in investment terms. The Fund ended the year valued at £1,391m, compared to £1,172m in 2015/16. Most of the gains have resulted from the Fund's allocation to equity markets, with a weak pound boosting returns from global equities, as well as the performance of the FTSE Allshare with its heavy exposure to foreign currency revenues. Performance across other asset classes has also been largely positive, with property, which suffered following the Brexit vote, the only significant weak point.

3.3.2 The Committee continued to monitor the investment portfolios and the performance of the Fund Managers it employs on a quarterly basis, as well as reviewing the rolling annual, 3yr and 5yr performance. Over the year, the Fund outperformed its customised benchmark by 1.4%, returning 18.9% over the year, compared to 17.5% for the benchmark. Contributors to the overall outperformance included the Fund's equity portfolio, its multi asset holdings, which rebounded strongly following a disappointing 2015/16, and the fixed income portfolio. Detractors from performance included the Fund's emerging markets allocation and pooled property holding.

3.3.3 The Fund introduced one new investment mandate during the year, investing £25m in Threadneedle's 'Low Carbon Workplace' property fund, in line with the proposals agreed by the Committee in 2015/16 to help measure and manage the risks faced by the Fund from climate change. Funds were drawn down in 3 tranches, with £10m funded through switching out of the Fund's existing property mandate in May 2016, followed by 2 further installments of £5m, both funded from cash, in October 2016 and February 2017.

3.3.4 During the year and following the 2016 valuation, the Fund carried out a full review of its investment strategy, setting out an overview of planned changes in its new Investment Strategy Statement (ISS). The most significant of these has been the Committee's decision to reduce the Fund's equity exposure in favour of multi asset credit, in light of the improved funding level and recent increases in equity valuations.

### 3.4 LGPS Structural Reform and the London CIV

3.4.1 2016/17 continued the theme of major changes for the LGPS, with further fundamental changes being made to the way investments are managed. In September 2016, the Government made and laid the long awaited LGPS (Management and Investment of Funds) 2016 Regulations, as well as publishing associated guidance. The Regulations dispense with the current, explicit limits on specified types of investment and, instead, charge administering authorities with determining the appropriate mix of investments for their funds. The quid pro quo for more freedom in the formulation of investment strategies is an obligation upon administering authorities to adhere to official guidance and broad powers allowing the Government to intervene if they do not.

3.4.2 The new Regulations also removed the requirement for funds to produce a Statement of Investment Principles (SIP), replacing it with the new Investment Strategy Statement (ISS), which must set out in detail not only an administering authority's asset allocation strategy, but also its plans for asset pooling and approach to Environmental, Social and Governance (ESG) consideration, amongst other items. Hackney's ISS was considered on detail by the Committee on numerous occasions during 2016/17, with approval granted for the finalised statement at the March 2017 meeting, ahead of the 1<sup>st</sup> April deadline.

3.4.3 The Fund's ISS sets out its medium term plans for moving its assets to its asset pool of choice, the London CIV. With no common mandates with other London boroughs, the Fund currently has no assets on the pool; however, planned changes to its asset allocation will start to bring assets onto the pooled structure from 2017/18. Whilst decisions around manager selection for these assets will rest with the pool, the decision on how the Fund will invest and in which investment strategies will remain with the Committee as the body responsible for the management of the Fund

### 3.5 Stewardship and Corporate Governance

3.5.1 The Committee appreciates that it has responsibilities as a shareholder in the underlying companies that it holds in the portfolio and considerable time and discussion has taken place on ways to improve the Fund's stewardship arrangements. One issue particularly recognised is that of fossil fuels and their impact on climate change. The Committee has recognised that these issues could present systemic risks to the planet, but could also have a material impact on the financial position of the Pension Fund. It therefore has a long running workplan in place to ensure that this issue is addressed within the Fund's investment strategy.

3.5.2 During the year, the Committee approved a target for the Fund to reduce its exposure to future fossil fuel emissions by 50% over 6 years. In setting its new investment strategy, the Committee has considered how best to meet this target in line with the move to asset pooling; a number of proposals are now being considered for implementation over the medium term.

3.5.3 The Committee has also considered a range of other measures to enhance its approach to wider corporate governance, ethical and social issues, including reviewing the options for a governance overlay service. The Fund has reaffirmed its membership of the Local Authority Pension Fund Forum (LAPFF), which is a collection of Local Authority funds who by acting collectively are able to apply pressure to management of companies to try to improve their governance standards.

### 3.6 Financial Monitoring including Annual Report and Accounts

3.6.1 At the Pensions Committee meeting on 19<sup>th</sup> September the Committee were presented with the 2015/16 Pension Fund Annual Report and Accounts for approval post- audit. The audit confirmed that there were no major issues with the accounts and that the auditors were satisfied with their findings.

3.6.2 A draft audit plan for the Pension Fund for the 2016/17 Financial Statements was considered at a meeting on 29th March 2017.

3.6.3 The Committee also received and approved the Pension Fund Annual Budget for 2017/18 and a review of the position for the budget for 2016/17 at its meeting on the 29th March 2017. Quarterly budget monitoring was undertaken during the year in order to better monitor the cashflow position of the Fund.

3.6.4 The Committee reviewed and approved an updated Treasury Management Strategy for the Pension Fund at its meeting on 24<sup>th</sup> January 2017.

### 3.7 Other Collaborative Working

3.7.1 The Committee has been kept informed of the work that the Fund has been involved in on the National LGPS Frameworks for procurement, delivering efficiency savings both for the Fund itself and across the LGPS. The Fund has remained an active participant in the project during 2016/17, being involved in finalising a new framework for third party pension administration. As detailed earlier in the report, the Fund subsequently commenced a mini-competition through the Framework during 2016/17.

### 3.8 Training

3.8.1 As part of the process of enabling Committee Members to fulfil their roles as quasi-trustees of the Pension Fund and the need to meet their fiduciary and regulatory responsibilities, the Committee were provided with a training session prior to each meeting. The CIPFA Knowledge and Skills Framework sets out in considerable detail the level of knowledge and skills that are expected of Committee Members who hold responsibility for the management of LGPS Funds; it is therefore vital to ensure that appropriate levels of training are available to Committee Members.

3.8.2 The topics covered in the training programme for Members were provided in line with the Knowledge and Skills Framework to help ensure that the Committee are able to achieve high levels of the specialist knowledge required of them.

3.8.3 The topics covered during the year in line with the Knowledge and Skills Framework are outlined in the table below:

Dedicated Training	Date
Active versus passive equity investment (KSF4)	27/06/2016
Actuarial Valuation (KSF6)	19/09/2016
Asset Liability Modelling (KSF6, KSF4)	06/12/2016
Pensions Legislation and Governance (KSF1)	24/01/2017
Financial Markets and Product Knowledge (KSF5)	29/03/2017
Supplemental Training	Date

Pensions Administration	27/06/2016
Investment Pooling – Legislative and Governance Context (KSF1)	27/06/2016
TPR Code Compliance (KSF1)	19/09/2016
Pension Fund Report and Accounts (KSF2)	19/09/2016
Section 13 GAD Reporting (KSF6)	19/09/2016
Investment Pooling Update (KSF1, KSF5)	24/01/2017
Pension Fund Risk Register (KSF1, KSF4)	24/01/2017
Third Party Administration Procurement (KSF3)	24/01/2017
Actuarial Valuation Final Report (KSF6)	29/03/2017
Investment Strategy Statement (KSF4)	29/03/2017
<b>Strategy Meeting Supplemental Training</b>	<b>Date</b>
Investment Strategy (KSF4, KSF5)	06/12/2016
Asset Liability Modelling (KSF6, KSF4)	06/12/2016
Third Party Administration – Procurement (KSF3)	06/12/2016

### 3.9 Ad-hoc Projects

3.9.1 The Committee also reviewed a number of other projects during the municipal year covering a range of topics as set out below:

- Pension Fund Risk Register – The Committee considered an updated Pension Fund Risk Register at its Committee meeting in January, ensuring a good understanding of the wider risks facing the Fund.
- Policy Reviews – Both the Communications Policy and the Pensions Administration Strategy were reviewed and approved by the Committee during the year as part of a rolling programme to ensure that policy documents are reviewed on a regular basis and any necessary changes are considered and approved.

## 4. WORK PROGRAMME 2017/18

4.1 During the 2017/18 municipal year, the following reports are expected to be submitted to the Committee for consideration –

- Stewardship and Corporate Governance
- Report and Accounts 2017/18
- 2018/19 Budget
- Business Plan 2017/20
- Asset pooling update
- Implementation of planned Investment Strategy Changes
- Update on progress of climate change resolutions
- Quarterly monitoring – covering Funding, Budget, Investment, Administration
- Governance
- Membership data quality update/Data cleansing exercise
- Fund Manager Reports
- GMP reconciliation exercise
- Regulatory changes and consultations



- Pension Fund Risk Register
- Training Programme
- Policy reviews, including administering and employing authorities' discretions policies
- Implementation of MiFID II

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**Report of Local Government Ombudsman - Judgement On Adult Social Care**

<p><b>COUNCIL MEETING DATE</b></p> <p>25 October, 2017</p>	<p><b>Classification:</b></p> <p>Open</p> <p>If exempt, the reason will be listed in the main body of this report.</p>
<p><b>Ward(s) affected</b></p> <p>All</p>	
<p><b>Cabinet Member</b></p> <p>Cllr Jonathon McShane - Health, Social Care and Devolution</p>	
<p><b>Key Decision</b> N/A</p> <p><b>Reason – For information</b></p>	
<p><b>Group Director</b></p> <p>Anne Canning, Group Director of Children, Adults and Community Health</p>	

## **1. CABINET MEMBER'S INTRODUCTION**

- 1.1 The Local Government Ombudsman (LGO) has issued a report (Appendix 1) following an investigation of a complaint against the Council. The complaint related to a nine month delay of an assessment and subsequent acceptance of funding responsibility for an individual, Mrs Y, who was placed by her daughter, Mrs X into a residential care home. The Ombudsman found that there had been fault on the part of the Council, and this had in their view caused injustice to the complainant.
- 1.2 The LGO report sets out two recommendations, of which one has already been implemented by the Council. The Council has taken the action which the Ombudsman regards as providing a satisfactory remedy for the complaint, and provided an update to the LGO. This report to full Council sets out those recommendations and the action undertaken by the Council.

## **2. GROUP DIRECTOR'S INTRODUCTION**

- 2.1 The LGO investigation referred to above relates to the complaint by Mrs Y's daughter about the Council's refusal to fund her late mother, Mrs Y's residential care home, from 28<sup>th</sup> September, 2014. Mrs X claims that the Council should have reassessed her mother's needs and that she had been seeking an assessment prior to her mother being transferred into a residential care home.
- 2.2. The Council made clear to the LGO that Mrs Y was placed by her immediate family via a private arrangement into a residential home.
- 2.3 Mrs Y's placement was made without prior assessment by the Council. The Council highlighted to the LGO that they had no knowledge of the placement. The LGO report stated that the evidence supports the Council's position on this. In the first instance the Council was informed by Mrs Y's family that she was taken out of her ordinary accommodation to go on a family vacation.
- 2.4 The Council explained to the LGO that the under the Care Act 2014 the provision of residential care is subject to clear eligibility criteria and an assessment process. It was the Council's view that Mrs Y could have been supported in her own accommodation in the community even if her needs further changed which would also be a financially cost effective solution in comparison to the cost of residential care.
- 2.5 The Council was first advised of Mrs Y's family decision for Mrs Y to remain permanently in residential care in November 2014.
- 2.6 The Council emphasized to the LGO that it was their view that Mrs Y could have been supported in the community and therefore not in need of residential care, the Council was not liable for residential care home fees. It was also the Council's view that as the arrangement to place

Mrs Y by her family was intentional and outside of the borough, there were sufficient grounds for the Council to discuss the residency status with the host local authority. This was in order to consider the Ordinary Residence of Mrs Y, as well as which local authority would hold the future responsibility for Mrs Y's care and support provision.

- 2.7 The Council during its liaisons with Mrs Y's family's solicitor sought ongoing advice from the Council's legal services who responded to all enquiries and correspondence from the complainant solicitor.
- 2.8 The LGO's decision was based on case record information, documents on adult social care system and through interviews.

### **3. LGO RECOMMENDATIONS**

#### **3.1 The LGO report makes a series of recommendations as set out below.**

- **The Council to settle the invoice with the residential care home based on its assessed weekly contribution between the 26<sup>th</sup> November 2014 and the 20<sup>th</sup> October, 2015. The Council has worked this out to be £19,898.**
- **The complainant has reportedly already made some payments to the residential care home which are more than Mrs Y's assessed weekly contribution therefore the care home agrees to reimburse those payments to Mrs Y's estate on receipt of the Council's payment.**
- **The Council was requested to reimburse legal fees as part of the Ombudsman decision. The LGO decided it was reasonable for the complainant to engage legal help in what the LGO considered to be a complex matter where the complainant was dealing with a public body that failed to act for a lengthy period.**

### **4. REASONS FOR LGO DECISION**

- 4.1 This report forms part of the Council's obligations under the Local Government Act 1974 to publicise receipt of a Local Government Ombudsman report.
- 4.2 The LGO has determined the Council had delayed for nine months in carrying out the assessment. The LGO has interpreted that this has caused financial loss to Mrs Y.

### **5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 5.1 None.

## **6. BACKGROUND INFORMATION**

- 6.1 The Council has a statutory responsibility to carry out an assessment of need where it appears an adult may be in need of community care services. The assessment must be of the adult's needs and how they impact on their wellbeing and the outcomes they want to achieve. It must involve the individual and where appropriate their carer or a person they want to involve. Statutory guidance also requires the Council to undertake a proportionate review of an adult who is in receipt of services and/or where there has been a change in a service user's circumstances.
- 6.2 Mrs Y was a woman of Turkish-Cypriot origin. She was a widow with 4 children. She had a diagnosis of Dementia with cognitive and communication impairments. Her daughter Mrs X advocated on her behalf.
- 6.3 Mrs Y had resided in a local authority sheltered accommodation flat with support from her family.
- 6.4 Mrs Y was experiencing a decline in her physical abilities and was unable to undertake practical tasks with regards to her daily living needs.
- 6.5 Mrs Y was admitted to hospital in December 2013 and remained there for a number of months until the time of her discharge in April, 2014. Although there were discussions around the best options of her discharge destination and future care and support needs, Mrs Y was determined to return back to her independent accommodation. This information was related to the Council by two of her daughters who reported Mrs Y wished to die in her own home rather than in a care home setting. Mrs Y's family were in full support of this request.
- 6.6 From a practice point of view, the Council's position is that a permanent care home placement is a last resort decision and preferably should not be made at a point where the individual has not had a sufficient opportunity to recuperate following a period of illness and return to their baseline level of functioning.

## **7. INVESTIGATION AND FINDINGS OF THE LGO**

- 7.1 In April 2014 following a lengthy period of hospitalisation, Mrs Y's condition had deteriorated to the extent that the multidisciplinary team's recommendation was a nursing home placement. At this point in time her family stated that they wanted to care for her at home. Subsequently, a package of care was arranged to enable Mrs Y to return home.

- 7.2 In September, 2014 the Council were advised via Mrs Y's care agency that Mrs X had cancelled home care as the family were going on holiday abroad for 2 to 3 weeks. Mrs X had advised the homecare provider that she would contact them once they had returned in order to re-start the package of care.
- 7.3 It was established that Mrs X did not take her mother on holiday but instead arranged for her to go into a care home outside of Hackney. The arrangement Mrs X had with the home was a private one at a cost of £550 per week and described as temporary respite.
- 7.4 Mrs X asserted that she had spoken to Council officers by telephone requesting assistance to arrange respite care and made several attempts to do so as she was reported to be struggling to care for her mother. There is no recorded evidence on Mrs Y's case file to evidence any contact during this period or to evidence that to suggest any contact had been repeatedly made by Mrs X requesting for respite care.
- 7.5 In October, 2014 Mrs X had contacted the Council as she had been finding it difficult to manage and reported being no longer able to care for her mother throughout the day in the periods when organised care was not visiting. There is however no record of Mrs X advising the Council that Mrs Y was no longer living in Hackney or had been already placed into respite care in Council C.
- 7.6 The homecare agency which provided care and support to Mrs Y reported that since her discharge from hospital in early 2014 her condition was improving therefore, it was surprising the family had not been coping and were of the opinion Mrs Y required residential care.
- 7.7 Mrs X advised the LGO her intention was to have her mother return home but was concerned the Council would not provide more hours of care to an already extensive care package. Mrs X further advised the LGO that by November 2014 a decision was made by the family that her mother would not be returning home as Mrs Y had settled well in the care home she was in.
- 7.8 Investigations by the Council determined that Mrs Y was no longer registered with her GP and had been confirmed as having moved out of the borough permanently prior to the family's decision that it is reported they could not manage Mrs Y any longer at home.
- 7.9 In November, 2014 Mrs X visited the Council offices and advised that she had placed her mother into a care home and as she could not continue to care for her mother at home. It was at this point the Council made it clear as this was a private arrangement Mrs Y was advised

return home in order for a re-assessment or review to be conducted in order to determine if Mrs Y required a long term placement.

- 7.10 In December the Council made the decision that as the family had voluntarily transferred Mrs Y into another borough and fees were being funded privately with no intention of returning to Hackney she should now approach the borough the care home was located within for assistance.
- 7.11 During December 2014 and January 2015 Council officers exchanged correspondence with Council C over whose responsibility it was to fund Mrs Y's care and where she was now deemed to be ordinary resident. Both Councils sought legal advice and neither Council accepted funding responsibility.
- 7.12 In May 2015, the Council C wrote to Hackney Council requesting to arrange a social care assessment. Council C believed Mrs Y remained ordinary resident in Hackney and the responsibility for funding her care home placement should have remained with the Council. Therefore, Council C said it would refer the case to the Secretary of State if the Council did not accept responsibility. There was no evidence that either Council referred the matter to the Secretary of State.
- 7.13 In June 2015, an officer from Council C contacted the Council to advise Mrs Y wanted to return back to Hackney and still had a tenancy in Hackney.
- 7.14 A Social Worker carried out an assessment in August 2015 and determined that Mrs Y required residential care. The assessment further indicated that Mrs Y's family wanted her to return to a care home in Hackney.
- 7.15 In October 2015 Hackney agreed to fund Mrs Y's placement less her client contribution.
- 7.16 In November 2015 Mrs X instructed a solicitor to arrange the Council to pay the outstanding debt to the care home.

## **8. COMMENTS FROM THE COUNCIL**

- 8.1 Mrs X did not fully communicate to the Council the arrangement she had made for her mother as a result of her inability to continue in her caring role.
- 8.2 Mrs X failed to consult with the Council over the reported planning of Mrs Y's respite and made her own private arrangement through an acquaintance of the family who was the proprietor of the care home.



- 8.3 The agreement between Mrs X and the care home was a private arrangement solely funded by the family and without the Council's involvement or approval.
- 8.4 In October 2014 Mrs X provided inconsistent information by advising the Council that she was unable to care for Mrs Y while the fact of the matter was that Mrs Y was already in residential care home which she failed to disclose.
- 8.5 There is clear evidence to suggest that the family planned to move Mrs Y permanently to Council C by deregistering Mrs Y with her local GP; this was confirmed by the GP Practice.
- 8.6 The Council disputed ordinary residence issue with Council C as the legal advice suggests that when a person moves to another local authority area permanently under private arrangement they would usually acquire an ordinary residence in the new area.

## **9. THE COUNCIL'S COMMUNICATION WITH COMPLAINANT**

- 9.1 The Council believe that Mrs X provided inconsistent information to the Council regarding Mrs Y's condition, situation and her future intentions on how the family considered Mrs Y's care needs should be met.
- 9.2 The Council believes Mrs X had not been transparent with her family's intentions on transferring Mrs Y into a residential care home.
- 9.3 The Council had attempted to resolve the matter on several occasions taking into consideration the circumstances which Mrs Y had been placed into respite care however, the complainant was not amenable to a compromise on outstanding care home charges.

## **10. SENIOR MANAGEMENT OVERSIGHT**

- 10.1 Senior management in the Council were aware of Mrs Y's case and in liaison with legal services.
- 10.2 In December 2016, the Council attempted to settle the matter with Mrs X in a bid to resolve the ongoing dispute of outstanding care home charges. An amount (based on possible care needs) had been proposed to take over funding responsibility from March 2015 as a pragmatic gesture to finally resolve the matter. However, this offer was not accepted by Mrs X.

## **11. CONCLUSIONS**

- 11.1 Following LGO investigation report in summary, the Council has carried out the following actions
- 11.2 The Council has settled the invoice with the care home based on its assessed weekly contribution between 26<sup>th</sup> November 2014 and 20<sup>th</sup> October 2015.
- 11.3 The Council has accepted the LGO decision to reimburse Mrs X with reasonable and auditable legal fees which have been incurred during the process. Therefore, the Council is awaiting a payment request.

## **12. CONSULTATIONS**

- 12.1 Section 30 of the 1974 Local Government Act requires the Council to make a public notice in more than one newspaper within two weeks of receiving the LGO report, and to make the report available at one or more of the Council's offices for three weeks. These actions have been undertaken.

## **13. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES**

- 13.1 The LGO recommendations outlined in Section 3 of the report will cost approximately £24k, and will be met from existing Adult Social Care resources. The Council will settle the £19,898 invoice with the residential care home based on its assessed weekly contribution for the agreed period, and then reimburse legal fees of approximately £4k as part of the Ombudsman decision.

## **14. COMMENTS OF THE INTERIM DIRECTOR OF LEGAL**

- 14.1 The report to Cabinet sets out the outcome of the investigation by the Local Government Ombudsman ("LGO") into the complaint by the family of Mrs Y (deceased). The complaint concerns the Council's refusal to fund Mrs Y's residential care from 28 September 2014. The complaint was made by Mrs Y's daughter Mrs X who states that the Council should have reassessed Mrs Y's needs as she had been requesting an assessment before Mrs Y went into the care home.
- 14.2 There is a duty on the Council to undertake an assessment of need:
  - 14.2.1 Prior to 01.04.2015, section 47 of the NHSCCA 1990 requires local authorities to carry out an assessment of needs for community care services with a view to providing or arranging to provide

community care services to such an individual. Such community care services may be provided under sections 21 and 29 of the National Assistance Act 1948;

14.2.2 From 01.04.2015, section 9 of the Care Act 2014 imposes a duty on local authorities to undertake a needs assessment to determine whether the adult has care and support needs.

14.3 The threshold to undertake a needs assessment is very low and the duty is triggered once it appears to the local authority that an adult may have needs for care and support.

14.4 Once the assessment has been carried out, a support plan will be prepared setting out the services to be provided, subject to a financial assessment and the individual's personal contribution to the cost of care.

14.5 The duty to assess and provide services falls to the local authority where the individual is ordinarily resident. Ordinary residence in itself refers to an individual's abode in a particular place or country which he has adopted voluntarily and for settled purposes as part of the regular order of his life for the time being, whether of short or long duration."

14.6 Where an individual is placed outside a local authority's area, the deeming provisions will apply meaning that the placing authority will remain responsible for meeting the individual's care costs. The deeming provisions will however not apply where the placement was made without the knowledge or involvement of the local authority (*unless where the local authority failed to carry out their statutory duty, in which case the deeming provisions will apply*).

14.7 Where there is an alleged breach of the duty to assess and provide care and support services, the individual concerned or the individual's family will have recourse to the complaint process, including a referral to the LGO.

14.7.1 Part III of the Local Government Act 1974 (sections 26 (1) and 26A (1)) empowers the LGO to investigate complaints about 'maladministration' and 'service failure, consider the adverse impact on the person making the complaint and where this has caused an injustice, suggest a remedy.

14.7.2 Whilst the LGO has no legal power to force councils to follow their recommendations, it is always advisable for the authority to give due consideration to the LGO's recommendations and in the majority of cases, local authorities tend to accept the LGO's recommendations to remedy complaints. The LGO's recommendations may be that the local authority –

- Issue an apology to the individual or the family
- Pay a financial remedy and/or
- Improve its procedures so similar problems do not happen again.

14.8 Lessons to be learnt from the recommendations of the LGO will include

- (i) A reminder that local authorities must comply with the provisions of the Care Act 2014 in relation to assessment of needs;
- (ii) A firming up of the process for dealing promptly or within a reasonable time with requests for assessment/review of needs and provision of services;
- (iii) A general review of the practice of dealing with matters on a *Duty* basis once the support plan is signed off as this practice may give rise to slippages.

## APPENDICES

Appendix 1 – LGO Report, July, 2017

Appendix 2 – Letter to LBH, July 2017

### Background Paper

None

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<b>Comments on behalf of Interim Director of Legal</b>	Joe Okelue 020 8356 5208 <a href="mailto:Joe.Okelue@hackney.gov.uk">Joe.Okelue@hackney.gov.uk</a>

# **Report by the Local Government and Social Care Ombudsman**

**Investigation into a complaint against  
London Borough of Hackney  
(reference number: 16 003 210)**

**20 July 2017**

## The Ombudsman's role

For 40 years the Ombudsman has independently and impartially investigated complaints. We effectively resolve disputes about councils and other bodies in our jurisdiction by recommending redress which is proportionate, appropriate and reasonable based on all the facts of the complaint. Our service is free of charge.

Each case which comes to the Ombudsman is different and we take the individual needs and circumstances of the person complaining to us into account when we make recommendations to remedy injustice caused by fault.

We have no legal power to force councils to follow our recommendations, but they almost always do. Some of the things we might ask a council to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

# Investigation into complaint number 16 003 210 against London Borough of Hackney

## Contents

Report summary.....	1
Introduction .....	2
Legal and administrative background .....	2
How we considered this complaint.....	5
Investigation .....	5
Conclusions.....	9
Decision .....	11
Recommendations .....	11

Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

## Key to names used

Mrs X: the complainant

Mrs Y: the complainant's late mother

## Report summary

### **Subject**

#### **Adult social care**

Mrs X complains London Borough of Hackney refused to fund her late mother Mrs Y's residential care.

### **Finding**

Fault causing injustice and recommendations made.

### **Recommendations**

To remedy the injustice, we recommend the Council settles the invoice with the care home based on its assessed weekly contribution between 26 November 2014 and 20 October 2015 and reimburses Mrs X's reasonable legal costs, subject to evidence of payment. The Council accepts our recommendations.



## Introduction

1. Mrs X complains about London Borough of Hackney's (the Council's) refusal to fund her late mother Mrs Y's residential care from 28 September 2014. She says the Council should have reassessed her mother's needs as she had been seeking an assessment before her mother went into the care home.

## Legal and administrative background

### The Ombudsman's role

2. We investigate complaints about 'maladministration' and 'service failure'. In this report, we have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. We refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)

### Relevant law and guidance

3. We have referred to law and statutory guidance in force before and after April 2015. This is because some of the events of this complaint happened before the Care Act 2014 came into force in April 2015 and others happened later.

#### **The law before 31 March 2015**

4. An assessment of need is the gateway to receiving social care services. A council must carry out an assessment where it appears an adult may be in need of community care services. (*NHS and Community Care Act 1990, section 47*)
5. Statutory guidance explains a council should review an assessment at least yearly or on request or where there has been a change in circumstances. (*Prioritising Need in the Context of Putting People First, paragraph 144*)
6. Councils have a duty to arrange residential care for people over 18 where three conditions are met.
  - A person must need care and attention.
  - The need for care and attention must be because of age, disability, or illness.
  - The care and attention must not be available otherwise than by providing accommodation with care. (*National Assistance Act 1948, section 21*)
7. The authority responsible for providing residential care is the one in which the person is ordinarily resident. (*National Assistance Act 1948, section 24(1)*)
8. There is no definition of "ordinary residence" in legislation. Therefore, the term should be given its ordinary and natural meaning subject to any interpretation by the courts. (*Ordinary Residence: Guidance on the identification of the ordinary residence of people in need of community care services, England (October 2013)*)

9. Where two or more local authorities fall into dispute over a person's ordinary residence, and that dispute cannot be resolved locally, the authorities may request a determination from the Secretary of State for Health. During the dispute, providing services should never be delayed because of confusion about which authority is responsible. Disputes should be referred to the Secretary of State within four months. The local authority which should provide services until the dispute is resolved, is to be determined in line with directions issued by the Secretary of State.
- If the person is already receiving services, the local authority providing them should continue to do so.
  - If the person is not receiving services, the local authorities in dispute may agree which of them will provide services until the resolution of the dispute.
  - If the local authorities in dispute cannot agree, the local authority in which the person is living must provide the services.

If the person is not living anywhere, the local authority in whose area the person is physically present (the "local authority of the moment") must do so.

*(Ordinary Residence: Guidance on the identification of the ordinary residence of people in need of community care services, England (October 2013))*

### **The law from 1 April 2015**

10. A council must carry out an assessment for any adult with an appearance of need for care and support. The assessment must be of the adult's needs and how they impact on their wellbeing and the outcomes they want to achieve. It must also involve the individual and where appropriate their carer or any other person they might want involved. *(Care Act 2014, sections 9 and 10)*
11. An assessment should be carried out over an appropriate and reasonable timescale considering the urgency of needs. *(Care and Support Statutory Guidance 2014, Paragraph 6.24)*
12. The Care Act spells out the duty to meet eligible needs (needs which meet the eligibility criteria). *(Care Act 2014, section 18)*
13. An adult's needs meet the eligibility criteria if:
- they arise from or are related to a physical or mental impairment or illness, and
  - the adult cannot achieve two or more of the outcomes (specified below), and
  - as a result there is, or is likely to be, a significant impact on well-being.

### **Specified outcomes**

- Managing and maintaining nutrition
- Maintaining personal hygiene

- Managing toilet needs
- Being appropriately clothed
- Making use of the home safely
- Maintaining a habitable home environment
- Accessing work, training, education
- Making use of facilities or services in the community
- Carrying out caring responsibilities.

*(Care and Support (Eligibility Criteria) Regulations 2014, Regulation 2)*

14. The Care Act explains the different ways a council can meet eligible needs by giving examples of services that may be provided:

- Accommodation in a care home or other premises
- Care and support at home
- Counselling and social work
- Information advice and advocacy.

*(Care Act 2014, section 8)*

15. If a council decides a person is eligible for care, it should prepare a care and support plan which specifies the needs identified in the assessment, says whether and to what extent the needs meet the eligibility criteria and specifies the needs the council is going to meet and how this will be done. The council should give a copy of the care and support plan to the person. *(Care Act 2014, sections 24 and 25)*

16. The care and support plan must set out a personal budget. A personal budget is a statement which specifies the cost to the local authority of meeting eligible needs, the amount a person must contribute and the amount the council must contribute. *(Care Act 2014, section 26)*

17. Statutory Guidance explains a council should review a care and support plan at least every year, on request or in response to a change in circumstances. *(Care and Support Statutory Guidance, Paragraph 13.32)*

18. A council is only required to meet the needs of an adult who is 'ordinarily resident' in their area or is present there but has no settled residence. *(Care Act 2014, section 18(1)(a))*

19. Any dispute about where an adult is ordinarily resident is to be decided by the Secretary of State for Health. *(Care Act 2014, section 40(1))*

20. Regulations require disputes about ordinary residence to be referred to the Secretary of State for Health within four months of the date on which the dispute arose. (*Direction 3, Care and Support (Disputes between Local Authorities) Regulations 2014*)

## How we considered this complaint

21. We have produced this report after examining the relevant files and documents and interviews with the complainant and relevant employees of the Council.
22. We gave the complainant and the Council a confidential draft of this report and invited them to comment. We took the comments we received into account before we finalised the report.

## Investigation

23. Mrs Y had dementia and was discharged from hospital in early 2014. The Council agreed to fund care in a nursing home for Mrs Y at the time of discharge. However, the family and Mrs Y wanted her to go home and so the Council agreed to fund a package of care to enable her to live at home. Internal notes and emails by social workers in early 2014 indicate the adult social care funding panel was concerned about the high risk to Mrs Y if she went home with a care package. The funding panel eventually agreed to fund home care when Mrs Y's daughter said she would move in with her. Mrs Y's care package was four calls a day with two carers – five hours a day of paid care in total.
24. On 29 September, 2014, the home care agency told the Council Mrs X had called its out of hours' service to cancel visits to Mrs Y as they were going on holiday for two to three weeks. Mrs X said she would notify the agency when she was back.
25. Mrs X did not take her mother on holiday. Instead, she arranged for Mrs Y to go into a care home in a different area for respite care. A Statement of Terms and Conditions dated 28 September 2014, signed by Mrs X and the care home says Mrs Y was to receive temporary respite care. The arrangement was 'private' (as opposed to 'social services') at a weekly fee of £550.
26. Mrs X asserted in later correspondence with the Council that she spoke to council officers by phone before she arranged the respite care. Mrs X claimed she asked for help as she was struggling to care for her mother. She says she made several attempts at contact before 28 September. But there is no evidence in the Council's records to suggest any contact from Mrs X around this time.
27. On 24 October 2014, Mrs X called the duty social worker to say due to Mrs Y's lack of mobility, Mrs X was finding it difficult to manage Mrs Y's transfers (help her to change position). Mrs X asked for a review of Mrs Y's care package as she could not care for her mother throughout the day due to her own health problems. There is no record Mrs X told the duty social worker that Mrs Y was not living in Hackney and was staying in a care home for respite care.

28. Mrs X told us that in October 2014, she was aiming to look after her mother at home again, but she was concerned the Council would need to provide more hours of agency care for Mrs Y in order for this to happen. Mrs X told us that by November 2014, she had decided she could not care for her mother at home after all and she considered Mrs Y had settled in well at the care home.
29. Mrs X and her nephew visited the Council's offices on 26 November asking for financial assistance for residential care. Mrs X said she had placed her mother in a care home for respite care. She said she could not continue caring for her mother and needed at least five months' break. The social worker said it was a private arrangement, that Mrs Y should have been assessed before Mrs X arranged the placement and Mrs Y should return home to be assessed.
30. On 4 December, after discussion with a manager, a social worker and service manager said the family should ask Council C (where the care home was located) to assess Mrs Y.
31. In December 2014 and January 2015, there were emails and correspondence between Council officers and officers in Council C about which authority was responsible for Mrs Y and where she was ordinarily resident. Officers from both councils sought legal advice. Neither council accepted funding responsibility.
32. The Council did not allocate a social worker to carry out a social care assessment. A manager said in an email in February 2015 that Mrs Y's case should be allocated for an assessment.
33. In May 2015, Council C wrote to the Council asking it to carry out a social care assessment of Mrs Y. Council C said it understood the combined effects of Mrs X's own ill health and other caring responsibilities meant the family needed further help with Mrs Y and were reaching crisis point at the time they arranged the care home placement. Council C said that it believed that Mrs Y remained ordinarily resident in Hackney and so Hackney was responsible for funding her care. And Mrs Y's family wanted her to live in Hackney. Council C said it would refer the case to the Secretary of State if the Council did not accept responsibility for Mrs Y. There is no evidence Council C or the Council referred the case to the Secretary of State.
34. In June 2015, a duty officer noted Mrs Y's case was still awaiting allocation and asked a manager to allocate it. A duty officer from Council C contacted the Council on 10 June to say Mrs Y's family wanted her to move back to Hackney and she still had a tenancy in Hackney. The case was allocated to a Hackney social worker at the end of June 2015.
35. The social worker carried out an assessment of Mrs Y's social care needs in August 2015. The outcome was she was eligible for care services. She required total support to:
  - maintain a habitable environment;
  - manage and maintain her nutritional needs;
  - manage toileting;

- dress in appropriate clothing;
  - develop and maintain family and personal relationships;
  - stay safe.
36. The personal budget for Mrs Y was £653. A support plan of August 2015 said Mrs Y required residential care in a care home specialising in dementia care. The support plan recorded comments from Mrs X including:
- the family did not intend Mrs Y stayed out of area.
  - they knew the care home's owner and that was why the family placed her there for respite care as Mrs X was at breaking point.
37. In October 2015, the Council agreed to fund Mrs Y's placement from 21 October 2015. Mrs Y's contribution was £126.30 and the Council's £423.70.
38. In November 2015, Mrs X instructed a solicitor. The solicitor asked the Council to pay the outstanding debt to the care home as Mrs Y was ordinarily resident in Hackney.
39. In February 2016, the Council wrote to Mrs X's solicitor saying:
- the family turned down a residential care placement in March 2014 and Mrs Y went home with a package of care;
  - there was no record suggesting the home care package was inadequate;
  - Mrs X told the home care agency in September 2014 Mrs Y was going on holiday;
  - the Council first found out about the placement on 26 November 2014. There was no mention of Mrs Y being in a care home when Mrs X previously contacted the Council;
  - the home care agency said Mrs Y's condition was improving so it was surprising the family decided to place her in a care home without consulting the Council;
  - as the placement was a private arrangement, the law was clear that Mrs Y was ordinarily resident in Council C's area;
  - the Council agreed to take over funding the placement from 21 October 2015.
40. Mrs X's solicitor responded to the Council's letter of February 2016 saying:
- the Council should have carried out an assessment when the family asked it to;
  - Mrs X's own health had deteriorated since she placed her mother in respite care and she could no longer look after Mrs Y;
  - Mrs X cancelled care with the home care agency saying she had put her mother into care;
  - Mrs X contacted the Council before arranging the placement, but could not get any help;
  - there was never a plan for Mrs Y to remain in the care home. The arrangement was borne out of desperation.

- the report from the home care agency suggesting Mrs Y's condition was improving had no significance because Mrs X could not cope with the care of her mother between the carers' visits;
  - there was an outstanding amount due of about £20,000.
41. It seems Mrs Y's family changed their mind about her returning to Hackney because she remained in the care home until her death in March 2016.
42. The Council responded to Mrs X's solicitor's earlier letter saying:
- there was no request for help before the family moved Mrs Y and they did not report they were struggling to cope;
  - the home care agency would normally ask for a reassessment if there were concerns and it did not;
  - the Council's responsibility began when the assessment of need was concluded and presented to the funding panel. But, because of the way events turned out, the Council would take over funding responsibility from the date of the assessment (11 August 2015).
43. Mrs X's solicitor made a formal complaint to the Council in May 2016 saying the Council should have carried out a social care assessment in 2014, at least after the family contacted it in October 2014, if not earlier. The solicitor said if a social care assessment had been carried out when the family contacted the Council, funding and care would have been in place much earlier.
44. The Council responded in July saying:
- the first time officers were aware of Mrs Y being in a care home was 26 November 2014;
  - the family did not advise of their intention to place Mrs Y in a care home beforehand. The Council had checked with Mrs Y's GP in Hackney and the practice confirmed she was no longer registered as a patient and had moved permanently;
  - there may have been some delay in responding to the request for a needs assessment. So the Council would take responsibility for the fees from 26 March 2015.
45. Mrs X was not happy with the Council's response and her solicitor complained to us on her behalf.

### **Comments from the Council**

46. The Council's position is:
- Mrs X did not say she was struggling to cope in September 2014, she did not consult with the Council and chose to make her own arrangements;
  - the agreement dated 28 September was between the care home and Mrs X and was with no council involvement or approval.

- Mrs X gave inconsistent information. On 24 October, she said she was no longer able to care for her mother. But her mother was at this time in residential care and she did not mention this;
- Mrs X contributed to the problem by not being open about her actions or working with the Council when she arranged the care home placement privately in September 2014;
- it made a reasonable offer in the circumstances. When a person moves into another local authority area permanently under private arrangements and is paying for their own care, they usually acquire an ordinary residence in the new area. The evidence suggests the move was permanent and not temporary (as the family suggests) as there was a permanent change of GP;
- it was not aware of the placement before 26 November 2014 and it should not be made to pay for care for a period before this date.

## Conclusions

47. There is no evidence Mrs X contacted the Council before she placed Mrs Y in the care home at the end of September 2014. So we do not regard the Council to be at fault in its actions before Mrs X contacted it on 24 October 2014. Relying on the wording of the written agreement between Mrs X and the care home, we are satisfied the placement on 28 September 2014 was a private arrangement. We consider Mrs X intended it as a short-term measure to enable her to have a break and make more long-term arrangements for Mrs Y's care. The evidence strongly suggests Mrs X arranged the placement without the Council's prior knowledge or involvement.
48. Mrs X asked the Council for a review of Mrs Y's care on 24 October 2014, citing various difficulties in caring for her mother. The Council should have reviewed the case because *Prioritising Need in the Context of Putting People First*, which was the statutory guidance in force at the time, required it to carry out a review on request or if there was a change of circumstances. Both of these applied. The Council did not carry out a review or reassessment of Mrs Y until August 2015. This was 10 months after Mrs X's request. And although the statutory guidance in force until April 2015 did not impose a timescale for conducting reviews or assessments, the current statutory guidance requires assessments (and reviews) to be conducted within a reasonable and appropriate timescale depending on the urgency of the case. Our view is that absent a statutory timescale, local authorities must act reasonably in the circumstances. We consider taking 10 months to complete a review is fault given this case involved carer break down. We consider the Council should have responded and completed the review/reassessment within a month of the request in October 2014 – so by the end of November 2014.
49. It is not our role to decide Mrs Y's ordinary residence. Our role is to decide whether the Council has been at fault and if so, whether this caused injustice. The Council and Council C were in dispute about Mrs Y's ordinary residence. As it could not resolve the dispute within four months, the Council should have referred the case to the Secretary of State for a determination. The failure to refer the case to the Secretary of State was not in line with Direction 3 of the Care and Support (Disputes between Local Authorities) Regulations 2014 or with previous guidance on ordinary residence disputes and is fault.



50. Guidance (set out in paragraph 9) also explains the actions councils should take to fund services until the Secretary of State makes a determination. There was no attempt by the Council to apply the guidance during the period it was in dispute with Council C. This is further fault.
51. It is not clear why Mrs X failed to tell the Council in October 2014 that she had placed her mother in residential respite care. We have sympathy with the Council's view that Mrs X was not open about her actions. But this does not excuse the Council's later failure to take timely action once it became aware of the placement in November 2014. Once Mrs X said she could no longer cope with her caring role, there should have been a prompt reassessment of need/review, and, as there was an ongoing dispute with Council C about ordinary residence, the involvement of the Secretary of State should have been sought to resolve the matter. The failure to reassess in an appropriate timescale and refer to the Secretary of State is fault.
52. The Council accepted Mrs Y was ordinarily resident in Hackney from August 2015 because it funded her residential care from that date. The Council has given no cogent reasons for the refusal to backdate funding even though it took an unacceptably long time to assess Mrs Y. This is further fault.

### ***Injustice***

53. As set out in the previous section, the Council was at fault because it did not carry out a timely review/reassessment of Mrs Y. That reassessment should have been completed by the end of November 2014. If it had been, we find on a balance of probability and based on clear evidence in the case records, the Council would have arranged residential care for Mrs Y under its responsibilities under the National Assistance Act 1948 because:
  - An earlier assessment of Mrs Y in March 2014 concluded she required residential care due to risks associated with her dementia. She was considered too high risk at home with a home care package, unless another adult was present in her home as well. So the only reason Mrs Y was allowed to come home was because Mrs X agreed to be her live-in unpaid carer.
  - When Mrs X told the Council in October 2014 that she could no longer cope with her caring role, it meant the home care arrangement the Council had previously agreed as safe and appropriate, was no longer so.
  - The Council accepted funding responsibility for Mrs Y's placement from October 2015 and that she was ordinarily resident in Hackney from October 2015.
  - Council C accepted no funding responsibility or that Mrs Y was ordinarily resident in its area for the period September 2014 to September 2015.
  - The Council's position is contradictory; it accepts Mrs Y's ordinary residence in Hackney from October 2015 when Mrs Y had been in the same care home out of area for over a year, but does not accept her ordinary residence for the year before. The Council has given no reason for the distinction between the two periods. It is unclear how Mrs Y could have been ordinarily resident in Council C's area between October 2014 and October 2015 and then suddenly acquire ordinary residence in Hackney in October 2015 when she continued to live in Council C's area and there had been no other change in her circumstances.

54. With the breakdown of the informal care arrangements which ensured Mrs Y's safety in her own home, the only outcome of a review in October 2014 could have been Mrs Y's needs could only be met in residential care, which was in line with the view of the funding panel and the previous assessment in early 2014. So the Council was under a duty to arrange residential care under Section 21 of the National Assistance Act 1948.
55. There are fees outstanding to the care home that have not been paid and for which Mrs X has been invoiced. This is a debt that the Council, and not Mrs X, should pay, following the fault identified above.
56. We note the Council's position that it was not aware of the placement until 26 November 2014 and agree it would be unfair to place funding responsibility on its shoulders before that date. However, we are satisfied that if the Council had carried out a timely assessment in October 2014 when this was requested, the result would have been Mrs Y's needs could only be met by providing residential care, as her main carer was not willing to continue caring for her. That being the case, we find the Council should have funded residential care from 26 November 2014 which is about four weeks from the date that Mrs X asked for a review.

## Decision

57. The Council delayed for nine months in carrying out an assessment of need. This is fault and caused financial loss. On a balance of probability, had the assessment been completed when it should have been, the Council would have taken over funding the placement from the end of November 2014.

## Recommendations

58. To remedy the injustice, we recommend, within three months of this report, the Council settles the invoice with the care home based on its assessed weekly contribution between 26 November 2014 and 20 October 2015. This is £19,898. As Mrs X has already made some payments to the care home which are more than Mrs Y's assessed weekly contribution, the care home has agreed to reimburse those payments to Mrs Y's estate on receipt of the Council's payment.
59. We do not always recommend reimbursement of legal fees but in this case we consider it appropriate to recommend the Council pays Mrs X's reasonable legal costs. This is in line with our published *Guidance on Remedies*. It was reasonable for Mrs X to engage legal help in what was a complex matter, where she was dealing with a public body that failed to act for a lengthy period. Mrs X or her solicitor should provide the Council with evidence of payments made so the Council can check these are at a reasonable rate and proportionate to the advice provided.
60. The Council has accepted the above recommendations.



**Section 85 Local Government Act 1972 – Resolution to Extend Six Month Rule**

<b>COUNCIL</b> 25 October 2017	<b>CLASSIFICATION:</b> Open  If exempt, the reason will be listed in the main body of this report.
<b>WARD(S) AFFECTED</b> Victoria and Cazenove	
<b>GROUP DIRECTOR</b> Tim Shields, Chief Executive	

## **1. SUMMARY**

- 1.1 The purpose of this report is to enable the Council to consider an extension of the 6 month rule for Councillors Taylor and Akhoon on the grounds of their ill health.

## **2. RECOMMENDATIONS**

- 2.1 **That the Council in accordance with Section 85 of the Local Government Act 1972, approves Councillors Taylor and Akhoon's non-attendance at meetings until the end of the Municipal Year on the grounds of continued ill-health and the Council's best wishes be conveyed to them.**

## **3 BACKGROUND**

Section 85 of the Local Government Act 1972 states that if a member of a local authority fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, they shall cease to be a member of the authority. The only exception is if their non-attendance has been approved by the authority before the expiry of that period. Attendance can be at any committee or sub-committee, or at any joint committee, joint board or other body where the functions of the authority are discharged. Section 85 of the Act allows an authority to grant dispensation for such absence providing the dispensation is granted before the 6 month period of absence has expired.

- 3.2 Councillors Geoff Taylor and Dawood Akhoon have been unable to attend meetings recently on ill-health grounds. The last meeting attended by both Councillors was the AGM held on 24 May 2017. Under the circumstances it is requested that Council approve an extension of the 6 month rule for both Councillors until the end of the Municipal Year and the Council's best wishes be conveyed to them. This would not prevent Councillors Taylor and Akhoon from returning to meetings at any time if their health allowed but would give flexibility and prevent triggering a by-election before the local elections in May 2018.

## **4. IMPACT**

- 4.1 Both Councillor Taylor's and Councillor Akhoon's Ward duties will continue to be undertaken by their Ward colleagues in Victoria and Cazenove Wards. Councillor Taylor has resigned from the Cabinet and the Mayor has appointed Councillor Rebecca Rennison on a part-time basis as Councillor Taylor's replacement.

**5. COMMENTS OF THE GROUP DIRECTOR, FINANCE AND CORPORATE RESOURCES**

5.1 There are no direct financial implications emanating from this report.

**6. COMMENTS OF THE INTERIM DIRECTOR OF LEGAL**

6.1 Section 85 of the Local Government Act 1972 ('LGA') states that if a member of a local authority fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, they shall cease to be a member of the authority. If an executive member fails to attend an executive (cabinet) meeting for 6 months unless an extension was given he/she will cease to be a member of the authority (sub-section 85(2A) LGA)).

6.2 The only exception is if their non-attendance has been approved by the authority before the expiry of that period. Attendance can be at any committee or sub-committee, or at any joint committee, joint board or other body where the functions of the authority are discharged. Section 85 of the Act allows an authority to grant dispensation for such absence providing the dispensation is granted before the 6 month period of absence has expired.

6.3 This report is to enable the Council to consider an extension of the 6 month rule for Councillors Taylor and Akhoon on the grounds of their ill health. It is recommended, in light of the Councillors' ill health, that this extension is granted to both Councillors.

**APPENDICES**

None

**BACKGROUND PAPERS**

None

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<b>REPORT OF THE CHIEF EXECUTIVE</b>		
<b>OVERVIEW AND SCRUTINY</b>  <b>REPORT OF THE LIVING IN HACKNEY SCRUTINY COMMISSION</b>  <b>Review into Air Quality</b>  Living in Hackney Scrutiny Commission – 10 <sup>th</sup> July 2017  Cabinet – 18 <sup>th</sup> September 2017  Council – 25 <sup>th</sup> October 2017	<b>Classification</b>  Public	<b>Enclosures</b>  <b>Appendix 1</b> Air Quality Scrutiny Review - Report
	<b>Ward(s) affected</b>  All	<b>Appendix 2</b> Executive Response

## Introduction

This review was set in a context of high and often illegal levels of air pollution, both in Hackney and London. The issue brings significant health impact; it is estimated to have caused the equivalent of up to 9,400 deaths in London in 2010.

Hackney specific data on health impacts are limited. However long term exposure to particulate matter (PM2.5) alone is thought to be attributable to 5.6% of mortality in the borough. This is 39% higher than the UK average and ranks as the 8<sup>th</sup> worst in London. Children are one of the groups most vulnerable to the effects of air pollution and many schools are in areas exceeding safe levels.

Whilst there are a number of drivers of air pollution in Hackney, road transport is (at least currently) the key cause. The Commission heard evidence that changes at London and national levels are needed in order to bring pollution levels to legal - let alone safe - levels. The review included challenge to both the GLA and Defra on actions being taken.

This report gives support to the London Mayor on his introduction of the Emissions Charge and his move to implement an Ultra Low Emissions Zone (ULEZ) at an earlier point than previously planned. This said, it asks him to go further by setting out plans to extend the ULEZ London wide and to incrementally move to a full diesel ban.

The Commission learned about *filtered permeability schemes*, delivered within the concept that networks for walking, cycling and or public transport should be more permeable for users than the road network is for motor vehicles. These include schemes which close roads to through motor traffic whilst allowing access by bike or foot. The report asks the Council to give greater assurance on its responsiveness to these schemes and to improve the consultation and engagement on them. Overall it reaches a view that schemes are likely to reduce overall traffic levels and therefore pollution, and to deliver other wider health benefits. It also suggests that the Council continues to use them as a tool to help mitigate the environmental impact of both population and employment growth.

The report explores how parking controls might be used to bring air pollution reduction benefits. This relates to areas where schemes have been delivered but also in roads leading to them. The caveat to this is the harm which residents living in uncontrolled parking areas experience when controls are brought to other adjacent areas. The Commission makes a case for bringing controlled parking to all areas of the borough and contests points made around current policies not allowing for this.

Another aspect explored is the key role the Council plays in communicating to residents about air pollution, whether it's advice on reducing exposure, education about the scale of the issue and changes which need to be made. The Council promotes the service alerting subscribers when pollution reaches high levels, and other initiatives which are relevant to the agenda. The Commission asks that this work is expanded.

Finally, the Commission explored how the Council ensures that air quality considerations play a full part in individual planning decisions and identified a need for closer working between the service giving the advice and the services receiving it.

The report makes 17 recommendations.

## **RECOMMENDATION**

**Council is requested to note the Commission's report and the response to it from the Executive.**

**Report originating officer:** Tom Thorn, Scrutiny Officer - 0208 356 8186 / [thomas.thorn@hackney.gov.uk](mailto:thomas.thorn@hackney.gov.uk).



<b>REPORT OF THE LIVING IN HACKNEY SCRUTINY COMMISSION</b>		
<b>Review into Air Quality</b>  Living in Hackney Scrutiny Commission– 10th July 2017 Cabinet – 18 <sup>th</sup> September 2017 Council - TBC	<b>Classification</b>  <b>Public</b>	<b>Enclosures</b>  Appendix 1 - Notes of focus group discussions on road closure and filtered permeability schemes

## **1. FOREWORD**

The reason for selecting air quality as our substantive review for 2016/17 was clear. Many areas of Hackney and London see levels of air pollution which are beyond legal – let alone safe – levels. It is the cause of ill health and early death.

Transport is the main cause of air pollution both in the borough and the areas surrounding it. It was right therefore that this area took significant focus. We explored two areas that there is significant interest in – work to filter traffic from narrow residential roads and the approach of the Council to parking management in terms of establishing controlled parking zones.

On filtered permeability we reach a view that well thought out and designed schemes need to be supported. Evidence shows that these can reduce traffic (and therefore pollution) on an overall level, and move remaining vehicles onto roads where the effects of their emissions are less impactful. We have also been convinced of wider health and environmental benefits that schemes can deliver.

This view is reached despite us having heard first hand from residents the detrimental impacts that schemes can deliver for some. We have real concerns around these – in particular where residents living on similar roads to those which have been ‘treated’ have suffered from significant displacement of traffic onto their roads. This has impacted on the quality of life of some of our residents and this needs to be fully acknowledged. We support the work of the relevant Cabinet Member in seeking solutions.

On parking, we reach a view that the presence of uncontrolled parking in a small area of the borough is likely to have detrimental air quality impacts; both in the uncontrolled area and on the routes that are used to access them. The lack of parking controls in some areas coupled with the much stronger transport links now available can encourage some to use these uncontrolled areas as park and ride stops in their movement to locations inside the borough and beyond it. Greater parking control would help to address this issue. We have also been convinced that it would help to deliver wider health benefits in addition.

Our review found some gaps in other areas which recommendations in the report seek to address. Whilst the Council promotes a system alerting subscribers to high

pollution levels and delivers marketing of a range of initiatives relevant to the air quality agenda, we found that there was no overarching communications approach in place.

On Planning, whilst the Council has strong range of policy apparatus in place, we found that there was room for greater collaboration between services to better ensure that air quality considerations play a full part in the decisions made.

Our review has shown that the Council can and does contribute to tackling air quality.

However, it has struck me just how much the making of substantial progress is reliant on change at a London and national level. We are supportive of the transport related initiatives which the London Mayor has announced although we do make recommendations that the Council lobbies him to go further. On a national level, action by Government appears to be severely lacking. Their funding of a diesel scrappage scheme and policy change to enable London to apply greater environmental pricing to road tax charges would be a start towards turning this around.

Cllr Sharon Patrick  
Chair, Living in Hackney Scrutiny Commission

**CONTENTS**

- 1. INTRODUCTION ..... 3
- 2. SUMMARY, RECOMMENDATIONS AND OUTCOMES ..... 7
- 3. FINANCIAL COMMENTS ..... 27
- 4. LEGAL COMMENTS ..... 27
- 5. FINDINGS ..... 28
- 6. CONCLUSION..... 79
- 7. CONTRIBUTORS, MEETINGS AND SITE VISITS ..... 82
- 8. MEMBERS OF THE SCRUTINY COMMISSION ..... 83
- 9. FURTHER READING ..... 83

## 1. INTRODUCTION

- 1.1. Air pollution levels in many parts of Hackney and London exceed legal limits.
- 1.2. 31% of the borough is found to have concentrations of NO<sub>2</sub> which are above National Air Quality Objective levels, although the Council suspects this to be an under estimation<sup>1</sup>. Levels in parts of the borough are significantly above legal limits.
- 1.3. The health impact of the issue is significant. It is estimated that it caused the equivalent of up to 9,400 deaths in London in 2010. Hackney specific data on health impacts are limited. However it is estimated that long term exposure to particulate matter (PM2.5) alone is attributable to 5.6% of mortality in the borough. This is 39% higher than the UK average and ranks as the 8<sup>th</sup> worst in London<sup>2</sup>.
- 1.4. Children are one of the groups most vulnerable to the effects of air pollution.<sup>3</sup> It is estimated that 443 schools in the capital are in areas exceeding safe air quality levels.
- 1.5. There are a number of drivers of air pollution in Hackney (and other similar inner city areas). These include Domestic and Commercial gas systems and construction activity. However, road transport is (at least currently) the key cause<sup>4</sup>. Within transport, diesel vehicles are the most polluting.
- 1.6. Delivering the significant air pollution reductions needed to make our air safe will require change on a London wide and national level.
- 1.7. Whilst traffic is the largest contributor to air pollution in Hackney, data suggests that Hackney motorists are not the main cause. Evidence points to the majority of traffic in the borough originating from outside the area. Rates of car ownership and (despite recent population growth) the number of vehicles registered here have fallen. The great majority of our residents do not use a car to get to work.
- 1.8. Initiatives such as greater charging for or banning of polluting vehicles from entering polluted areas, road pricing, and scrappage schemes facilitating the removal of polluting vehicles without unfairly penalising consumers, will be required to deliver the sea change needed. These initiatives cannot be delivered by Hackney Council in silo.

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<sup>1</sup> 2013 data sourced from Hackney Council Air Quality Action Plan and reported to the Commission - <http://mginternet.hackney.gov.uk/documents/g3749/Public%20reports%20pack%2017th-Nov-2016%2019.00%20Living%20in%20Hackney%20Scrutiny%20Commission.pdf?T=10>

<sup>2</sup> Public Health Outcomes Framework benchmark tool source referenced in submission to the Commission - <http://mginternet.hackney.gov.uk/documents/g3749/Public%20reports%20pack%2017th-Nov-2016%2019.00%20Living%20in%20Hackney%20Scrutiny%20Commission.pdf?T=10>

<sup>3</sup> Air pollution: outdoor air quality and health NICE guideline, Draft for consultation, December 2016 - [www.nice.org.uk/guidance/GID-PHG92/documents/draft-guideline](http://www.nice.org.uk/guidance/GID-PHG92/documents/draft-guideline) . Other groups most vulnerable are older people, and people with chronic health problems

<sup>4</sup> Within both Greater and Central London transport it is the largest source of Nitrogen Dioxide (NO<sub>2</sub>) and Oxides of Nitrogen (NO<sub>x</sub>) and particulate matter (PM10) emissions. For Hackney, modelling suggests that 55% of NO<sub>x</sub> emissions in the borough are emitted from major and minor roads.

- 1.9. Given the need for regional and national action, this review does seek to explore the extent to which the GLA and the UK Government are taking up the mantle, and anything that the Council can do to encourage this.
- 1.10. However, as a group of local Councillors we did want to focus predominantly on areas in which the Council has a direct role to play.
- 1.11. We were already aware of some of the broad range of work being done to affect change on a local level to the extent that this is possible. This includes initiatives to severely limit the number of additional motor vehicles which new housing development might otherwise bring into the borough, working with businesses to reduce their transport-related emissions as a result of their operations, and by continuing to improve cycling infrastructure. There are many others and we will not do justice to them all by listing them.
- 1.12. We feel that these and other schemes have helped contribute to changes regarding car ownership levels and modes of travel. We feel that this work is likely to have lessened the overall levels of air pollution that there otherwise would be.
- 1.13. However, for the purposes of this review, we decided to focus mainly on two areas within transport – on filtered permeability and on parking management. These were selected due to an awareness from our roles as local Councillors that there has been recent and significant public interest in them.
- 1.14. Filtered permeability (or those being considered within this review) schemes work within a concept that networks for walking, cycling and or public transport should be more permeable than the road network for motor vehicles. They include schemes which close roads to through motor traffic whilst allowing movement through by bike or foot.
- 1.15. Reallocating space from general traffic can, it is argued, encourage walking and cycling by offering a more attractive environment for these modes. They can help create areas that are safer and free from motor traffic, and help to give cleaner methods of transport a time and convenience advantage over car driving.
- 1.16. Our review was being carried out at the same time that the Council (with Transport for London (TfL)) was live trialling two significant filtered permeability schemes in the De Beauvoir and Wordsworth Road area. As a group made up of local Councillors the Commission was aware that these schemes were the subject of contrasting views from the local community as to whether they were beneficial to the area.

- 1.17. We also noted that the Council's Transport Strategy<sup>5</sup> sets out filtered permeability as a vehicular restraint tool which it will use as one of the measures to help mitigate the road-related impacts that population and employment growth in this area and others will have. The Liveable Neighbourhoods Plan<sup>6</sup> within the Strategy also commits the Council to investigating feasible additional locations for schemes. This is to help progress the aim of creating environments which are more free of through traffic and rat-running, which facilitate sustainable travel behaviour, and which are safe, healthy and pleasant to live in, work and visit.
- 1.18. Within an exploration of air quality, this review set out to explore the capacity of filtered permeability schemes to help answer the traffic-related air pollution problems in the borough. Part of the reasoning for selecting this was due to concerns raised around a previous scheme proposed by the Council in the London Fields area around it having negative impacts on pollution levels.
- 1.19. We also wanted to investigate how decisions on schemes are made and (given the debate existing within the community regarding them) the approaches of the Council and TfL to engaging with those who they would affect, and to gain an indicative insight into the experiences of those supportive and not supportive of schemes in their areas.
- 1.20. Regarding parking, Parking Zones are areas where all kerbside space is controlled by either yellow lines or parking places. Parking Zones are the avenue through which the Council delivers controlled parking.
- 1.21. With some exceptions, vehicles parking in bays are required to display a parking permit. Permits are generally made available to residents living within the zones but not those living outside of it<sup>7</sup>. The majority of the borough is now covered with controlled parking, with uncontrolled areas mainly restricted to some wards in the north.
- 1.22. The Council states that parking zones have been introduced to 'improve parking conditions for local residents and businesses' and to 'help traffic, pedestrians and cyclists move safely in the borough'. We were also advised that dialogue continued with residents living in remaining areas with uncontrolled parking was also linked with aims to improve air quality by reducing unnecessary vehicle movements, including commuting.
- 1.23. We wanted to explore this aspect further. This was to gauge any available evidence on the impact or not of controlled parking on levels of traffic, and therefore air pollution. With data suggesting that the majority of the borough's traffic may not be generated from Hackney itself, we wanted to explore

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<sup>5</sup> [www.hackney.gov.uk/media/7004/Hackney-transport-strategy-2015-2025/pdf/Transport-Strategy-2015-25](http://www.hackney.gov.uk/media/7004/Hackney-transport-strategy-2015-2025/pdf/Transport-Strategy-2015-25)

<sup>6</sup> [www.hackney.gov.uk/media/7009/Liveable-neighbourhoods-plan/pdf/Transport-Strategy-2015-25-LIVEABLE](http://www.hackney.gov.uk/media/7009/Liveable-neighbourhoods-plan/pdf/Transport-Strategy-2015-25-LIVEABLE)

<sup>7</sup> The Council's Parking Enforcement Plan gives fuller detail on the different types of controlled parking operating in Hackney - <http://www.hackney.gov.uk/pep>

whether restricting more parking areas to residents could have impacts on pollution levels in the areas concerned and wider areas also.

- 1.24. In addition, and in a similar vein to the exploration around road closure schemes, we aimed to explore decision making processes around parking control schemes, and the items of evidence which are used to inform this.
- 1.25. While focusing mainly on transport, the Commission wanted to touch on two further areas; exploring the extent to which the Council communicates to residents on the issue of air pollution, and around how it ensures that air quality considerations play a key part in processes within the planning system.
- 1.26. On communications, the IPPR during an evidence session used to help shape the focus of our review, said that the engagement of local people on air quality was vital, and that local authorities had a strong role to play in this. They felt that there had been an increase in the awareness of the issue and of the causes but that communication needed to continue. Draft National Institute for Health and Care Excellence (NICE) guidance also recommends Councils to give consideration as to how awareness can be raised among residents, businesses, and at risk groups.<sup>8</sup> With reductions in pollution likely to be reliant on significant levels of behaviour change – particularly around modes and methods of transport – we were keen to explore how the Council is helping to make the case for this change.
- 1.27. Finally, and in regards to Planning, our review was set in a context where the Council was consulting on a new borough-wide local plan<sup>i</sup>. This plan, known as LP33, will be the key document to direct development in the borough up to 2033.
- 1.28. The plan is being shaped in a context of rapid population growth; up by over 30% since 2001, and predicted to rise to 317,000 people from the current 269,000 by 2033. This brings a need for new homes in an already densely populated area; the equivalent of 1,758 additional units per annum<sup>[1]</sup>. It also puts increased pressure on existing and brings the need for more services, facilities and economic opportunities.
- 1.29. We wanted to explore the processes through which the Council ensures that air quality considerations play a full part in individual planning decisions. In a wider context, we also wanted to gauge the Council's readiness to mitigate and reduce any detrimental effects on air quality of the further significant development that is needed in the borough.

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<sup>8</sup> Air pollution: outdoor air quality and health NICE guideline, Draft for consultation, December 2016 - [www.nice.org.uk/guidance/GID-PHG92/documents/draft-guideline](http://www.nice.org.uk/guidance/GID-PHG92/documents/draft-guideline)

<sup>[1]</sup> Hackney Local Plan 2033 Direction of Travel document - [mginternet.hackney.gov.uk/documents/s50202/CDM-17156409-v1-Appendix\\_1\\_LP33\\_21\\_6\\_16\\_Final.pdf](http://mginternet.hackney.gov.uk/documents/s50202/CDM-17156409-v1-Appendix_1_LP33_21_6_16_Final.pdf)

## 2. SUMMARY, RECOMMENDATIONS AND OUTCOMES

### Summary

#### Filtered Permeability

- 2.1. The Council has a long track record in the delivery of filtered permeability schemes. 80 road closures are already in place in the borough. Its Transport Strategy sets out an approach of delivering more.
- 2.2. In terms of their impact on air quality, only very recent schemes in Hackney have been the subject of air quality monitoring.
- 2.3. Measuring the impact of schemes on the numbers of vehicles in an area can be used as a valid proxy measure for its effects on pollution levels. However, previous schemes in the borough have also not had traffic monitoring carried out.
- 2.4. This means that we have been unable to measure the air quality impact that schemes have had or to estimate this from data on their impact on traffic levels.
- 2.5. We are supportive of the Council having moved to monitor the impact of its more recent schemes. We are also supportive of the pragmatic approach being taken towards this monitoring. This is in regard to the use of monitoring tubes combined with traffic and cycle counts. Monitoring tubes are open to greater margins of error than other forms and do not give an insight into hour by hour fluctuations in air quality. However they are vastly more affordable than other options and - along with traffic and cycle counts - will offer an indicative insight into impact.
- 2.6. While supportive of the current approaches to monitoring, we make a recommendation that (depending on the size of the scheme) they might sometimes go further. This is with particular relation to expanding the monitoring to have a greater focus on people as well as vehicles. This would better enable the identification of any health benefits<sup>9</sup> gained from modal shift and - for larger schemes - more nuanced measuring of any impact on visitor numbers to an area<sup>10</sup>.

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<sup>9</sup> The Transport & Public Realm Public Health Specialist giving evidence to the Commission said that it was possible to quantify health benefits of each journey which was shifted from a car to another mode. She said this meant that counts of pedestrians and or people walking in an area pre and post the implementation of a scheme be used as a tool to help assess its overall health impact. In a context where air quality monitoring is expensive and open to inaccuracy, we feel that pedestrian counts could be another means through which the impacts of schemes are monitored.

<sup>10</sup> The '*Disappearing traffic? The story so far*' study which we cite a number of times in this report recommends that scheme monitoring includes exploring the impacts that schemes have had on the movement of people overall, and is not focused only on vehicle counts.



- 2.7. This review has not been able to determine the impact of filtered permeability schemes on air quality in Hackney. However, wider evidence shows that as part of a range of measures they can help address transport related air pollution when they are delivered in areas like this one.
- 2.8. With motorised forms of transport the key driver of air pollution, filtered permeability could be shown to help tackle the issue if it had the effect of reducing traffic and or car use in an area, on an overall level.
- 2.9. National and international research suggests that they can. A study<sup>11</sup> drawing on (among other items of evidence) 62 case studies of schemes which reallocated roadspace to improve conditions for pedestrians, cyclists, buses or other high-occupancy vehicles, and which had been subject to traffic monitoring, on both the roads which had been treated and the roads surrounding them.
- 2.10. It found that a large majority (82%) of these schemes delivered a percentage reduction in traffic in the overall area. The authors acknowledge that traffic monitoring is open to significant margins of error. However, it deems the shares of schemes having seen reductions and the scale of the reductions themselves, to show the trend to be a real one.
- 2.11. Informed by the 62 case study schemes and wider evidence, the study seeks explanations as to the determinants of whether schemes are likely to deliver traffic reductions.
- 2.12. In short, the study identifies three types of responses by drivers to the introductions of filtered permeability schemes. Which ones of these are present in responses to an individual scheme was found to depend on the extent to which that scheme had reduced space for vehicles (capacity) in the treated area, and the extent to which there is spare capacity in the surrounding area to offset the reductions in capacity in the area treated.
- 2.13. Where schemes had not reduced capacity in the treated space as they may have intended, or where capacity existed in the surrounding areas to offset capacity reductions delivered by a scheme, common responses by drivers were to continue using the treated space or to use the spare capacity in the surrounding area.
- 2.14. However, case studies of schemes which had delivered a real reduction of capacity in the route treated, and which were delivered in areas where there was not adequate additional capacity available elsewhere, showed that there had been a wider range of responses. This did include continuing car use in the treated area or in that surrounding it. However, responses in these cases also included changing modes of travel from the car and others which would reduce traffic levels.

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<sup>11</sup> Disappearing traffic? The story so far, Cairns, S; Atkins, S; Goodwin, P  
<http://discovery.ucl.ac.uk/117869/>

- 2.15. Evidence suggests that the environment in Hackney is one matching the conditions in which schemes are evidenced to reduce traffic.
- 2.16. London is suffering from significant and increasing levels of congestion<sup>12</sup>. As an inner city borough, we deem it unlikely that spare capacity is available to offset the capacity reducing impact of schemes delivered here.
- 2.17. In addition, the high shares of car journeys which cover very short distances and the proximity of local services and amenities to people's homes, mean that many journeys are amenable to walking or cycling. The significant improvements delivered to public transport and to cycling and walking infrastructure mean that alternative options are accessible and available.
- 2.18. We note that in a context of rapid population and employment growth, both in Hackney and in surrounding areas, filtered permeability schemes may only help to contain growth in traffic without wider interventions on a London wide and national level. This means that we cannot say definitively that delivering filtered permeability schemes in Hackney will lead to reductions in traffic, and therefore increases in air quality.
- 2.19. However, we reach a view that filtered permeability schemes when delivered in environments like Hackney, can play a part in the response to the issue of air pollution by reducing overall levels of traffic which would be present without them.
- 2.20. We look forward to the Council completing their analysis of the traffic and air quality impact of its recent major schemes. This is likely to be some time away; only after allowing schemes to bed in for a significant period can full insight be gathered on their true impact.
- 2.21. Upon completion of the analysis, we ask that the Council uses this and other evidence (including the findings of this review) to produce a report on the impact of the Cycle Superhighway 1 (CS1) De Beauvoir and Wordsworth Road area schemes, the successes in their delivery, and lessons learnt. We see these as innovative schemes which could help inform approaches in other areas.
- 2.22. We have been persuaded of wider ranging health benefits that schemes to reduce avoidable car use and traffic can deliver. This is with regard to better providing an environment in which adults and children are able to choose healthy options.
- 2.23. Significant shares of the population – 8 out of 10 children in London and 46% of adults in Hackney – are doing less exercise than recommended. 43.5% of Year 6 children in Hackney and 62.9% of adults in England are overweight or obese.

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<sup>12</sup> Data drawn from London Assembly Transport Committee report 'London stalling - Reducing traffic congestion in London'

- 2.24. We have been persuaded that by authorities working to better ensure that the healthy travel option is the easiest and most attractive one, they can better enable people to build exercise into their day to day lives.
- 2.25. Reducing car use and car prevalence will also have a virtuous circle affect. It will make the environment safer and freer of noise pollution, intimidation, and difficulty in crossing roads. This will further enable more people of any age or ability to travel and or play actively.
- 2.26. Part of the evidence gathering for this review involved the Commission holding focus group sessions with samples of residents who had been affected by a recent filtered permeability scheme introduced in their area.
- 2.27. Discussions with residents who were supportive of the scheme showed how the benefits mentioned above were being felt directly by some of those living in the area, and the positive impacts on quality of life that these had had.
- 2.28. This review has evidenced the capacity of filtered permeability schemes to help mitigate air pollution issues and to deliver wider health and environmental benefits in addition. However, it has also made clear that schemes are likely to deliver disbenefits.
- 2.29. Our focus group session with residents opposed to a scheme in their area highlighted the significantly detrimental personal impact that these can have and we have real concerns around these.
- 2.30. The principal disbenefit of schemes is the displacement of shares of the traffic previously using roads that have been closed, to surrounding ones remaining open. This is an issue which brings questions around equality; depending on the locations of their homes, some residents will see environmental improvements to their streets, while some will see detrimental effects.
- 2.31. We have reached a view that the extent to which displacement may be legitimately tolerated as a disbenefit of a scheme, is dependent on the characteristics of the roads experiencing the displacement. We have reached a view that schemes delivering a movement of traffic from narrower residential roads to busier main roads, deliver greater levels of benefit than disbenefit.
- 2.32. This is due to main roads having broader road and pavement widths. These characteristics mean that pollutants do not deliver as much harm to pedestrians and people occupying the buildings running along them. Reducing exposure by a few metres can significantly reduce exposure levels and moving traffic away from narrow roads onto main roads is likely to enable this.
- 2.33. Where we have greater concern is around schemes displacing traffic from smaller roads onto other smaller roads.

- 2.34. Our focus group discussion with residents opposed to a scheme in their area highlighted the significantly detrimental impacts that schemes can have in terms of displacement. This very much included narrow residential streets adjacent to some of those closed.
- 2.35. Evidence shows that dispersal issues from schemes are generally likely to reduce as they bed in. This is not to say that we are taking for granted that this will be the case in the schemes recently delivered in Hackney, and we support the work of the Cabinet Member to ensure there is ongoing dialogue with those who have been adversely affected in order for solutions to be found.
- 2.36. However, despite the concerns that we have around disbenefits – and findings summarised further below which suggest points of learning for both TfL and the Council from recent schemes delivered here – we have still reached a view that we are supportive of the use of filtered permeability schemes to help address transport and public health related challenges in the area.
- 2.37. We recommend that the Council continues to use these schemes as part of a range of measures to help reduce avoidable car use and to better facilitate other transport options.
- 2.38. In addition to looking at the impact of filtered permeability schemes, we explored the types of evidence which inform decisions on the design and delivery of them, the weight that these different considerations account for in decisions, and the content of consultation documentation regarding schemes.
- 2.39. We are supportive of how the Council approaches its design and development of schemes. This is in regards to its engagement of a range of interest groups (including those seeking to better facilitate walking, cycling, and accessibility for people with disabilities) in order that they can help mould schemes. We are also supportive of its early liaison with statutory bodies and local Councillors.
- 2.40. We reviewed the engagement and consultation process and are supportive of the approach taken.
- 2.41. This includes intensive consultation of those living within catchment areas of proposed schemes with paper copies of documents being sent to households and (for larger proposals) drop in sessions for residents to speak to officers directly. In recognition that residents living in areas adjacent to schemes and those accessing the area from further afield may also be affected by schemes, the Council also works to make the documents accessible online, and to advertise them in the local press.
- 2.42. The analysis of consultation results generally includes an exploration of support levels among those living in the immediate area of a scheme, in addition to support levels overall. This depth of analysis mitigates the risk of the views of those who are most effected by schemes being masked by high numbers of responses from those living outside.

- 2.43. TfL delivered the consultations for a number of the recent schemes proposed (and then implemented) in Hackney. We did not question TfL directly on the approaches taken but from desk research we have found similar approaches to have been followed to those above. We are again supportive of these.
- 2.44. In addition to the processes of consulting, we explored samples of previous consultation documents themselves. Opinions towards schemes are very divided. We feel that setting out in consultation documents the wider context within which schemes are being considered, the purpose of individual schemes, and the benefits and disbenefits that they are expected to achieve, can be one route towards more clearly sharing with residents our reasoning for them.
- 2.45. We were positive about the contents of the Council consultation documentation which we reviewed. It showed the Council to have set out the reasoning for proposing changes for the area and the wider range of benefits that encouraging cleaner and greener transport could have. It listed a range of benefits.
- 2.46. However we do suggest that this information be expanded on. This is in particular relation to air quality, the need for action to be taken to mitigate the impact of population growth here and elsewhere, and the other related actions that the Council is taking to facilitate options other than car ownership.
- 2.47. Our focus group discussions suggested that even engaged residents are not necessarily aware of the context in which the Council was delivering these initiatives nor the range of initiatives which were being delivered alongside them<sup>13</sup>. We understand that the consultation documentation is being reviewed currently and we make a recommendation with suggestions to feed into this.
- 2.48. We feel that there was room for more significant improvement in the consultation materials produced by TfL for the recent CS1 schemes in Hackney.
- 2.49. Unlike in the Hackney-produced documents that we reviewed, these did not make reference to the wider environment in which schemes were being considered.
- 2.50. We also feel that they would have been stronger if they contained clearer information of any foreseen likely disbenefits of the schemes, in addition to the positive expected impacts. This would give fuller assurance to residents that schemes had been developed in a thorough and well thought out way, and that proposals were only being made after all the likely advantages and disadvantages of a scheme had been weighed against one another.

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<sup>13</sup> Although the consultation for the scheme that our focus group residents were affected by was delivered by TfL, rather than the Council, we still see the lack of information that even a particularly engaged group had demonstrates the need for these consultations to give as greater depth of information as possible.

- 2.51. We make a recommendation that - in the event of similar consultations being delivered by TfL in the borough in future – the Council works with TfL to try to secure improvements to levels of information given in consultation documents.
- 2.52. In terms of the weight given to consultation results, we very much support the Council using these to help decide on whether schemes should go ahead, and to inform any modifications or changes which can help to improve them.
- 2.53. This said, there is evidence to support the Council using these findings as part of a range evidence to inform final decisions, rather than treating them as a set of findings which on their own should establish the way forward.
- 2.54. In three examples shared with us, response rates to consultations on filtered permeability schemes have been between 10 and 16%.
- 2.55. In another case that we reviewed in more detail, a total of 122 responses appear to have been received from the 1522 people living on the roads which would be most affected by a scheme. More than a third of the total number of responses were submitted by an organisation which had organised a campaign regarding the proposals.
- 2.56. This highlights the need to fully consider higher level consultation results and the comments within them. However, not giving other considerations an equal weighting would not be valid.
- 2.57. We agreed with Officers around more needing to be done to address misconceptions in the community generally around consultations acting as referendums.
- 2.58. We support the work to review consultation documentation to make it more clear that results would help inform approaches rather than fully determine them. We ask for an update in this work.
- 2.59. Our review has highlighted the importance of maintaining dialogue and communications after the point of schemes being introduced. We feel that there is learning for the Council from recent schemes in terms of the extent which residents were communicated with after they had gone live.
- 2.60. This is in regards to updating residents on how the effects of schemes are being monitored and any early results of this monitoring, giving guidance on how feedback (in particular during live trials of schemes) can be given and how this will be taken into account, and on any immediate actions that the Council has or will take in response to this.
- 2.61. Monitoring the impacts / key issues of schemes and making this information quickly available will enable debate around the impacts of schemes to be well informed. We make recommendations around dedicated information

webpages being created for any future permeability schemes which are introduced.

- 2.62. We feel that these webpages should also give assurance to residents that the Council is being as responsive as it can be to their concerns. This is through updates being made during periods of live trials, with summaries of responses received, any early action that has been taken in response to these, and explanations where issues can only practically be considered at the end of a trial period.

### **Parking Controls**

- 2.54 As with filtered permeability schemes, the Council has not previously carried out monitoring exploring the impacts of new controlled parking schemes on air pollution levels. We support its move to now do so.

- 2.55 However, indirect evidence suggests a significant impact. Parking levels in streets in Hackney have been shown to have halved upon controls being introduced to them. This reduced parking stress indicates a removal of some of the vehicles (and their emissions) previously accessing the area, and a reduction in the emissions expended by cars continuing to access it but spending less time searching for a space.

- 2.56 Whilst bringing parking controls to areas decreases parking stress levels and the number of vehicles entering them, any nearby areas without controls in place are likely to see disbenefits in mirror form. Traffic displaced from newly controlled areas will be moved to these areas. This will cause increased emissions from the higher numbers of vehicles, and escalations of already high levels of parking stress. We have full sympathy with residents suffering from these issues and we welcome the work of the relevant Cabinet Member in further engaging those living in the few areas of the borough without controls in place.

- 2.57 We have found that the presence of uncontrolled parking in the borough is likely to have detrimental air quality impacts on the wider borough in addition to the uncontrolled areas themselves.

- 2.58 This is through the facilitation of more (often short) journeys by car into and within the borough than would be facilitated if all of the borough was controlled. These journeys will detrimentally affect pollution levels in the uncontrolled parking areas, and on the routes that are used to access them.

- 2.59 We have particular concerns around the issue of commuting into the borough by car, and what we feel to be high shares of these vehicles parking in uncontrolled areas. Members noted what they felt to be a prevalence of this activity and evidence can be used to give an indicative insight into its scale.

- 2.60 Around 17,000 of people who work in the borough travel to work by car. With the majority workers in Hackney living outside the area, it is reasonable to estimate that large shares of the 17,000 travelling by car to work also come from

outside of it<sup>14</sup>. We feel it is likely that many of these vehicles currently choose to park in uncontrolled areas. These journeys will cause pollution in both the immediate areas in which they park, both in the areas where parking is taking place and on the roads forming routes to them.

- 2.61 Where we have perhaps even greater concern is reported instances of drivers from outside the borough using uncontrolled parking areas as ‘park and ride’ commuting options for their journeys further afield. This takes the form of people parking in these areas before accessing the improved public transport links nearby (for example Clapton station in the north of the borough) to complete the remainder of their journey. This was reported as an issue by the relevant Cabinet Member, the Parking Service, and Members of the Commission also.
- 2.62 Evidence points to the majority of traffic in the borough originating from outside of it. This highlights the need for change at a London level if levels of traffic and congestion are going to significantly reduced. However, we also feel that the presence of areas of uncontrolled parking which better enable car trips from outside of the borough to end within it, are likely to contribute in a small way to the volumes of traffic (and the air quality issues associated with them) which we see here.
- 2.63 Parking Controls also enable wider progressive measures to tackle transport related air pollution.
- 2.64 On parking permits for on street parking, the Council sets an incremental pricing structure according to the emission levels of vehicles. Diesel vehicles incur an additional levy within the scheme. Electric vehicles incur a zero charge. Permit pricing to influence environmentally purchasing decisions would not be possible if parking controls were not in place. We are supportive of emissions-related charging and feel that the same principles should apply to pricing for permits on the Council’s estates. We also ask that the Council works to encourage Registered Housing Providers to follow a similar approach.
- 2.65 For new housing developments, and in order to help mitigate levels of car ownership which growth pressures might otherwise bring, the Council applies Car Free conditions to the majority of applications which it approves. The attachment of car free conditions to approvals for new developments would be meaningless if the delivery of them took place in areas within or very close to, uncontrolled parking areas.
- 2.66 We also understand that for developments being delivered in uncontrolled parking areas, the Council is generally unable to insist on car free clauses being attached to approvals which could then take affect from any point that a CPZ is introduced<sup>15</sup>.

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<sup>14</sup> This is also supported by the low levels of car ownership which exist among Hackney residents, and the low shares of our residents who travel to work (whether this is inside or outside of the borough) by car.

<sup>15</sup> <http://mginternet.hackney.gov.uk/mgAi.aspx?ID=27960>



- 2.67 As with filtered permeability schemes, we have been persuaded that controlled parking can deliver benefits beyond improving air quality. This is along the same lines as the benefits of filtered permeability; making the environment more conducive to walking, cycling and physical activity generally for adults and children, and by making driving less convenient than other options.
- 2.68 The Faculty of Public Health in their guidance to local authorities recommends the introduction of more CPZs as one of the ways that local authorities should manage the impact of cars on health<sup>16</sup>.
- 2.69 We are in agreement with this, and feel that an evidence base is in place to support the borough becoming an area wholly covered by parking controls<sup>17</sup>.
- 2.70 The Council's Parking Enforcement Plan<sup>18</sup> sets out that decisions to implement controlled parking can be made according to six factors. This includes consultation responses, and environmental and air quality impacts of parking and traffic<sup>19</sup>.
- 2.71 No formal weighting is applied to these factors in terms of the contribution that each makes to informing final decisions. However, in practice, responses to consultations proposing parking controls for an area appear play a very fundamental role in the decision to go ahead or not with them, with the Council not generally delivering schemes where there is not significant support for them among the roads that were consulted with<sup>20</sup>.
- 2.72 We feel that the weight which – in practice – is given to responses to consultations on parking controls in making decisions whether to move forward with schemes, should be revisited. Response rates to consultations of 15-20% are the norm. We do not feel that these responses should trump all other evidence.

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<sup>16</sup> *Local action to mitigate the health impact of cars*, Hunter and Saunders, UK Faculty of Public Health, July 2016

<sup>17</sup> It is important to note that our support is for separate, zone by zone controlled parking schemes which in their totality cover the full borough. This approach would discourage journeys by car into the borough from outside, without encouraging any increases in car journeys within the area. The Commission would not support a borough wide, single zone scheme.

<sup>18</sup> <https://www.hackney.gov.uk/pep>

<sup>19</sup> In addition to this, the Plan sets out the legal duty of the Council to consider traffic management grounds before public opinion. This might play out by the Council including some roads within a scheme where there was not majority support for it, in order to be able design a final scheme informed by traffic management considerations.

<sup>20</sup> A paper to the Commission - <http://mginternet.hackney.gov.uk/documents/s53212/Paper%206%20-%20Parking%20Zone%20Implementation%20process.pdf> confirmed that in no cases have the Council gone ahead with implementing a scheme where there has not been majority support on any of the roads consulted with. The Parking Service in discussions has also confirmed that while some schemes have been delivered where the streets within them have not (on a street by street basis) been supported by a majority, that this is a rare occurrence, and that most schemes have been implemented only after a majority of streets covered within it have expressed support.

- 2.73 With the Parking Enforcement Plan giving a mandate to the Council to implement controlled parking on environmental and air quality grounds, and evidence available demonstrating the pollution impact of retaining uncontrolled areas of parking in the borough (both on the uncontrolled area and borough more widely), we suggest that this factor should be given a weighting that is at least proportionate to that given to consultation results drawn from the immediate area.
- 2.74 We note points made to us around the streets with uncontrolled parking falling in areas with lower pollution levels than elsewhere in the borough and the view that this would make implementation of parking controls on these grounds difficult. We note the view that the relatively higher air quality in these areas means that air quality considerations would be difficult to justify as meeting the 'exceptional circumstances' threshold set out in Recommendation 2.1 of the plan within which schemes may be introduced without majority support.
- 2.75 We challenge this view. The whole of the borough is designated as an Air Quality Management Area. While the uncontrolled areas (like some of the controlled areas nearby which also see lower levels of pollution) benefit from being geographically placed at further points from the city, this in no way points to parking stress and traffic related to it not contributing to the pollution levels which do exist there, nor it not having a detrimental effect on levels in other more polluted areas through the encouragement of car movement through them.
- 2.76 That the uncontrolled streets are in areas with overall lower levels of air pollution is – in our view - despite the lack of controls being in place and not in any way because of it. This, combined with data on the health impacts of air pollution could, we feel, be seen to meet the 'exceptional circumstances' criteria.
- 2.77 We ask that the Council seeks to implement borough wide, zone by zone controlled parking coverage, on the grounds of environmental and air quality considerations.
- 2.78 Whilst feeling an evidence and policy base to be in place for the Council to pursue controlled parking across the borough, we do not discount the importance of consultation. As with responses received from consultations around filtered permeability schemes, findings from parking consultations are used to help lead to improvements to them. We also see them as being a key avenue through which the Council can lay out a range of information to residents.
- 2.79 This is largely already being done and we support this. We only ask that the detail incorporated into the documentation is expanded to include the wider context in which controlled parking is being proposed, and the options aside from car ownership which are available.

### **Communications with residents on air quality issues**

- 2.80 A wide range of evidence and guidance highlights a key role for local authorities in communicating with residents on air pollution.

- 2.81 This is with regards to giving warnings and advice when levels are particularly high, information on the health effects of exposure and how this can be reduced, the causes, and the changes needed to help to address it.
- 2.82 The topic areas that we have covered in this report – around the use of filtered permeability schemes and controlled parking zones – are ones which partly involve encouraging behaviour change by our residents. Very polarised views exist towards them.
- 2.83 We see communications as a vital step towards helping to explain our reasoning for supporting schemes and to help persuade more residents that they are needed. We can also work to make the case for changes delivered on a wider level.
- 2.84 Current communications activities on air quality are limited to general and targeted promotions of airTEXT (a service providing warnings and advice if air pollution in people's areas are expected to reach moderate, high or very high levels), and general promotion of activities, many of which are relevant to the air quality agenda.
- 2.85 We see the need for a wider communications activity dedicated specifically to air pollution. We feel that this could better create an environment which enables residents to make positive choices and to be more informed of the reasoning for the Council's approaches (for example around supporting filtered permeability and controlled parking schemes). This is in addition to better preparing residents for London wide initiatives such as the introduction of the Ultra Low Emissions Zone. We feel that there should be an overarching approach in place, and that this should be defined as one of the actions that the Council is taking to address air pollution issues.

### **Planning and air pollution considerations made in new developments**

- 2.63. Through its adherence to national and regional policy and guidance and the establishment of extensive policy at a local level, the Council operates within a framework enabling air quality considerations to play a significant role in planning decisions. The further-developing London and local planning policy environment may soon enable it to go even further in the standards it demands.
- 2.86 Current arrangements through which the Council ensures that that air quality considerations play a full part in planning decisions involve dialogue between two service areas of the Council. Within this arrangement, the Environment and Waste Strategy Service reviews planning applications from an air quality viewpoint, and gives any advice and recommendations to the Planning Service. This regards whether applications should – on air quality grounds – be accepted or refused, or accepted subject to particular conditions being attached.
- 2.87 From discussions with representatives from both services, we reached a view that there was room for greater collaboration between the two. The services appear to have agreed on there being a need for improvement, and work is now

progressing towards achieving this. We support the work and ask for an update on the impact of it.

### **National and London level change**

2.88 This Council can and does contribute to tackling air quality. However, substantial progress will only be made through action on a national and local level to reduce traffic generally and the use of the most polluting vehicles in particular.

2.89 At the point of this review starting, the London Mayor was consulting on a set of proposals to improve air quality.

2.90 With this consultation now having ended the Mayor has confirmed the introduction of an Emissions Surcharge (also known as the T-Charge). This – from the 23<sup>rd</sup> October 2017 – will require cars, vans, minibuses and heavy vehicles driving in the current congestion charge zone in Central London (between 7am and 10pm) not meeting minimum emissions standards to pay a £10 daily charge in addition to the Congestion Charge.

2.91 The Mayor has also announced his intention to go ahead with the bringing forward of the Ultra Low Emission Zone (ULEZ) scheme to the 8<sup>th</sup> April 2019. This will involve the most polluting cars, vans and motorbikes having to pay £12.50 to drive through (residents living within the zone will be exempt until 2022) central London at any time of the day or night, while buses, coaches and HGVs will pay £100. Emissions standards will be strengthened from those set out by the previous Mayor with standards being set on particulate matter emissions for diesel vehicles<sup>21</sup>.

2.92 We are supportive of the action being taken but would like it to go further.

2.93 The consultation involved the seeking of views towards the scheme covering a greater area (extending from Central London up to the North and South Circular roads). However - whilst the Mayor has now set down an intention to consult at later stages on the extension of the zone to nearly all of Greater London for heavy diesel vehicles from 2020, and to the North and South Circular Roads for light vehicles from 2021 - the scheme in April 2019 will see the ULEZ implemented in the current congestion zone and not more widely.

2.94 We are disappointed that the ULEZ will not in the first instance be brought to a wider area than the current congestion zone. We look forward to the release of future consultations on expansions. However, we feel that consultations should go further still and seek views on widening coverage beyond the North and South Circulars for lighter vehicles in addition to heavier ones. We would be supportive of a scheme covering London as a whole.

2.95 Our review was also set in a context where Mayors in a number of European cities had set out to deliver full bans of diesel vehicles by 2025. We appreciate

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<sup>21</sup> <https://consultations.tfl.gov.uk/environment/air-quality-consultation-phase-2>. These proposals are now subject to statutory consultation.

the arguments for London following its current approach rather than matching the announcements of these cities.

2.96 However, we still call for the setting out of an approach to incrementally phase out the use of diesel vehicles in London. They account for around 40% of both NOx and PM10 emissions<sup>22</sup>. Emerging research continues to question the extent to which testing conditions in which emissions standards are measured mask the true emissions which will be expended on the road<sup>23</sup>.

2.97 As a final note on a London level, we support calls for greater use of road pricing. The Central London Congestion Charge introduced in 2003 is somewhat of a blunt instrument. The charging structure does not take into account the distances travelled within the zone and the extent of usage of the most congested areas at the most congested times.

2.98 We see the need for the design of infrastructure to facilitate the new ULEZ arrangements as an opportunity to explore the potential for a road pricing scheme to operate alongside it, as a replacement of the now dated Congestion Charge.

2.99 At a national level the action taken to tackle air pollution is strongly lacking. The Hackney-based Client Earth<sup>24</sup> has been instrumental in shining a light on this.

2.100 On a number of occasions, ClientEarth has brought legal proceedings challenging the government's approach to the discharge of its duties in relation to air quality. Most recently, ClientEarth secured an Order from the Supreme Court requiring that the government publish its draft Air Quality Plan after the recent local elections. It is understood<sup>25</sup>, that ClientEarth intends to issue legal proceedings challenging the approach taken by the government in its draft Air Quality Plan (which was published on 9 May 2017) and the subsequent consultation.

2.101 Initial viewing of these plans suggests that they are vague and non-committal. They do not commit to two practical steps which would enable more tackling of the issue.

2.102 We join the call for the funding of a diesel scrappage scheme to facilitate the removal of the most polluting vehicles from the roads without penalising those who bought them in response to government advice and incentives.

2.103 We also support the need for vehicle excise duty to be devolved to the London level. This is in order to greater support cleaner transport initiatives in the capital

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<sup>22</sup> [www.ippr.org/publications/lethal-and-illegal-londons-air-pollution-crisis](http://www.ippr.org/publications/lethal-and-illegal-londons-air-pollution-crisis)

<sup>23</sup> Research by the [Emissions Analytics](#) found a number of manufacturers to have delivered models in 2016 with NOx emissions that are far higher than the official lab-based test when driven in real-world conditions.

<sup>24</sup> [www.clientearth.org](http://www.clientearth.org)

<sup>25</sup> <https://www.clientearth.org/clientearth-challenges-uk-governments-air-pollution-consultation/>

and for the extent of differential pricing applied according to vehicle emissions to be partly informed by discussions with local people.

## **Recommendations**

We make 17 recommendations

### **Recommendation 1 – That the Council uses pedestrian and people focused counting to help inform the impact of filtered permeability and road closure schemes.**

We are supportive of the Council carrying out air quality and traffic monitoring (including cyclist counts) to assess the impact of its filtered permeability and road closure schemes.

We also support its use of tools (the Health and Economic Impact Assessment tool for Cycling and Walking and the Healthy Streets Check) to enable a wide range of health and environmental factors to inform findings on the results of schemes.

However, we also ask that the Council draws any learning from the ‘Disappearing traffic? The story so far’ study and from the evidence given to the Commission by Transport & Public Realm Public Health Specialist around the further monitoring in which it might engage. This is in regards to further ensuring that monitoring includes exploring the impacts that schemes have had on people movements generally.

We ask that the Council works to ensure that assessments of any change to pedestrian activity, and the extent of people taking of journeys by foot before and after the changes is used to measure the impact of all schemes.

This would better enable the Council to gauge any health benefits of schemes in terms of any modal shift from the car for journeys taken, and for more nuanced monitoring of the impact of schemes on visitor numbers to an area.

### **Recommendation 2 – That the Council rolls out a programme of filtered permeability schemes**

We have reached a view that filtered permeability schemes should be used as one of the Council’s responses to the transport related challenges around growth.

We are convinced that they are likely to reduce levels of traffic and pollution on an overall level, and to deliver wider ranging health and environmental benefits in addition.

We ask that the Council sets out a programme of future schemes.

### **Recommendation 3 – That the Council publishes a report on the impact of the CS1 De Beauvoir and Wordsworth Road schemes**

We look forward to the Council completing their final analysis of the traffic and air quality impact of its recent major schemes.

Upon completion of the analysis, we ask that the Council uses this and other

evidence (including the findings of this review) to produce a report on the impact of the CS1 De Beauvoir and Wordsworth Road schemes, the successes in their delivery, and lessons learnt.

We see these as innovative schemes which could help inform approaches in other areas.

**Recommendation 4 – greater context being given in consultation documents for filtered permeability or road closure scheme proposals.**

The content of the supporting documents for the London Fields area traffic management options consultation from January 2016 evidences that for some time the Council has laid out the reasoning for proposed schemes and the wider benefits that they are expected to deliver.

This has included notes around improvements to air quality, road safety, personal mobility that delivering reductions in car use will achieve, and the issues from growth in Hackney and London generally which schemes will help to manage.

However, we ask that the information offered (at least for larger schemes) is more detailed.

We ask that the information sets out:

- That schemes as per the ones proposed have been evidenced to help reduce traffic and avoidable car use in areas similar to Hackney.
- That road transport is shown to be the key current cause of air pollution in Hackney (backed up by a statistical example such as one submitted to the Commission showing the high shares of pollution that road transport accounts for).
- In a clear way the challenge that the borough is facing in terms of managing growth. Using statistics around recent and expected population growth in Hackney and London to highlight this.
- How these schemes are one of the ways that the Council is trying to facilitate travel clean and green travel through the borough in a context of growth in surrounding areas.
- That these schemes are one of a range of measures being taken to enable residents to travel differently.
- Any expected disbenefits of schemes (greater traffic levels on sections of main roads for example) and explanations as to why the benefits are felt to outweigh these

**Recommendation 5 – For the Council to work with TfL to seek improved levels of information being given in the consultation documentation they deliver.**

We feel that there is learning for TfL from recent consultations delivered for CS1

related schemes proposed for areas in Hackney.

The two consultation documents that TfL produced for the schemes in the Wordsworth Road<sup>26</sup> De Beauvoir Road<sup>27</sup> areas, contained a range of useful information.

However, unlike in the documentation for the Hackney-led consultation, there was not reference to the wider environment in which schemes were being considered.

The challenge of managing growth in Hackney and London generally was not mentioned. Whilst a reduction in motor traffic was stated as the aim of the scheme, the impact of traffic on air quality was not given.

This - in tandem with the finding from our focus group that residents living in one of these areas were not aware of the wider challenges that schemes were aiming to address – again leaves us with a view that consultation documents should set this out.

We also feel that clearly setting out the foreseen disbenefits of schemes in addition to the expected benefits would give fuller assurance to residents that schemes had been developed in a thorough and well thought out way.

In the event of similar consultations being delivered by TfL in future, we ask that the Council works with TfL to try to secure improvements to levels of information given in consultation documents.

We ask that the Council seeks for TfL led consultations for schemes in Hackney set out:

- That schemes as per the ones proposed have been evidenced to help reduce traffic and avoidable car use in areas similar to Hackney.
- That road transport is shown to be the key current cause of air pollution in Hackney (backed up by a statistical example such as one submitted to the Commission showing the high shares of pollution that road transport accounts for).
- In a clear way the challenge that the borough is facing in terms of managing growth. Using statistics around recent and expected population growth in Hackney and London to highlight this.
- How these schemes are one of the ways that the Council is trying to facilitate travel clean and green travel through the borough in a context of growth in surrounding areas.
- That these schemes are one of a range of measures being taken to enable residents to travel differently.

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<sup>26</sup> [https://consultations.tfl.gov.uk/cycling/cs1-wordsworth-road/user\\_uploads/cs1-wordsworth-consultation-report-final.pdf](https://consultations.tfl.gov.uk/cycling/cs1-wordsworth-road/user_uploads/cs1-wordsworth-consultation-report-final.pdf)

<sup>27</sup> [https://consultations.tfl.gov.uk/cycling/cs1-de-beauvoir/user\\_uploads/cs1-de-beauvoir-consultation-report.pdf](https://consultations.tfl.gov.uk/cycling/cs1-de-beauvoir/user_uploads/cs1-de-beauvoir-consultation-report.pdf)



- Any expected disbenefits of schemes (greater traffic levels on sections of main roads for example) and explanations as to why the benefits are felt to outweigh these

**Recommendation 6 – The Council to report back to the Commission on the results of the review of consultation documentation, and the making more clear that the results will be considered along with a range of other evidence.**

We heard from the Council that whilst consultation responses were analysed and the findings used to help shape and inform final decisions, that they were not treated as referendums. This means that the Council's decision to go ahead or not was not fully dependent on whether a majority supported proposals or not.

We support the Council in using consultation findings as part of the evidence to inform final decisions. We agree that the findings (while being very useful) should not be used in isolation to establish the way forward.

Recent consultations on schemes have drawn response rates of between 10% and 16%<sup>28</sup>. This gives further credibility to these not acting as the trump card in decision making.

We support the use of a range of evidence – the input of interest groups, the views of statutory agencies and relevant services, along with the findings of the consultation analysis – to help design, shape and make a final decision on schemes.

We thank Officers for their acknowledgement that they needed to do more to ensure that consultation materials were clear in explaining that results would be considered along with a wider range of evidence, and that majority opposition would not necessarily lead to the abandonment of a scheme.

We were advised that documentation was being reviewed to make it clear that results to consultations would form part and not the only item of evidence on reaching final decision.

We support this work. We ask for an update on its completion.

**Recommendation 7 – that information webpages are available for new filtered permeability and road closure schemes.**

We ask that for any future permeability schemes the Council creates webpages detailing the monitoring taking place to assess the impact of a scheme, how (if applicable) residents can feed back their experiences and suggested improvements for consideration, and how these will be taken into account.

Upon the monitoring being completed, we ask that this data is made available on the webpage at the earliest possible point.

**Recommendation 8 – that information webpages for schemes give updates on**

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<sup>28</sup> Based on response rates shared with the Commission on three Hackney-led schemes

**feedback received, and the Council's response to this.**

We ask that the information webpages created as part of recommendation 5, are updated during any live trial of schemes.

We ask that these updates summarise the views and concerns received, and the response of the Council to these. Where it is not practical for the Council to take immediate action on the basis of the view or concern, we ask that explanations are given to this. We appreciate that there is unlikely to be capacity for updates to be made upon any new comment or view being received. However, we suggest that updates are added for each month that a live trial is in place.

**Recommendation 9 – that the Council introduces environmental pricing to estate parking permits**

The Commission is supportive of the Council using emissions-related charging for on street parking permits. We feel that this is a welcome initiative to help tackle air pollution.

However, we also note that permits for parking on the Council's housing estates are charged at a standard rate, and do not take vehicle emissions levels into consideration.

We ask that the Council applies emissions-related charging to its estate parking permits. We also ask that it encourages Registered Providers operating in Hackney to do the same.

**Recommendation 10 - That the Council seeks to implement borough wide, zone by zone controlled parking coverage, taking account of air quality, environmental and other pertinent considerations**

That the Council reassesses its view that air quality considerations may not meet the 'exceptional circumstances' threshold set out in Recommendation 2.1 of the Parking Enforcement Plan, within which controlled parking schemes may be introduced without a majority being in favour.

That the Council seeks to implement borough wide, zone by zone controlled parking coverage, taking account of air quality, environmental and other pertinent considerations.

That it does so in light of evidence showing the beneficial impacts on air pollution environmental and other pertinent factors which controlled parking can help deliver.

**Recommendation 11 - greater context being given in consultation documents for controlled parking proposals**

Information documented in recent parking consultation documents show that the Council gives a range of useful and insightful information. We ask that this is built on to also include:

- That road transport is shown to be the key current cause of air pollution in Hackney (backed up by a statistical example such as one submitted to the Commission showing the high shares of pollution that road transport accounts for).
- The challenge that the borough is facing in terms of managing growth. Using statistics around recent and expected population growth in Hackney and London to highlight this.
- How these schemes are one of the ways that the Council is trying to facilitate clean and green travel to and through the borough in a context of growth in surrounding areas.
- Details of the options that are open to people wishing to continue driving in way which does not require a permit (in particular information on car club options), and details of other non-car travel options (cycle loan scheme).

**Recommendation 12 – That the Council develops and maintains an Air Quality Communications Plan and includes this as a dedicated action within the Council’s Air Quality Action Plan.**

We ask that Public Health in conjunction with the Communications and Consultation service leads on developing a plan to increase public awareness of air pollution.

This is with regard to the high levels of air pollution, the harm that it does, its causes, the actions that the Council is taking to respond to it and how these will help, and how residents and businesses can contribute towards achieving better air quality.

We ask that this action is named in the Council’s Air Quality Action Plan as one of the measures being taken to address pollution in the borough.

**Recommendation 13 – That the Commission receives an update from the Environment and Waste Strategy and Planning Services on their work to improve joint arrangements ensuring air quality considerations play a full part in planning decisions, and its impact.**

Current arrangements through which the Council ensures that that air quality considerations play a full part in planning decisions involve dialogue between two service areas of the Council. Within this, the Environment and Waste Strategy Service reviews planning applications from an air quality objective. Advice and recommendations are then given as to whether applications should – on air quality grounds – be accepted or refused, or accepted subject to particular conditions being attached.

From discussions with representatives from both services, we reached a view that there was room for greater collaboration between the two. This would better ensure that the advice provided around air quality related conditions which should be applied to applications is ambitious but also securable. It would also better enable challenge to the Planning Service in any cases where recommendations and advice have not been reflected in determinations.

The services appear agree on there being a need for improvement and as a result of our review have instigated joint work to improve the effectiveness and efficiency of how air quality matters are secured within planning applications.

We support this work, although we are keen to explore its impact.

We ask that an update is given to the Commission on the progress made.

**Recommendation 14 – That the Council lobby the Mayor of London for the ULEZ to cover all of London for both heavy and light vehicles.**

**Recommendation 15 – That the Council lobby the Mayor of London for establishing an incremental approach to ban diesel vehicles in London.**

**Recommendation 16 – That the Council lobbies the Mayor of London for establishing a road pricing scheme as a replacement for the current Central London Congestion Charge**

**Recommendation 17 – That the Council lobbies Central Government to introduce a diesel scrappage scheme and to devolve excise duty for London to the GLA.**

### **3. FINANCIAL COMMENTS**

- 3.1. The review makes seventeen recommendations that have a direct impact primarily on services within Neighbourhoods and Housing Directorate. Some of these recommendations have no direct financial implications, however some will have a resource impact. Officers involved in the services within the scope of the review are aware of the recommendations of this report and are assessing the potential resource and financial implications.
- 3.2. The Council continues to face significant financial challenges and budget reductions are expected to continue over the medium term. Recommendations will need to be progressed within existing budgetary constraints, with full consideration of future potential budgetary reductions. Any specific proposals/service changes that are generated as a result of this report which have direct financial implications will need to be considered separately, as necessary.

### **4. LEGAL COMMENTS**

- 4.1. Recommendations 2 and 10 provide that the Council consider taking forward Filtered Permeability programmes and additional Controlled Parking Zones. If the Recommendations are approved by the Commission and subsequently adopted by Cabinet, officers will be authorised to investigate the feasibility, consult and implement those proposals provided that doing so is lawful taking

into account compliance with the statutory framework, the results of such consultations, the public sector equality duty contained in section 149 of the Equality Act 2010 and the outcome of any Inquiries that might be required to be held.

- 4.2. Implementation of Recommendations 2 and 10 would entail the making of one or more Traffic Management Orders, which could restrict access to some roads by vehicular or other types of traffic as well as on-street parking. The framework for the making of such orders is regulated by the Road Traffic Regulation Act 1984, sections 6, 122, Schedules 1 and 9 as well as by Part II of the Road Traffic Act 1991. The procedures to be followed are contained in Regulations made under those Acts.
- 4.3. Traffic Management Orders can be made for any of the purposes set out in sections 1(1)(a to g), 6 and Schedule 1 of the 1984 Act, which includes public safety, environmental and air quality considerations amongst other matters.
- 4.4. The legislative framework sets out details as to the considerations and duties that a Traffic Authority must take into account when making such orders, which includes –
  - the desirability of securing and maintaining reasonable access to premises;
  - the effect on the amenities of any locality affected and the importance of regulating and restricting the use of roads by heavy commercial vehicles so as to preserve or improve the amenities of the areas through which the roads run;
  - the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
  - any other matter appearing to the local authority to be relevant.
- 4.5. In considering implementation of Filtered Permeability and or Controlled Parking Zones, the Council may also have regard to the provisions of its Parking Enforcement Plan, Transport Strategy and any other relevant considerations.

## **5. FINDINGS**

### **5.1. Filtered Permeability and Road Closures**

#### **[Recent filtered permeability schemes and an intention by the Council to do more](#)**

- 5.1.1 Our review was being carried out at the same time that the Council (with Transport for London) was live trialling two significant filtered permeability schemes in the borough – in the De Beauvoir and Wordsworth Road areas. As a group made up of local Councillors the Commission was aware that these

schemes were the subject of contrasting views from the local community as to whether they were beneficial to the area.

- 5.1.2 We also noted that the Council's Transport Strategy<sup>29</sup> sets out filtered permeability as a vehicular restraint tool which it will use as one of the measures to help mitigate the road-related impacts that population and employment growth in this area and others will have<sup>30</sup>.
- 5.1.3 As well as aiming to reduce traffic in an area, the use of filtered permeability schemes is meant to help progress other planned responses that the Transport Strategy sets out – making improvements to the walking environment, delivering new cycle routes, reallocating road space to pedestrians, cyclists and bus users, and enabling modal shifts to these forms.
- 5.1.4 For example, the De Beauvoir and Wordsworth Road schemes were developed with Transport for London as part of a programme with aims to double the amount of people cycling over the next ten years.

**Already a wide range of schemes already in place.**

- 5.1.5 As well as being committed to using schemes to help manage current and future pressures, it is important to note that the Council has a long track record in the delivery of schemes.
- 5.1.6 There are currently 80 road closures established in the borough. Figure 2 below was produced for the benefit of the Commission and marks out the spread of schemes already in place<sup>31</sup>.

**Figure 2 – spread of road closure schemes in Hackney at January 2017.**

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<sup>29</sup> [www.hackney.gov.uk/media/7004/Hackney-transport-strategy-2015-2025/pdf/Transport-Strategy-2015-25](http://www.hackney.gov.uk/media/7004/Hackney-transport-strategy-2015-2025/pdf/Transport-Strategy-2015-25)

<sup>31</sup> Map tabled at the Commission meeting 9<sup>th</sup> January 2017. At the time of production 79 road closures were in place. <http://mginternet.hackney.gov.uk/documents/s53239/Minutes%20Appendix%201D%20-%20Map%20of%20road%20closure%20schemes%20in%20the%20borough.pdf>



### Capacity to improve air quality – limited data on a Hackney level

5.1.7 We have found that data on the direct impact of local filter permeability schemes on air quality is limited. This is despite the large range of schemes that have been delivered in Hackney.

5.1.8 Most existing schemes have not had air quality monitoring carried out gauging pollution levels before and after the implementation of changes, neither in the roads which have had filtered permeability applied to them or in the roads surrounding them<sup>32</sup>.

<sup>32</sup> The impacts of a scheme which moved bus traffic from the Narrow Way (following on from previous moves to remove general traffic) onto Amhurst Road was measured in terms of air quality, and unsurprisingly showed decreases in nitrogen dioxide concentrations in the road closed to buses and increased concentrations in the road upon which they were diverted. However, this is the only scheme that we are aware of in Hackney which has had air quality impact analysis completed.

- 5.1.9 An alternative to measuring pollution levels pre and post a scheme would be to gauge the impact on traffic flows of schemes. Motorised vehicles are the largest contributor to air pollution in Hackney (as elsewhere in London). Therefore, evidence on any extent to which a scheme had reduced vehicle traffic could be used to indicatively show its impact on air pollution.
- 5.1.10 However, while the Council has carried out pre and post traffic flow analysis for the larger traffic management schemes it (and TfL) has implemented, it has not done so for the types of filtered permeability schemes this review gives consideration to.
- 5.1.11 The Commission notes that for its more recent schemes – in particular those in the De Beauvoir and Wordsworth Road areas and in Middleton Road – the Council is engaging in air quality and traffic impact analysis. This is being carried out on the streets which have had permeability applied to them and those surrounding them.
- 5.1.12 We understand that the traffic analysis will include an assessment of the impact schemes have had on levels of cycling in the area<sup>33</sup>.
- 5.1.13 Due to these schemes being in their infancy however, and with the need for them to have bedded in before final impacts can be gauged, information on the results of schemes were not available to the Commission at the point of its review.
- 5.1.14 This considered, we are unable to consider any data gauging the direct impact of local filtered permeability schemes on air pollution levels or traffic flows.
- 5.1.15 We support the Council now producing an evidence base around the impact of schemes.
- 5.1.16 Later in this report we cite externally produced advice for local authorities and other bodies introducing such schemes (*Disappearing traffic? The story so far*) on the need to monitor and make available information around their impact to ensure that debate following their introduction can be fully informed. We support the Council moving towards a position in which it will be able to do this.

### **Prohibitive costs of high-accuracy air quality monitoring**

- 5.1.17 Whilst supporting the air quality monitoring underway, we have gained an appreciation that the data produced is likely to be indicative rather than fully accurate.
- 5.1.18 Equipment to very accurately measure air quality is expensive. An air monitoring station at Old Street which the Council part funds involves total costs of £15,000 per year, including maintenance of the station and

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<sup>33</sup> See records of oral evidence given to the Commission in the meeting of the 9<sup>th</sup> January 2017 - <http://mginternet.hackney.gov.uk/mgAi.aspx?ID=27498> – para 4.44



management and ratification of the data produced<sup>34</sup>. In early 2017 the Council procured for use a mobile monitoring device which delivers a high level of accuracy. This brings a £5,000 - £10,000 annual cost<sup>35</sup>.

5.1.19 As an alternative to these more expensive options, the Council is monitoring the air quality impact of new schemes through the use of nitrogen dioxide tubes and Air Quality Mesh monitors. These bring significantly less cost than the options mentioned above. However, whilst these have the capacity to identify general trends in air quality, they bring a wide margin of error – at around 20%<sup>36</sup>.

5.1.20 We are supportive of the Council using this methodology along with traffic monitoring to reach an indicative view on schemes, and would not recommend that the Council follows significantly more expensive alternatives.

5.1.21 However, we feel that the current arrangements around monitoring might sometimes (depending on the size of the scheme) go further. This is with particular relation to expanding the monitoring to have a greater focus on people as well as vehicles.

5.1.22 The '*Disappearing traffic? The story so far*' study which we cite a number of times in this report recommends that scheme monitoring includes exploring the impacts that schemes have had on the movement of people overall, and is not focused only on vehicle counts.

5.1.23 The study found that without doing this, schemes can sometimes appear to have delivered negative results when this is not the case.

5.1.24 It cites a set of measures within Oxford which led to a 20% reduction in traffic entering the centre of the area. This could have led to disbenefits being associated with the scheme around a reduction in visitor numbers.

5.1.25 However, due to the monitoring having included counts of the number of people travelling by bus to the area pre and post the changes, the assessment produced evidence that the overall numbers of people visiting the centre had actually increased after the changes had been introduced. We feel that there could be lessons for the Council here around any future monitoring of more

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<sup>34</sup> See records of oral evidence given to the Commission in the meeting of the 9<sup>th</sup> January 2017 - <http://mginternet.hackney.gov.uk/mgAi.aspx?ID=27498> – bullet points under 4.11 and para 5.49

<sup>35</sup> Drawn from table on pages 14-15 of paper submitted to the Commission - [http://mginternet.hackney.gov.uk/documents/s52672/CDM-17883543-v1-AQ\\_Scrutiny\\_-\\_Road\\_Closure-Filtering\\_V3.pdf](http://mginternet.hackney.gov.uk/documents/s52672/CDM-17883543-v1-AQ_Scrutiny_-_Road_Closure-Filtering_V3.pdf)  
<http://mginternet.hackney.gov.uk/documents/g3751/Public%20reports%20pack%2009th-Jan-2017%2019.00%20Living%20in%20Hackney%20Scrutiny%20Commission.pdf?T=10>

<sup>36</sup> Drawn from information on two separate papers. Margin of error for tubes -pages 14-15 of paper submitted to the Commission - [http://mginternet.hackney.gov.uk/documents/s52672/CDM-17883543-v1-AQ\\_Scrutiny\\_-\\_Road\\_Closure-Filtering\\_V3.pdf](http://mginternet.hackney.gov.uk/documents/s52672/CDM-17883543-v1-AQ_Scrutiny_-_Road_Closure-Filtering_V3.pdf) Comparable accuracy of Air Quality mesh Monitors – page 14 of paper submitted to the Commission - <http://mginternet.hackney.gov.uk/documents/g3749/Public%20reports%20pack%2017th-Nov-2016%2019.00%20Living%20in%20Hackney%20Scrutiny%20Commission.pdf?T=10>

significant schemes in the town centre areas; in particular the planned removal of the Stoke Newington gyratory.

5.1.26 In addition, we feel that the monitoring of schemes could benefit from including assessments of any change to pedestrian activity, and the extent of people taking of journeys by foot before and after the changes<sup>37</sup>.

5.1.27 This would better enable the Council to gauge any health benefits<sup>38</sup> of schemes in terms of any modal shift from the car for journeys taken, and for more nuanced monitoring of the impact of schemes on visitor numbers to an area.

**Recommendation 1 – That the Council uses pedestrian and people focused counting to help inform the impact of filtered permeability and road closure schemes.**

We are supportive of the Council carrying out air quality and traffic monitoring (including cyclist counts) to assess the impact of its filtered permeability and road closure schemes.

We also support its use of tools (the Health and Economic Impact Assessment tool for Cycling and Walking and the Healthy Streets Check) to enable a wide range of health and environmental factors to inform findings on the results of schemes.

However, we also ask that the Council draws any learning from the ‘Disappearing traffic? The story so far’ study and from the evidence given to the Commission by Transport & Public Realm Public Health Specialist around the further monitoring in which it might engage. This is in regards to further ensuring that monitoring includes exploring the impacts that schemes have had on people movements generally.

We ask that the Council works to ensure that assessments of any change to pedestrian activity, and the extent of people taking of journeys by foot before and after the changes is used to measure the impact of all schemes.

This would better enable the Council to gauge any health benefits<sup>39</sup> of schemes in terms of any modal shift from the car for journeys taken, and for more nuanced monitoring of the impact of schemes on visitor numbers to an area.

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<sup>37</sup> In response to questions Council Officers confirmed that pedestrian counts did not currently form part of the assessment of schemes.

<sup>38</sup> The Transport & Public Realm Public Health Specialist giving evidence to the Commission said that it was possible to quantify health benefits of each journey which was shifted from a car to another mode. She said this meant that counts of pedestrians and or people walking in an area pre and post the implementation of a scheme be used as a tool to help assess its overall health impact. In a context where air quality monitoring is expensive and open to inaccuracy, we feel that pedestrian counts could be another means through which the impacts of schemes are monitored.

<sup>39</sup> The Transport & Public Realm Public Health Specialist giving evidence to the Commission said that it was possible to quantify health benefits of each journey which was shifted from a car to another mode. She said this meant that counts of pedestrians and or people walking in an area pre and post the implementation of a scheme be used as a tool to help assess its overall health impact. In a context

### **The capacity for filtered permeability to improve air quality – wider evidence**

5.1.28 As set out above this review has not been able to determine the impact of filtered permeability schemes on air quality in Hackney.

5.1.29 However, a wider range of evidence suggests that filtered permeability as part of a range of measures can help address transport related air pollution in areas with the characteristics of this borough.

### **Capacity to reduce traffic**

5.1.30 With motorised forms of transport the key driver of air pollution, filtered permeability could be shown to help tackle the issue if it had the effect of reducing traffic and or car use in an area, on an overall level.

5.1.31 National and international research suggests that they can. A 2002 paper (*Disappearing traffic? The story so far*, Cairns, S; Atkins, S; Goodwin, P)<sup>40</sup> drew on 72 case studies of schemes which reallocated roadspace to improve conditions for pedestrians, cyclists, buses or other high-occupancy vehicles, and a collation of opinions from over 200 transport professionals worldwide.

5.1.32 The paper cites 62 of the case studies where traffic levels were monitored on the road on which space had been reallocated, and on surrounding roads, both before the introduction of the scheme and afterwards.

5.1.33 Taking into account changes to vehicle flows on the routes/area which had been treated, and those on parallel or alternative routes the study found 51 (82%) of these schemes to have delivered a percentage reduction in traffic in the overall area. 11 (12%) showed that there had been a traffic increase.

5.1.34 The study acknowledges that for many of the studies with this data available, the results are open to margins of error / levels of unreliability. For example, even monitoring done over long periods might not always make up for the fact that there is always a natural variability to traffic levels.

5.1.35 However, the study also states that – in light of the high quality of the monitoring delivered in most of the cases, the very high share of them which saw overall reductions in traffic, and the scale of the changes seen - that the overall findings are very unlikely to be down to statistical anomalies.

5.1.36 Taking all of the schemes cited, the average finding was a traffic reduction of 21.9%. The median figure – which given the variability of the results across schemes was seen as the more insightful measure to use – showed that in more than half of the case studies, at least 11% of the vehicles previously using the treated area could not be found in the treated or surrounding area after the roadspace had been reduced.

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where air quality monitoring is expensive and open to inaccuracy, we feel that pedestrian counts could be another means through which the impacts of schemes are monitored.

<sup>40</sup> <http://discovery.ucl.ac.uk/117869/>

5.1.37 This leads them to the finding that ‘traffic reduction is a real phenomenon that occurs when roadspace for cars is reduced’.

### **Environments / circumstances in which schemes can have a traffic – reducing affect**

5.1.38 The ‘Disappearing traffic? The story so far’ study seeks to reach an understanding of how – perhaps against general expectations – decreasing roadspace for motorised vehicles can lead to reductions in traffic.

5.1.39 The authors suggest that there is a general assumption that roadspace reallocation schemes will not prompt people from using their cars and that they will always seek another way around and or wait longer in traffic if necessary.

5.1.40 However, it finds that behavioural responses to these changes are more complex. It identifies a three-level model of behaviour. Which ones of these are triggered depends on the scheme, the extent to which it actually delivers reduced capacity in the affected area, and the extent to which there is spare capacity in the wider area.

5.1.41 Firstly, it finds schemes in which drivers have in general continued to drive but have adapted their behaviour to ‘overcome’ the changes which roadspace reallocations have delivered. It cites an example of a scheme which introduced less green times to traffic lights in a city centre but was found to have seen more cars getting through the lights – presumably because of changes in behaviour around drivers accelerating quickly through lights when they were given opportunity.

5.1.42 Secondly, it identifies schemes which have delivered real capacity reduction in a treated area but which have generally not prevented driving in the wider area. In these cases, driving in the wider area was not reduced due to there being adequate spare capacity on other routes and or drivers finding that this spare capacity existed for them if they retimed their journey.

5.1.43 Schemes which were found to have led to a wider range of responses were those which had delivered a real reduction of capacity in the route treated, and where there was not adequate additional capacity available elsewhere.

5.1.44 There were responses to these schemes of rerouting or retiming trips by car. However – there were a wider range of responses also. This included changing their modes of travel and other actions which would reduce car use.

### **Environments and Circumstances in Hackney**

5.1.45 The evidence cited above suggests that when delivered in particular environments, filtered permeability schemes have the potential to reduce traffic and car use (and therefore air pollution).

5.1.46 The environments where there is the potential for schemes to have this affect are those where there is not spare capacity elsewhere to mitigate the impacts of the schemes, and where other viable transport options are available.

5.1.47 Evidence suggests that this environment is present in Hackney.

5.1.48 This is with regards to congestion levels meaning that alternative capacity is limited, the high shares of car journeys which would be amenable to other forms of travel, and the range of alternatives to the car which are available.

5.1.49 **Traffic Congestion** - Levels of traffic congestion in London suggest that little spare capacity exists to offset the impact of schemes. Data shows the significant levels of congestion in London to be getting worse. Minutes lost to traffic delays are increasing<sup>41</sup>. Journey times are less reliable<sup>42</sup>. Inner London boroughs like Hackney suffer from greater delays than areas in Outer London.

5.1.50 **Nature of car use** – Evidence suggests that the types of journeys that are taken by car in London would, in many cases, be conducive to other forms of travel. More than a third of car trips could be walked in under 25 minutes. Two thirds of car trips could be cycled in under 19 minutes. The majority of car trips by car in the capital involved distances of 5 kilometres or less<sup>43</sup>. Local service and amenities in London unlike in many other areas are generally within walking distance from people's homes.

5.1.51 **Alternative options** – Recent years have seen significant improvements to **public transport** in the borough.

5.1.52 On rail, this has included four new London Overground stations, the completion of the full orbital Overground East London route, and an upgrade of the North London line with refurbished stations and improved comfort, reliability and capacity through the delivery of new rolling stock.

5.1.53 On buses, improvements have been delivered through increased frequencies, and the extensions of some routes<sup>44</sup>.

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<sup>41</sup> Data drawn from London Assembly Transport Committee report 'London stalling Reducing traffic congestion in London', sourced from Total vehicle delay for London 2014-15, Transport for London, 2016

<sup>42</sup> Data drawn from London Assembly Transport Committee report 'London stalling Reducing traffic congestion in London', *TfL's quarterly finance, investment and operational performance reports: Quarter 4, 2015/16*, Transport for London, 2016; *Operational and Financial Performance Report: Fourth Quarter, 2012/13*, Transport for London, 2013

<sup>43</sup> Drawn from oral evidence given to the Commission by Lucy Saunders, Public Health Specialist – Transport & Public Realm, TfL and GLA

<sup>44</sup> Points 5.1.48 and 5.1.49 both drawn from the Hackney Transport Strategy, 2015-2025, Public Transport Plan. Regarding point 5.1.49, it should be noted that the Strategy acknowledges that while there have been general improvements to the bus network, that there have been frequency reductions in some cases. Bus provision was also covered within a Commission question time session with the relevant Cabinet Member in April 2017. This included acknowledgements that some bus services were being reduced, and that journey times were increasing. However the overall view of the Commission is that there has been a general significant improvement in bus services in recent years.

- 5.1.54 On active forms of travel, the Council has been very active for some time in the delivery and facilitation of a wide range of schemes to improve **cycling conditions and cycling infrastructure** in the borough.
- 5.1.55 Filtered permeability techniques have already played a part in the delivery of improved **cycling conditions**; for example at Goldsmiths Row. Other examples are the delivery of shared paths, dedicated routes (for example three Olympic Greenway Routes), and cycle contraflows enabling bicycles to move in both directions on one way roads for traffic.
- 5.1.56 **Cycling infrastructure** improvements delivered include significant increases in cycle parking availability in residential streets and at new housing developments, town centres and transport hubs, the delivery of cycle training, the establishment of a cycle loan scheme and working with TfL to install Santander cycle docking stations.
- 5.1.57 The vast majority of trips taken by Hackney residents are made by foot and the Council has worked to make the environment further conducive to **walking**. Improvements to parks to better facilitate quiet travel, pedestrian crossings, street cleanliness and the public realm generally have all had a role in this.

#### **Capacity for filtered permeability to help tackle air pollution in Hackney**

- 5.1.58 The evidence detailed above suggests that filtered permeability schemes when delivered in environments like Hackney, can play a part in the response to the issue of air pollution.
- 5.1.59 This is in regards to a reduction (or at least helping the containing of an increase in) in traffic in the immediate and surrounding areas which schemes delivered in already congested areas can deliver.
- 5.1.60 With a high share of journeys in London covering short distances, and with a number of other, less polluting options being available, we have reached a view that filtered permeability can - when designed in the right way – reduce (or contain increases in) traffic.
- 5.1.61 This said, our review is being delivered in an environment of rapid population and employment growth, both in Hackney and in surrounding areas. This means that in reality and without wider interventions on a London wide and national level, filtered permeability measures may only help to contain growth in traffic and the air pollution associated with it.
- 5.1.62 The number of people living in Hackney has increased by over 30% since 2001. Levels are predicted to rise by a further 18% by 2033 to stand at 317,000<sup>45</sup>. For London, projections suggest growth from 8.54 million people in 2014 to between 10.5 and 10.9 million by 2041, a rise of up to 28%.

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<sup>45</sup> Hackney Local Plan 2033 Direction of Travel document - [mginternet.hackney.gov.uk/documents/s50202/CDM-17156409-v1-Appendix\\_1\\_LP33\\_21\\_6\\_16\\_Final.pdf](https://mginternet.hackney.gov.uk/documents/s50202/CDM-17156409-v1-Appendix_1_LP33_21_6_16_Final.pdf)

Significant and employment growth is also expected in the North and East sub-regions and in the South East.

5.1.63 An explicit risk of this growth is that increasing numbers of people will need to travel through Hackney to reach opportunities relating to this growth. With road transport the key cause of air pollution in the borough we feel that wider action will be needed to help ensure that the extra movement associated with these changes have as minimal an impact on pollution levels as possible. We can only suppose that without this wider action congestion of polluting vehicles will increase.

5.1.64 This considered, we cannot say definitively that filtered permeability schemes in Hackney will help to lead to reductions in traffic, and therefore increases in air quality.

5.1.65 However, we can say that we see them having a role in helping to reduce the overall shares of people using cars unnecessarily by making other travel options more attractive. We feel that schemes can help persuade people to change their current habits and to encourage those new to the area to use alternatives from the start.

#### **Wider benefits of permeability in relation health and environment**

5.1.66 Whilst aiming to explore filtered permeability in the context of its potential to help tackle air pollution and its impact on health, this review has heard evidence of how schemes can help deliver other, wider ranging, health benefits.

5.1.67 This is with regard to better providing an environment in which adults and children are able to choose healthy options.

5.1.68 We heard that along with smoking and drinking too much alcohol, energy dense diets in conjunction with doing too little physical activity are the greatest causes of poor health<sup>46</sup>. This has helped lead to guidelines being released around the amounts of physical activity that people from different age groups should do<sup>47</sup>.

5.1.69 Significant shares of the population in Hackney are not completing this exercise. 46% of adults are doing less than that recommended (2 and a half hours of moderate intensity exercise such as cycling or walking). 29% are deemed inactive, doing less than 30 minutes of this per week. This data is coupled with data for England showing 62.9% of adults were overweight or obese in 2015<sup>48</sup>.

5.1.70 For children and young people the data is even more concerning. On a London level, 8 in 10 are not getting the minimum amount of physical activity

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<sup>46</sup> Drawn from oral evidence given to the Commission by Lucy Saunders, Public Health Specialist – Transport & Public Realm, TfL and GLA

<sup>47</sup> City and Hackney health and wellbeing profile, Lifestyle and Behaviour, Section 1

<sup>48</sup> [https://www.noo.org.uk/NOO\\_about\\_obesity/adult\\_obesity/UK\\_prevalence\\_and\\_trends](https://www.noo.org.uk/NOO_about_obesity/adult_obesity/UK_prevalence_and_trends)

recommended<sup>49</sup>. In 2015/16 24.6% of children in Reception school age in Hackney and the City were overweight or obese. This stood at 42.5% for pupils in Year 6<sup>50</sup>.

5.1.71 We heard that by authorities working to better ensure that the healthy travel option was the easiest and most attractive one, the health benefits of the exercise associated with this could be achieved<sup>51</sup>. This could help achieve a 'healthy weight environment' in which walking, cycling and public transport use is prioritised<sup>52</sup>.

5.1.72 Reducing car use and car prevalence would make environments safer and more attractive, and better enabling of anyone of any age or ability to travel actively. This would better enable people to incorporate recommended levels of physical activity into everyday life (which Chief Medical Officers of the United Kingdom have stipulated as being the easiest and most acceptable form of physical activity for most people)<sup>53</sup>. People in the public realm would be less likely to experience noise pollution, intimidation, and difficulty in crossing roads. The ability for children, disabled and infirm people to travel independently would be increased<sup>54</sup>.

5.1.73 Regarding children specifically, avoidable car use was helping to create an environment in which it was easier to be inactive than it was to be active. The physical and cultural environment was one which did not enable children to play outside and to be active through play<sup>55</sup>. Reducing car usage would better allow children to be active outside, and for adults to improve their connectedness by getting to know their neighbours<sup>56</sup>.

5.1.74 People in cars would suffer from less pollution (we note evidence suggesting that the impact of air pollution on those in cars may be worse than for

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<sup>49</sup> Drawn from oral evidence given to the Commission by Lucy Saunders, Public Health Specialist – Transport & Public Realm, TfL and GLA

<sup>50</sup> National Child Measurement Programme (NCMP) data drawn from a submission to Children and Young People's Scrutiny Commission by Public Health - [http://mginternet.hackney.gov.uk/documents/s51926/CDM-17729897-v1-CYPS\\_OS\\_Childhood\\_Obesity\\_Update\\_1116.pdf](http://mginternet.hackney.gov.uk/documents/s51926/CDM-17729897-v1-CYPS_OS_Childhood_Obesity_Update_1116.pdf)

<sup>51</sup> Drawn from oral evidence given to the Commission by Lucy Saunders, Public Health Specialist – Transport & Public Realm, TfL and GLA

<sup>52</sup> Description of a healthy-weight environment within the Town and Country Planning Association's report 'Planning Healthy-Weight Environments (2014) cited in Faculty of Public Health briefing statement Local action to mitigate the health impacts of cars, July 2016

<sup>53</sup> Faculty of Public Health briefing statement Local action to mitigate the health impacts of cars, July 2016

<sup>54</sup> Drawn from oral evidence given to the Commission by Lucy Saunders, Public Health Specialist – Transport & Public Realm, TfL and GLA

<sup>55</sup> Drawn from oral evidence given to the Commission by Lucy Saunders, Public Health Specialist – Transport & Public Realm, TfL and GLA

<sup>56</sup> Faculty of Public Health briefing statement Local action to mitigate the health impacts of cars, July 2016



pedestrians and cyclists sharing the environment<sup>57</sup>). Car drivers also suffer from noise pollution and from a limiting of their physical mobility.

5.1.75 We heard that filtered permeability had a role in achieving these improvements, and were recommended by the Faculty of Public Health as one of the measures which local authorities can introduce to restrict the through flow of motor traffic.

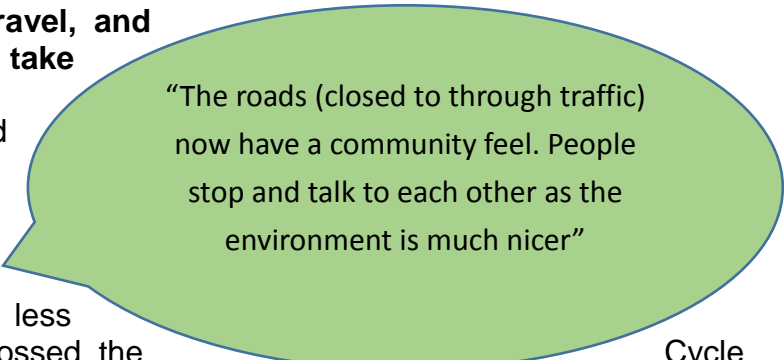
5.1.76 Part of the evidence gathering for this review involved the Commission holding focus group sessions with samples of residents who had been affected by a recent filtered permeability scheme introduced in their local area. One was held with a group who were supportive of the changes and one with those who were against.

5.1.77 During the discussion with residents who supportive of the scheme we heard how the wider benefits mentioned above were being felt directly by some of those living in the local area.

**Extract of notes of focus group discussions on road closure and filtered permeability schemes.**

**Safer for active forms of travel, and encouraging residents to take alternatives to cars**

We heard that cycling had been made safer as a result of the changes. One resident said that the move to close a number of streets to through traffic meant that there were less points through which cars crossed the Superhighway. Parents found that trips to and from schools were easier, safer and more pleasant.



“The roads (closed to through traffic) now have a community feel. People stop and talk to each other as the environment is much nicer”

Cycle

One resident living on a street closed to through traffic had seen more people walking than previously. Another felt that there had been a marked reduction in heavy traffic in the area generally.

**Cleaner and quieter**

The streets closed to through traffic felt cleaner and safer. There was a sense that public space had been retaken by residents.

We heard of the individual-level benefits felt by some residents living on roads which had been closed. Residents could leave their windows open at night without being woken by traffic and horns. Two said that they could hear birdsong in the morning for the first time for years. One said that he was now able to work at home

<sup>57</sup> Atmospheric Environment Volume 41, Issue 23, July 2007, Pages 4781–4810 - <http://www.sciencedirect.com/science/article/pii/S1352231007001343>

without constant noise disruption.

### **Disbenefits**

- 5.1.78 We have reached a view that filtered permeability schemes in Hackney have the potential to help tackle (or contain exacerbations of) air pollution issues related to transport, and to also deliver a wider range of health and environmental benefits.
- 5.1.79 However, a range of evidence shows that schemes are likely to deliver disbenefits also. Our focus group session with residents opposed to a scheme in their area highlighted the significantly detrimental personal impact that these can have.
- 5.1.80 The principal disbenefit of schemes takes the form of displacement of shares of the traffic previously using roads that have been closed, to surrounding ones remaining open. This is an issue recognised by those advocating schemes as beneficial on an overall level<sup>58</sup>.
- 5.1.81 The issue of displacement is one that brings questions around equality; both evidence that we have heard from the relevant Cabinet Member of the Council, officers and external experts has confirmed that depending on the locations of their homes, some residents will see direct environmental improvements to their streets, while some will see detrimental effects.
- 5.1.82 We have reached a view that the extent to which displacement may be legitimately tolerated as a disbenefit of a scheme, is dependent on the characteristics of the roads experiencing the displacement.
- 5.1.83 We understand that there is significant focus by the Council on using filtered permeability to help reduce the negative impacts of through traffic and rat running on more minor residential roads<sup>59</sup>.
- 5.1.84 This focus is consistent with the use of filtered permeability schemes generally; the representative of TfL giving evidence to this review advised the Commission that schemes were commonly designed to move away traffic from residential roads, with those continuing to drive needing to use busier main roads.
- 5.1.85 We heard convincing evidence that this was an appropriate approach due to the characteristics of main roads meaning that pollutants did not deliver as much harm as they would in minor roads.

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<sup>58</sup> Whilst finding that a majority of case studies schemes to have reduced traffic, the *Disappearing traffic? The story so far* study still found that schemes could increase problems on surrounding streets. Council Officers and external experts giving evidence to us directly have all stated that even well thought out and designed schemes will see some displacement affect.

<sup>59</sup> Informed from a paper submitted to the Commission by Streetscene paragraphs 4 and 5 - [http://mginternet.hackney.gov.uk/documents/s52672/CDM-17883543-v1-AQ\\_Scrutiny\\_-\\_Road\\_Closure-Filtering\\_V3.pdf](http://mginternet.hackney.gov.uk/documents/s52672/CDM-17883543-v1-AQ_Scrutiny_-_Road_Closure-Filtering_V3.pdf)

- 5.1.86 This was due to their wider road and pavement areas, and this meaning that pedestrians and buildings were further away from the pollutants emitting from vehicles than pedestrians and buildings were on main roads.
- 5.1.87 We were cited evidence given to the City of London Health and Wellbeing Board on Air Pollution that increasing the distance of a source of pollution (which is usually traffic) from those who are breathing it can significantly reduce their exposure levels. Reducing exposure by a few metres could reduce exposure by 20 – 50%.
- 5.1.88 We can appreciate that the displacement of traffic onto major roads following the delivery of schemes in residential streets is likely to be a significant disbenefit. This is particularly the case in London and Hackney, which we suspect contain higher prevalence's of residential homes. However, we have reached a view that if the disbenefits of a scheme are limited to dispersal to main roads, then it could not be seen to outweigh the benefits delivered in terms of reduced traffic on more minor roads, and on an overall level.
- 5.1.89 Where we have greater concern is around schemes displacing traffic from smaller roads onto other smaller roads.
- 5.1.90 We heard from TfL that schemes needed to be given time to bed in and that further to this, dispersal would be reduced. The representative pointed to the Mini Hollands scheme delivered in Waltham Forest some time previously. Whilst there had been issues in the roads close to the effected ones, these had dissipated to a large extent.
- 5.1.91 Hackney's Council's Cabinet Member with oversight of schemes in the borough said that it was important to acknowledge that there would be dispersal onto minor roads in addition to major ones, at least for the shorter term.
- 5.1.92 The Cabinet Member explained to the Commission that the Council had worked on the basis of gauging the overall impact on the area of new schemes before decisions were made. Alongside this, there was pre and post discussion with residents who had been adversely affected in order that solutions could be found to these issues.
- 5.1.93 Our focus group discussion with residents opposed to a scheme in their area highlighted the significantly detrimental impacts that schemes can have in terms of displacement. This very much included narrow residential streets adjacent to some of those closed.

**Extract of notes of focus group discussions on road closure and filtered permeability schemes.**

**Disbenefits**

**Dispersal onto residential roads – creating safety issues, anti-social behaviour and pollution**

Residents living on two roads local to those closed to through traffic – Walford Road and Brighton Road – described significant dispersal from the scheme.

The issues which had been resolved on streets that had been closed to through traffic had become more pronounced on those remaining open.

“8 routes through side roads available between the A10 and Islington before the changes. Now there are 2, and our streets are taking the impact”.

Dispersal was having an impact on driver behaviour.

Both roads were narrow with cars parked on both sides. The added congestion meant that gaps to get through were fewer and drivers sought to make the most of opportunities by speeding through. Passing places were inadequately sized and spread. Pedestrians and cyclists were having difficulty navigating streets in this setting.

Stand offs between drivers not willing to give way were common, with residents suffering from the resulting car horn noise and other anti-social behaviour. Motorcyclists unable to squeeze through traffic on the roads mounted pavements.

“Our roads are narrow. Now nearly every time you open your front door there is a traffic jam right in front of you. I now have asthma and it feels like it is related to the increased traffic”.

A resident often witnessed minor accidents.

The roads which had remained open were felt to be suffering from higher pollution levels.

### **Disbenefits were expected to continue**

When asked, residents who were against the schemes said that they did not feel the volume of dispersed traffic on their roads to have reduced since the scheme was first implemented. They felt that in many cases drivers continued to look for cut-throughs rather than to use main roads. The traffic included work vans (including HGVs), minicabs and school vehicles. Both groups said that with satellite navigation systems directing drivers down the route which would be quickest at any one time, this issue would continue if changes were not made.

There was scepticism among residents against the scheme that it would lead to less car usage.

### **Disbenefits were a source of inequality**

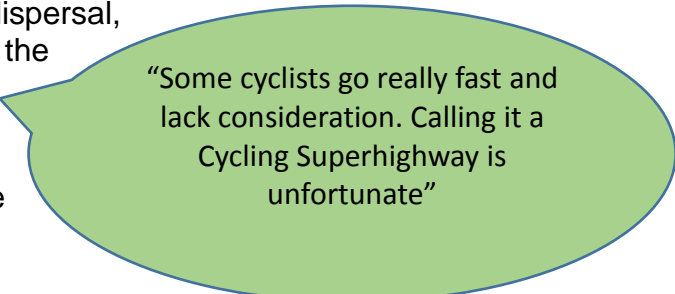
A resident said that she felt that the way the scheme had been designed had created a polarised set of experiences. The 6 roads which had been

“There was an equal distribution of traffic along 8 roads. Now 6 roads are very nice and 2 are a bottleneck...this does not fit in with Hackney a Place for Everyone strategy”.

changed were now quieter and nicer places. However, closing so many and leaving only 2 open meant that those remaining had suffered very heavy consequences. She said that closing fewer roads would have been a fairer approach. Walford Road and Brighton Road had high levels of pollution and traffic flow before the changes which were similar to the largest of the closed roads, and this had now got worse.

The same resident pointed out that the more major roads where traffic was encouraged onto – the A10 and Crossway – had high densities of social housing and already had high levels of pollution in advance of the changes. The impact of the scheme would therefore be felt disproportionately by lower income groups.

5.1.94 In addition to disbenefits around dispersal, there was a common view that the scheme affecting them – the traffic reduction scheme in the Wordsworth Road area as part of the CS1 – had helped to enable poor behaviour from some cyclists.



“Some cyclists go really fast and lack consideration. Calling it a Cycling Superhighway is unfortunate”

5.1.95 Both groups were supportive of general steps to make roads more conducive to cycling. However, both reported issues with the speeds travelled by some. This issue could make it difficult for pedestrians to cross roads within the scheme and neighbouring it. Both said that calming measures were needed.

### **The Commission’s view on filtered permeability and road closure schemes, and our support for future schemes.**

5.1.96 We are concerned about the disbenefits of schemes.

5.1.97 However, we have reached a view that an increase in traffic on main roads should be treated as a tolerable disbenefit of schemes reducing traffic on narrow minor roads. This is due to the characteristics of main roads meaning that pollutants do not deliver as much harm as they would in minor roads.

5.1.98 Where we have greater concern is around schemes which have had a dispersal effect on streets with similar characteristics to the treated ones - so narrow residential roads – at least in the short term.

5.1.99 Our focus group with residents living on minor roads who were suffering the effects of dispersal highlighted how detrimental these could be, and we are very sympathetic to this.

5.1.100 We support the work of the relevant Cabinet Member in ensuring that there is ongoing discussion with residents who had been adversely affected by schemes in order that solutions can be found to the issues.

5.1.101 In addition, we feel that there are learning points for both TfL and the Council from recent schemes which have been delivered here. Recommendations 3 to 7 reflect this.

5.1.102 However – after weighing up the range of evidence - we have still reached a view that we are supportive of the Council’s previous and future use of filtered permeability and road closures to help address transport and public health related challenges in the area.

**Recommendation 2 – That the Council rolls out a programme of filtered permeability schemes**

We have reached a view that filtered permeability schemes should be used as one of the Council’s responses to the transport related challenges around growth.

We are convinced that they are likely to reduce levels of traffic and pollution on an overall level, and to deliver wider ranging health and environmental benefits in addition.

We ask that the Council sets out a programme of future schemes.

**Recommendation 3 – That the Council publishes a report on the impact of the CS1 De Beauvoir and Wordsworth Road schemes**

We look forward to the Council completing their final analysis of the traffic and air quality impact of its recent major schemes.

Upon completion of the analysis, we ask that the Council uses this and other evidence (including the findings of this review) to produce a report on the impact of the CS1 De Beauvoir and Wordsworth Road schemes, the successes in their delivery, and lessons learnt.

We see these as innovative schemes which could help inform approaches in other areas.

**Considerations, communications and consultation on schemes prior to decision**

5.1.103 This review aimed to explore the types of evidence which inform decisions on the design and delivery of schemes, and the weight that these different considerations are given.

5.1.104 Within this, we have gained an insight into the consultation processes followed by the Council and the information contained within them as part of the process. We have also reviewed the details of a consultation delivered by Hackney and another delivered by TfL (for a scheme delivered in Hackney).

5.1.105 **Considerations and engagement prior to finalisation of proposals for new schemes.** In most cases the Council will engage a number of interest groups during the development stage of new proposals. This is in order that they can help mould the actual design and approach of the scheme<sup>60</sup>

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<sup>60</sup> Records of discussion at Commission meeting of 8<sup>th</sup> February 2017 and from tabled paper both available via - [mginternet.hackney.gov.uk/mgAi.aspx?ID=27748](http://mginternet.hackney.gov.uk/mgAi.aspx?ID=27748)

5.1.106 Groups liaised with include groups aiming to better facilitate walking (Living Streets<sup>61</sup>), cycling (London Cycling Campaign<sup>62</sup>) and the influencing of change by disabled people living in the borough (Hackney Disability BackUp<sup>63</sup>)<sup>64</sup>.

5.1.107 In addition and prior to the finalisation of any proposals, the Council will liaise with statutory bodies including the police, ambulance service, TfL buses in order to seek their views and to gauge any concerns around detrimental impacts on Hackney residents and those travelling through the borough. They also engage Councillors of the Ward which will immediately affected by a scheme, and the Lead Cabinet Member. This dialogue enables the service to accommodate / address concerns before proposals are finalised and published<sup>65</sup>.

5.1.108 We are supportive of the Council's approach in involving a wide range of groups in the development and design of schemes.

5.1.109 **Engagement and consultation at the point that designs are finalised.** Upon Council-designed schemes being finalised, consultation documents are created. These are made available online.

5.1.110 For those living within the catchment area of the proposed scheme (generally defined as the roads in which the scheme's measures would be situated and surrounding roads including those which traffic dispersed from a scheme would be expected to be diverted onto), paper copies of these documents are provided by post, with freepost envelopes which can be used to send back responses for consideration<sup>66</sup>.

5.1.111 As an example, Figure 3 below is a map marked by the defined catchment area for a proposed range of traffic management options which the Council proposed in the London Fields Area. More than 10,000 paper consultation documents were delivered to addresses within this area.

5.1.112 In addition to posting packs, for larger proposed schemes, the Council will arrange and advertise drop in sessions for residents to speak to officers directly.

**Figure 3 – London Fields Traffic Management option proposals - map of defined catchment area<sup>67</sup>**

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<sup>61</sup> [www.livingstreets.org.uk/who-we-are/our-organisation](http://www.livingstreets.org.uk/who-we-are/our-organisation)

<sup>62</sup> [lcc.org.uk/pages/about-us](http://lcc.org.uk/pages/about-us)

<sup>63</sup> [www.disabilitybackup.org.uk](http://www.disabilitybackup.org.uk)

<sup>64</sup> Records of discussion at Commission meeting of 8<sup>th</sup> February 2017 and from tabled paper both available via - [mginternet.hackney.gov.uk/mgAi.aspx?ID=27748](http://mginternet.hackney.gov.uk/mgAi.aspx?ID=27748)

<sup>65</sup> Ibid (as above)

<sup>66</sup> Ibid (as above)

<sup>67</sup> Drawn from London Fields Traffic Management Research Report ([consultation.hackney.gov.uk/streetscene/london-fields-middleton-road-traffic-management-sc/results/london-fields-consultation-report.pdf](http://consultation.hackney.gov.uk/streetscene/london-fields-middleton-road-traffic-management-sc/results/london-fields-consultation-report.pdf))



5.1.113 The Council recognises that residents living in areas adjacent to schemes and those accessing the area from further afield may be affected by the results of them.

5.1.114 Whilst we understand that due to cost factors postal packs are restricted to those in the immediate area, we heard how the Council works to make the documents accessible online, and to advertise them in the local press (in the London Fields example, the consultation featured in Hackney Today with press releases being sent to local media and ethnic press). This, and the engagement of the groups mentioned earlier – is seen by the Council as being the most pragmatic and effective way of engaging as broadly as possible.

5.1.115 We feel this approach of engagement to be a reasonable one.

5.1.116 **TfL led consultations.** It is important to note that for a number of the recent schemes proposed (and then implemented) in Hackney – in particular the CS1 De Beauvoir and Wordsworth Road area schemes - consultation



processes were managed by TfL. This review has not questioned TfL directly on the processes that they follow. However, reports on the consultation findings for schemes show them to have followed a similar approach to the Council.

5.1.117 For example, for the Wordsworth road area proposals, 9,000 paper copies of consultation documents were sent to addresses within a defined catchment area. The survey was made available online and publicised by TfL through emails being sent to 50,000 people known to cycle, drive or use public transport in the area, and to 1,000 stakeholders. Drop in sessions were held in the local area<sup>68</sup>. The Commission was also advised that the Council helped promote the consultations by advertising them online and in the press.

5.1.118 **Content of Council consultation documents.** The Commission was interested to explore the range of information that the Council provides within its consultation documents. Papers provided to us said that information leaflets accompanying consultation questionnaires would provide the details on the purpose of schemes, the benefits that they would deliver, and their impact.

5.1.119 We are supportive of an approach that provides a wide range of information. Our discussions within this review and outside of it as part of our role as local Councillors has highlighted the divided opinions towards schemes. We feel that setting out in consultation documents the wider environment in which schemes are being considered, the purpose of individual schemes, and the benefits and disbenefits that they are expected to achieve, can be one route towards more clearly sharing with residents our reasoning for them.

5.1.120 As part of this review we reviewed the information provided in the consultation document for the London Fields area scheme<sup>69</sup>.

5.1.121 This document shows the Council to have set out the reasoning for proposing changes for the area (focusing on the creation of one of a set of backstreet / park / waterway routes to better enable cycling by those wanting to use quieter, low-traffic routes).

5.1.122 It sets out the wider range of benefits that encouraging cleaner and greener transport (in particular walking and cycling) could have. Benefits listed included the helping to manage demand on the road network and public transport network in the context of a growing London, improving road safety and air quality, improving personal mobility, and creating safer, cleaner and more pleasant neighbourhoods.

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<sup>68</sup> Drawn from CS1 Wordsworth Road area – Consultation Report ([consultations.tfl.gov.uk/cycling/cs1-wordsworth-road/user\\_uploads/cs1-wordsworth-consultation-report-final.pdf](https://consultations.tfl.gov.uk/cycling/cs1-wordsworth-road/user_uploads/cs1-wordsworth-consultation-report-final.pdf))

<sup>69</sup> [https://consultation.hackney.gov.uk/streetscene/london-fields-middleton-road-traffic-management-sc/supporting\\_documents/PJ61347\\_Quietway%202%204pp%20A4%20Leaflet\\_v5.pdf](https://consultation.hackney.gov.uk/streetscene/london-fields-middleton-road-traffic-management-sc/supporting_documents/PJ61347_Quietway%202%204pp%20A4%20Leaflet_v5.pdf)

5.1.123 The range of benefits that schemes can bring which are detailed in the consultation documentation are consistent with those that the Commission has heard about during this review. We support the Council sharing this information in its communications.

5.1.124 However – we would suggest that this information be expanded on, in particular relation to air quality, the need for action to be taken to mitigate the impact of population growth here and elsewhere, and the other related actions that the Council is taking to facilitate options other than car ownership.

5.1.125 This view has been reached in part from a discussion with residents affected by the Wordsworth road area scheme.

5.1.126 Despite being engaged with the topic of road closures and filtered permeability, neither group had been made aware of the context in which the Council was delivering these initiatives. They had not been made aware of the population and employment growth factors in Hackney, London and the South East which was further driving the need to encourage vehicles away from areas and to facilitate alternatives.

5.1.127 There was not an awareness either of the range of initiatives which were being delivered alongside them; greater availability of car club vehicles, encouraging cleaner vehicle types, for example.

5.1.128 Although the consultation for this scheme was delivered by TfL rather than the Council, we still see the lack of information that even a particularly engaged group had demonstrates the need for these consultations to give as greater depth of information as possible.

**Recommendation 4 – greater context being given in consultation documents for filtered permeability or road closure scheme proposals.**

The content of the supporting documents for the London Fields area traffic management options consultation from January 2016 evidences that for some time the Council has laid out the reasoning for proposed schemes and the wider benefits that they are expected to deliver.

This has included notes around improvements to air quality, road safety, personal mobility that delivering reductions in car use will achieve, and the issues from growth in Hackney and London generally which schemes will help to manage.

However, we ask that the information offered (at least for larger schemes) is more detailed.

We ask that the information sets out:

- That schemes as per the ones proposed have been evidenced to help reduce traffic and avoidable car use in areas similar to Hackney.
- That road transport is shown to be the key current cause of air pollution in Hackney (backed up by a statistical example such as one submitted to the Commission showing the high shares of pollution that road transport accounts

for).

- In a clear way the challenge that the borough is facing in terms of managing growth. Using statistics around recent and expected population growth in Hackney and London to highlight this.
- How these schemes are one of the ways that the Council is trying to facilitate travel clean and green travel through the borough in a context of growth in surrounding areas.
- That these schemes are one of a range of measures being taken to enable residents to travel differently.
- Any expected disbenefits of schemes (greater traffic levels on sections of main roads for example) and explanations as to why the benefits are felt to outweigh these

5.1.129 **Content of TfL consultation document.** We also feel that there is learning for TfL from the consultations that they delivered for CS1 schemes proposed for areas in Hackney.

5.1.130 The two consultation documents that TfL produced for the schemes in the Wordsworth Road<sup>70</sup> De Beauvoir Road<sup>71</sup> areas, contained a range of useful information.

5.1.131 This included the reasoning for the proposals (the making of areas safer and more pleasant places in which to live, walk and cycle through the reduction of non-local motor traffic using some residential streets). Detail was given on the range of measures which would be delivered within the schemes, and the beneficial impacts of each of these.

5.1.132 However, unlike in the documentation for the Hackney-led consultation, there was not reference to the wider environment in which schemes were being considered. The challenge of managing growth in Hackney and London generally was not mentioned. Whilst a reduction in motor traffic was stated as the aim of the scheme, the impact of traffic on air quality was not mentioned.

5.1.133 This - in tandem with the finding from our focus group that residents living in one of these areas were not aware of the wider challenges that schemes were aiming to address – again leaves us with a view that consultation documents should set this out.

5.1.134 As an additional point and as mentioned earlier, we heard about the significant disbenefits that the scheme had had. Principally, this was around the dispersal of some traffic to narrow residential roads adjacent to the roads

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<sup>70</sup> [https://consultations.tfl.gov.uk/cycling/cs1-wordsworth-road/user\\_uploads/cs1-wordsworth-consultation-report-final.pdf](https://consultations.tfl.gov.uk/cycling/cs1-wordsworth-road/user_uploads/cs1-wordsworth-consultation-report-final.pdf)

<sup>71</sup> [https://consultations.tfl.gov.uk/cycling/cs1-de-beauvoir/user\\_uploads/cs1-de-beauvoir-consultation-report.pdf](https://consultations.tfl.gov.uk/cycling/cs1-de-beauvoir/user_uploads/cs1-de-beauvoir-consultation-report.pdf)

treated in the Wordsworth Road area, although we also heard about dispersal to main roads with already high levels of pollution.

5.1.135 We feel that the consultation documents would have benefitted from containing clear information of any foreseen likely disbenefits of the scheme, in addition to the positive expected impacts.

5.1.136 We feel that this would give fuller assurance to residents that schemes had been developed in a thorough and well thought out way, and that proposals were only being made after a consideration of all the likely advantages and disadvantages of a scheme were weighed against one another.

**Recommendation 5 – For the Council to work with TfL to seek improved levels of information being given in the consultation documentation they deliver.**

We feel that there is learning for TfL from recent consultations delivered for CS1 related schemes proposed for areas in Hackney.

The two consultation documents that TfL produced for the schemes in the Wordsworth Road<sup>72</sup> De Beauvoir Road<sup>73</sup> areas, contained a range of useful information.

However, unlike in the documentation for the Hackney-led consultation, there was not reference to the wider environment in which schemes were being considered. The challenge of managing growth in Hackney and London generally was not mentioned. Whilst a reduction in motor traffic was stated as the aim of the scheme, the impact of traffic on air quality was not given.

This - in tandem with the finding from our focus group that residents living in one of these areas were not aware of the wider challenges that schemes were aiming to address – again leaves us with a view that consultation documents should set this out.

We also feel that clearly setting out the foreseen disbenefits of schemes in addition to the expected benefits would give fuller assurance to residents that schemes had been developed in a thorough and well thought out way.

In the event of similar consultations being delivered by TfL in future, we ask that the Council works with TfL to try to secure improvements to levels of information given in consultation documents.

We ask that the Council seeks for TfL led consultations for schemes in Hackney set out:

- That schemes as per the ones proposed have been evidenced to help reduce traffic and avoidable car use in areas similar to Hackney.

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<sup>72</sup> [https://consultations.tfl.gov.uk/cycling/cs1-wordsworth-road/user\\_uploads/cs1-wordsworth-consultation-report-final.pdf](https://consultations.tfl.gov.uk/cycling/cs1-wordsworth-road/user_uploads/cs1-wordsworth-consultation-report-final.pdf)

<sup>73</sup> [https://consultations.tfl.gov.uk/cycling/cs1-de-beauvoir/user\\_uploads/cs1-de-beauvoir-consultation-report.pdf](https://consultations.tfl.gov.uk/cycling/cs1-de-beauvoir/user_uploads/cs1-de-beauvoir-consultation-report.pdf)

- That road transport is shown to be the key current cause of air pollution in Hackney (backed up by a statistical example such as one submitted to the Commission showing the high shares of pollution that road transport accounts for).
- In a clear way the challenge that the borough is facing in terms of managing growth. Using statistics around recent and expected population growth in Hackney and London to highlight this.
- How these schemes are one of the ways that the Council is trying to facilitate travel clean and green travel through the borough in a context of growth in surrounding areas.
- That these schemes are one of a range of measures being taken to enable residents to travel differently.
- Any expected disbenefits of schemes (greater traffic levels on sections of main roads for example) and explanations as to why the benefits are felt to outweigh these

### **Analysis of survey results**

5.1.137 We heard that for Council schemes, and following the closure of a consultation, the responses are analysed and the findings presented in a report. This report gives a factual summary of the responses, exploring the balance between those who were supportive of it and those who were against, and the information received from qualitative questions.

5.1.138 As well as giving the overall results in terms of levels of support for schemes, the analysis of survey findings will generally include an exploration of views among those living in the immediate area of a scheme, compared to the views of those responding to the consultation who live outside of it. Figures 4 and 5 show examples of this.

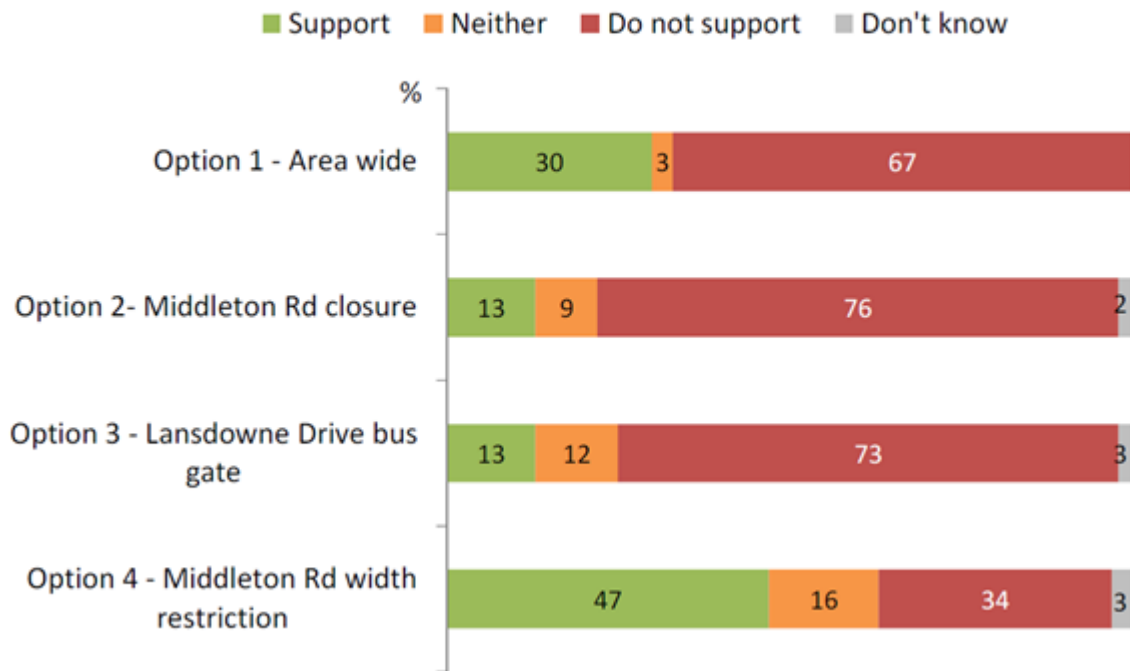
5.1.139 We are supportive of this depth of analysis and it gave us assurance to our questions around whether there was a risk of the views of those who are most effected by schemes, being masked by high numbers of responses from those living outside.

**Figures 4 and 5 – charts drawn from the report on the findings of a consultation on a number of traffic management options in the London Fields area<sup>74</sup>.**

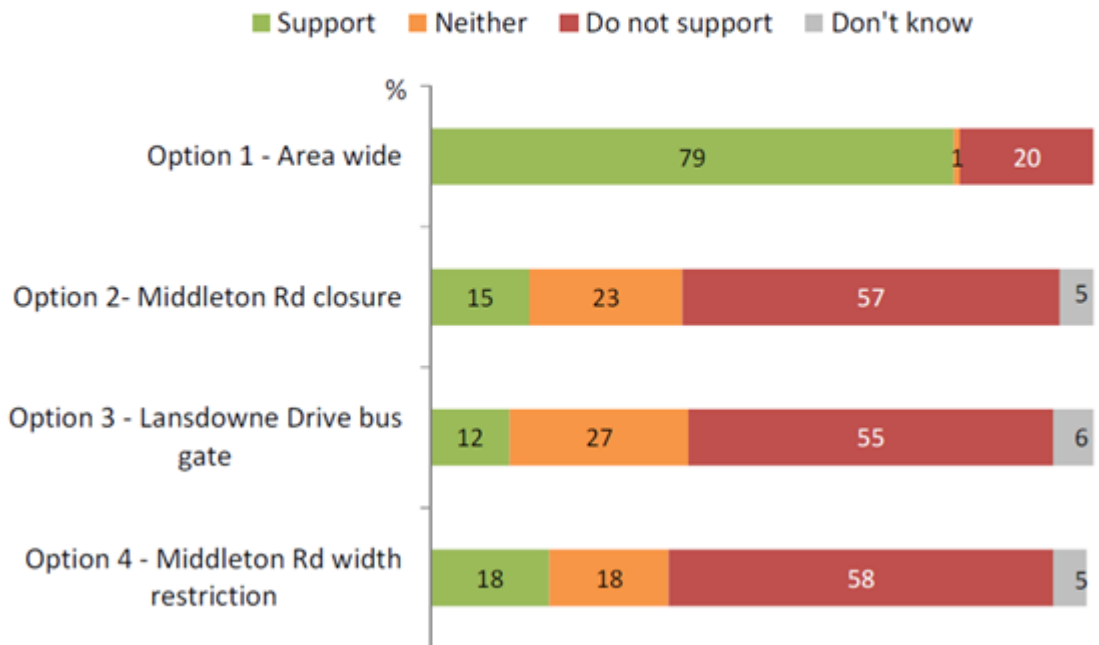
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<sup>74</sup> [consultation.hackney.gov.uk/streetscene/london-fields-middleton-road-traffic-management-sc/results/london-fields-consultation-report.pdf](https://consultation.hackney.gov.uk/streetscene/london-fields-middleton-road-traffic-management-sc/results/london-fields-consultation-report.pdf)

Level of Support or Opposition for each Option  
 – responders in London Fields catchment area



Level of Support or Opposition for each Option  
 – responders outside London Fields catchment area



5.1.140 We understand that the report produced will in general lay out the way forward that has been decided upon, following the analysis that has been carried out<sup>75</sup>.

**Weight given to items of evidence – consultation results not the only determinant.**

5.1.141 We heard from the Council that whilst consultation responses were analysed and the findings used to help shape and inform final decisions, that they were not treated as referendums. This means that the Council's decision to go ahead or not was not fully dependent on whether a majority supported proposals or not.

5.1.142 This was due to the results of consultations forming only one of the items of information to inform a final decision. The Council advised that a range of other factors were taken into account in the final decision. This included any benefits that the scheme had been identified as having, and the responses from statutory bodies to the proposals.

5.1.143 Officers acknowledged to the Commission that they needed to do more to ensure that consultation materials were clear in explaining that results would be considered along with a wider range of evidence, and that majority opposition would not necessarily lead to the abandonment of a scheme. We were advised that the Council had found that there were misconceptions in the community generally around the results of consultations establishing the definite way forward, and that in light of this documentation was being reviewed to make it clear that results to the consultation would be one item of the evidence considered.

5.1.144 We value the role of consultation in the area of road closures and filtered permeability. In particular, schemes can be modified and improved following feedback being received on proposals.

5.1.145 However, we also support the Council in using these findings as part of the evidence to inform final decisions, rather than treating them as a set of findings which on their own should establish the way forward. We support the use of a range of evidence – the input of interest groups, the views of statutory agencies and relevant services, along with the findings of the consultation analysis – to help design, shape and make a final decision on schemes.

5.1.146 Our research of some of the results of consultations on filtered permeability proposals has reinforced this view.

5.1.147 In 3 examples shared with us of Hackney-led scheme consultations, each drew response rates of between 10% and 16%.

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<sup>75</sup> The London Fields scheme which we have used as an example in this report did not do so. This was due to the consultation analysis being carried out by an external provider rather than the Council directly. The Council then used this BDRC Continental produced report to make a decision which it reported on separately.

5.1.148 Our more intensive exploration of the results of another consultation – that delivered by TfL for the CS1 Wordsworth Road area scheme - again showed that the great majority of those who would be affected by scheme (and others) did not respond. It also showed significant shares of the responses which were received to have been submitted via a single organisation which had organised a campaign regarding the proposals. Appendix two sets out these findings in detail. Figure 6 below sets out the key facts as we see them.

**Figure 6 Overview of responses to TfL for the CS1 Wordsworth Road area scheme**

- 9,000 properties based 400 metres or less from the scheme were sent consultation forms
- More than 51,000 people on TfL’s road user contact list and 1000 defined stakeholders were emailed details of the consultation.
- Of the (approximately) 61,000 consulted, a total of 486 responses were received.
- More than a third (173) of these were provided via a single local organisation which campaigned against the proposals.
- Records show 1522 electors<sup>76</sup> to live in the minor roads TfL identified as being directly affected by the schemes. 122 responses were received from residents living on these roads. This suggests a response rate among those most affected of 8%.

5.1.149 Whilst we would very much expect the Council to consider the views of those responding to the consultations and to use this feedback to reach final decisions on whether schemes should go ahead and on any modifications which could improve them, we feel that the low response rates give further credibility to the approach of using other items of evidence also.

**Recommendation 6 – The Council to report back to the Commission on the results of the review of consultation documentation, and the making more clear that the results will be considered along with a range of other evidence.**

We heard from the Council that whilst consultation responses were analysed and the findings used to help shape and inform final decisions, that they were not treated as referendums. This means that the Council’s decision to go ahead or not was not fully dependent on whether a majority supported proposals or not.

We support the Council in using consultation findings as part of the evidence to inform final decisions. We agree that the findings (while being very useful) should not

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<sup>76</sup> Based on Council Elections data



be used in isolation to establish the way forward.

Recent consultations on schemes have drawn response rates of between 10% and 16%<sup>77</sup>. This gives further credibility to these not acting as the trump card in decisionmaking.

We support the use of a range of evidence – the input of interest groups, the views of statutory agencies and relevant services, along with the findings of the consultation analysis – to help design, shape and make a final decision on schemes.

We thank Officers for their acknowledgement that they needed to do more to ensure that consultation materials were clear in explaining that results would be considered along with a wider range of evidence, and that majority opposition would not necessarily lead to the abandonment of a scheme.

We were advised that documentation was being reviewed to make it clear that results to consultations would form part and not the only item of evidence on reaching final decision.

We support this work. We ask for an update on its completion.

### **Communications and engagement with affected residents after go live**

5.1.150 Our discussions with residents affected by a filtered permeability scheme and our review of other evidence have demonstrated to us the importance of the Council maintaining dialogue and communications after the point of schemes being introduced.

5.1.151 We feel that residents should be updated on how the effects of schemes will be monitored and any early results of this monitoring.

5.1.152 We also see the need for clear guidance being available on how residents can provide feedback (in particular during live trials of schemes), how this will be taken into account, and on any immediate actions that the Council has or will take in response to this.

5.1.153 From its review of case studies, the *'Disappearing traffic? The story so far'* study found that in addition to ensuring that schemes were well designed, the management of public and media perceptions towards them was an important element towards ensuring their success.

5.1.154 It found that this could be achieved by monitoring the impacts / key issues of schemes and making this information quickly available so that it could enable debate around the impacts of a scheme to be well informed.

5.1.155 As mentioned earlier, this review has found that previous schemes delivered by the Council have not generally had impact analyses carried out. We are supportive of the Council now carrying out both air quality and traffic count impact analysis of schemes.

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<sup>77</sup> Based on response rates shared with the Commission on three Hackney-led schemes

5.1.156 However, we do feel that there is learning from the Council from recent schemes in terms of the extent which residents were communicated with, after they had gone live.

5.1.157 While preparing for the discussion with residents affected by the scheme delivered in the Wordsworth Road area as part of this review, we noted that there was no clear information on the Council website around the monitoring which was being carried, how residents could feedback on their experiences, and how and when the evidence would be brought together to inform a decision on the way forward. This was despite this having been at a time when a statutory consultation was open.

5.1.158 We feel that the process could have benefitted from a dedicated webpage for the scheme giving this information, and any initial responses by the Council to the dispersal issues which were being reported by residents at this time. We also feel that this webpage could have impact monitoring data added to it at the point of it being made available. We feel that this would have better enabled the Council to be at the forefront of discussion and dialogue.

**Recommendation 7 – that information webpages are available for new filtered permeability and road closure schemes.**

We ask that for any future permeability schemes the Council creates webpages detailing the monitoring taking place to assess the impact of a scheme, how (if applicable) residents can feed back their experiences and suggested improvements for consideration, and how these will be taken into account.

Upon the monitoring being completed, we ask that this data is made available on the webpage at the earliest possible point.

5.1.159 **Being responsive and being seen to be responsive to concerns raised.** We feel that having dedicated webpages for schemes could be an avenue through which the Council can assure residents that it is as responsive as it can be to their concerns.

5.1.160 During the discussions with residents affected from the scheme delivered in the Wordsworth Road area we heard suggestions of improvements which could be made. This included ones around how the detrimental impacts on surrounding residential roads might be mitigated.

5.1.161 We do not have the expertise to give a view on whether the suggested actions would lead to an improvement to the scheme. However, we feel that the process could have benefitted from the Council working to keep dedicated webpages for schemes updated with summaries of responses received, and any early action that they could take in response to these.

5.1.162 Where issues could only practically be considered at the end of a trial period and at the point of a decision being made as to whether to make them permanent, then we feel that an explanation could be given as to why this is the case.

**Extract of notes of focus group discussions on road closure and filtered permeability schemes.**

**Suggested improvements to the scheme**

**Scale back**

Those against the scheme felt that it should be fully rethought and made smaller. Reducing the numbers of roads closed to through traffic would mean that the dispersal issues caused would be better spread.

**Expand**

Those supportive of the scheme felt that the dispersal affects should be managed by exploring solutions for those detrimentally affected.

**Signage**

There was a common view among both groups that signage of the scheme should be improved. Although the experimental scheme had been in place for some time drivers continued to turn into roads that they then found to have barriers on. This and their reversing back onto main roads caused safety issues. It was felt that signage on the main roads in advance of these roads would help this issue.

A suggestion was made that the signage should advise drivers that a road closure scheme was in operation, and that they should follow main roads.

**Making main roads taking the traffic more flow-friendly**

Part of the congestion on Crossway was due to drivers being able to turn right onto the A10. This held up traffic behind vehicles turning right. The turn right option should be removed.

**Reviewing provision of the size and spread of passing places and the locations of cycle hangers on the open roads**

Those against the scheme wanted more significant change than improving fluidity in the open roads. However, both groups mentioned that a cycle hanger was inappropriately located at one of the junctions of Walford Road which exacerbated the issues caused by dispersal. Both the size and spread of passing places should be reviewed to better allow traffic to move through.

**Recommendation 8 – that information webpages for schemes give updates on feedback received, and the Council's response to this.**

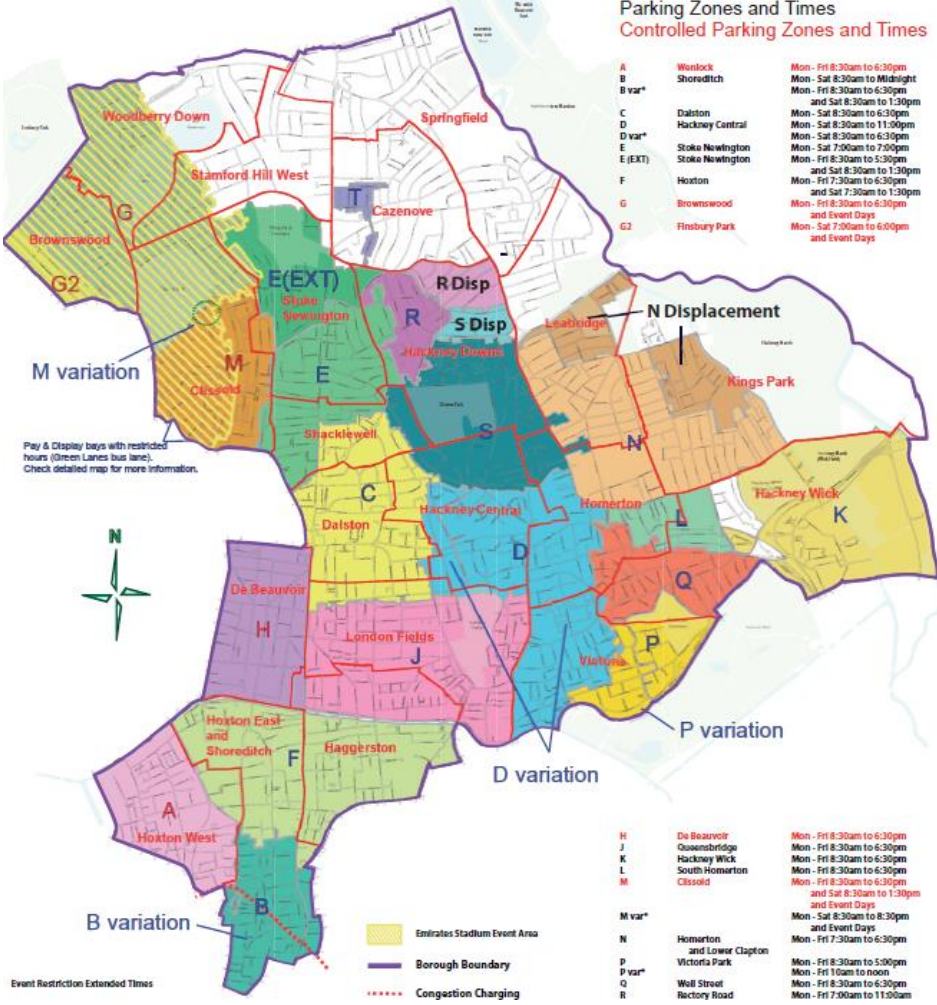
We ask that the information webpages created as part of recommendation 7, are updated during any live trial of schemes. We ask that these updates summarise the views and concerns received, and the response of the Council to these. Where it is not practical for the Council to take immediate action on the basis of the view or concern, we ask that explanations are given to this. We appreciate that there is unlikely to be capacity for updates to be made upon any new comment or view being received. However, we suggest that updates are added for each month that a live trial is in place.

**5.2 Controlled Parking in relation to air quality**

5.2.1 Parking Zones are areas where all kerbside space is controlled by either yellow lines or parking places. Parking Zones are the avenue through which the Council delivers controlled parking.

5.2.2 With some exceptions, vehicles parking in bays are required to display a parking permit. Permits are generally made available to residents living within the zones but not those living outside of it<sup>78</sup>.

**Figure 7 – Controlled Parking coverage in Hackney**



5.2.3 The Council states that parking zones have been introduced to ‘improve parking conditions for local residents and businesses’ and to ‘help traffic, pedestrians and cyclists move safely in the borough’.

5.2.4 This said, we were advised that ongoing dialogue with residents in the borough who live in areas with currently uncontrolled parking is also linked with aims to improve air quality by reducing unnecessary vehicle movements, including commuting.

<sup>78</sup> The Council’s Parking Enforcement Plan gives fuller detail on the different types of controlled parking operating in Hackney - <http://www.hackney.gov.uk/pep>

5.2.5 We wanted to explore this aspect further. This was to gauge any available evidence on the impact or not of controlled parking on levels of air pollution. With data suggesting that the majority of traffic in some areas is not generated from Hackney itself, we wanted to explore whether restricting more parking areas to residents could have impacts on pollution levels in the areas concerned and wider areas also.

## **Capacity to help address pollution**

### **Air Quality monitoring**

5.2.6 As with filtered permeability schemes, the Council has not previously carried out air quality monitoring before and after the introduction of new controlled parking zones.

5.2.7 Also as with filtered permeability projects it has now moved to do so, with pre and post monitoring (through the use of monitoring tubes) planned for areas where CPZs were to be introduced. This is in order to build a dataset which might evidence more categorically the role that CPZs can play in the tackling of emission levels. We support this work<sup>79</sup>.

### **Impact on parking stress**

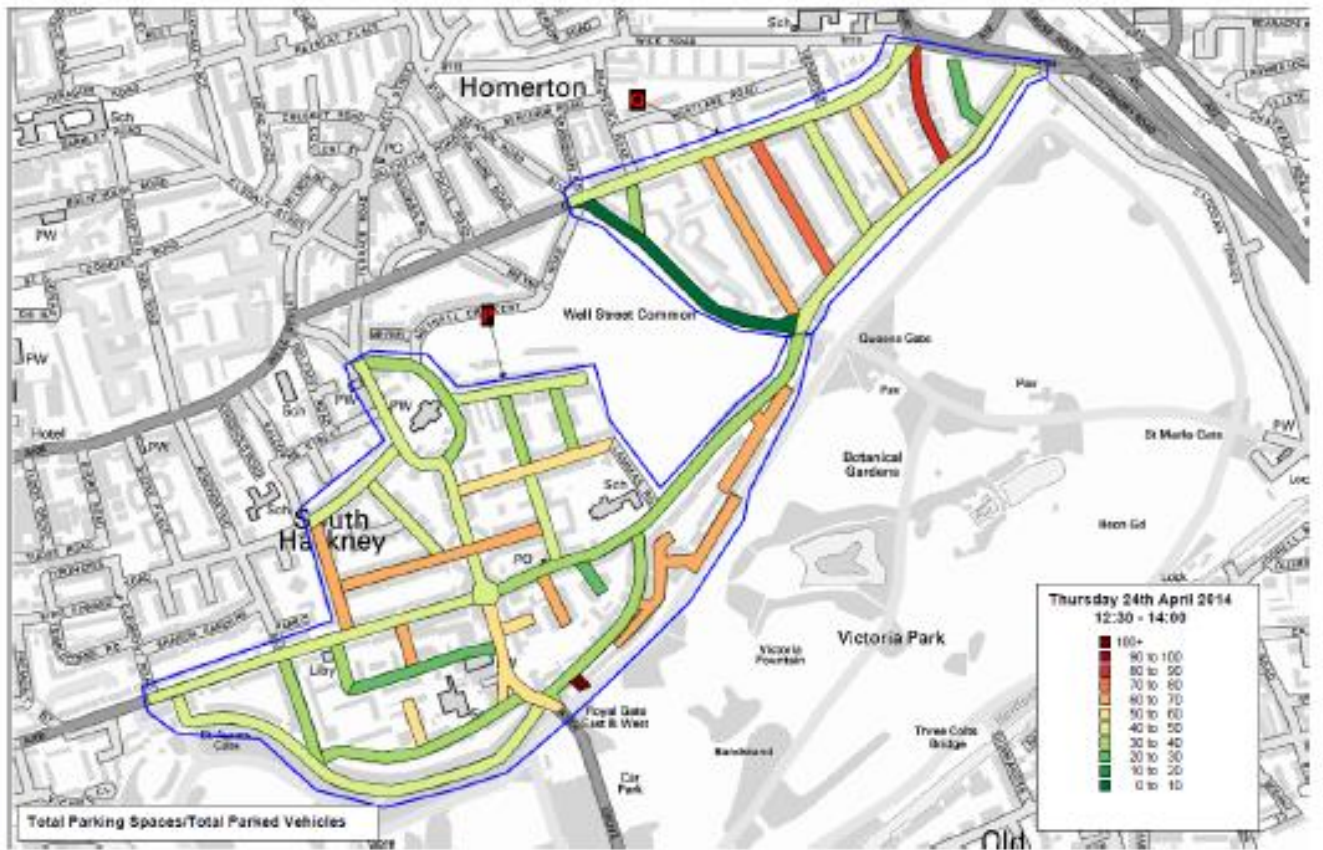
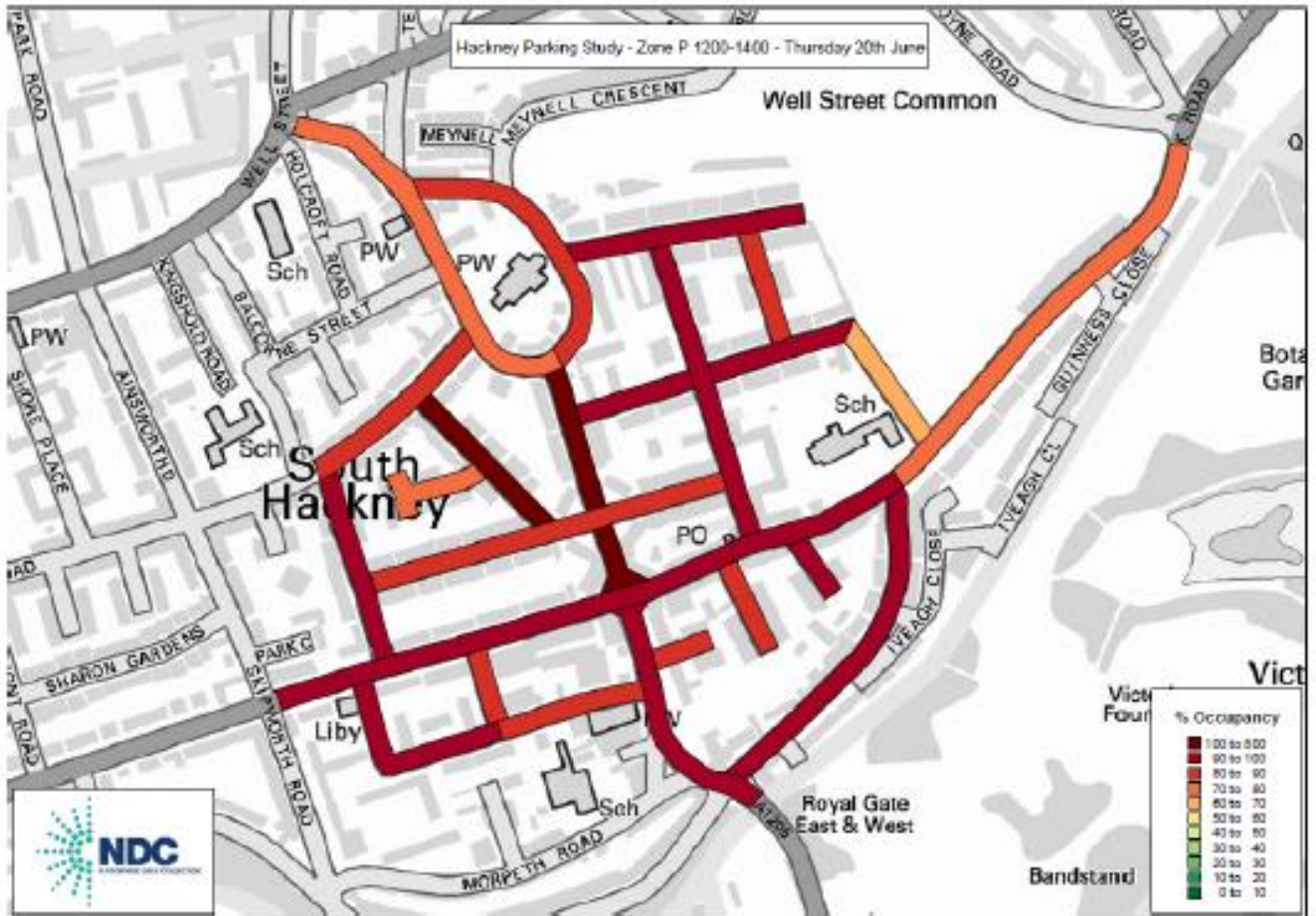
5.2.8 Whilst not previously carrying out air quality monitoring on the impact of introducing controlled parking, the Council has gathered other evidence around vehicle presence in areas before and after the delivery of schemes.

5.2.9 The two maps below depict levels of parking stress in an area of Hackney before and after the introduction of a parking zone. They show that for most streets in the area, parking levels halved after parking controls were installed within them.

### **Figure 7 – map of parking occupancy levels in an area of the borough before and after the introduction of a CPZ**

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<sup>79</sup> Paper submitted to the Commission by the Parking and markets Service-  
<http://mginternet.hackney.gov.uk/documents/s52674/Item%205%20-%20Air%20Quality%20Reivew%20-%20Submission%20from%20Parking.pdf>



- 5.2.10 The paper provided to the Commission advised that the reduction in parking activity in the area demonstrated 'hundreds of few car journeys into and out of the borough each day, with corresponding reductions in pollutants<sup>80</sup>'.
- 5.2.11 We do not agree that the maps can be used to definitively demonstrate this as they do not give consideration to any dispersal to other (uncontrolled) areas of the borough (or those just outside of it) caused by the scheme and any corresponding increases pollution levels in these areas resulting from this.
- 5.2.12 However, we certainly feel the maps demonstrate that areas in which schemes are delivered are used less as an end point for parking ('trip-ends'). This means that for the areas in which they are introduced, pollution levels can be seen to be lowered due to a lower number of motorised vehicles accessing them.
- 5.2.13 We were also persuaded that reducing 'trip-ends' in an area delivers air quality benefits in addition those associated with the removal of emissions from vehicles no longer entering it. This is in relation to lower levels of parking stress making it far easier for those who are eligible to continue parking in the area (generally those with a permit), to find a parking space.
- 5.2.14 The map above shows that parking occupancy rates in most streets within an area pre the introduction of a CPZ were 90% or above. Reducing these rates to more reasonable levels reduces the length of driving time that is spent searching for a space, and the emissions expended as a result.

### **Parking Controls as a platform for other progressive measures to tackle air pollution**

- 5.2.15 Some of the policies that the Council has implemented which have roles to play in the improvement of air quality, are intrinsically reliant on controlled parking being in place.
- 5.2.16 On parking permits, since September 2016 the Council has amended its charging policy for street permits, with prices set incrementally according to the emission levels of vehicles. Diesel vehicles incur an additional levy within the scheme. Electric vehicles incur a zero charge.
- 5.2.17 For new housing developments, and in order to help mitigate levels of car ownership which growth pressures might otherwise bring, the Council applies Car Free conditions to the majority of applications which it approves.

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<sup>80</sup> Paper submitted to the Commission by the Parking and markets Service-  
<http://mginternet.hackney.gov.uk/documents/s52674/Item%205%20-%20Air%20Quality%20Reivew%20-%20Submission%20from%20Parking.pdf>

- 5.2.18 The measures around parking permits which have been taken in order to help influence environmentally purchasing decisions, would not be possible if parking controls were not in place.
- 5.2.19 The attachment of car free conditions to approvals for new developments would be meaningless if the delivery of them took place in areas within or very close to, uncontrolled parking areas.
- 5.2.20 In addition, we understand that for developments being delivered in uncontrolled parking areas, the Council is generally unable to insist on car free clauses being attached to approvals which could then take affect from any point that a CPZ is introduced<sup>81</sup>.
- 5.2.21 The use of emissions-related charging for parking permits (and pay-and-display) and car free development clauses are approaches recommended by the Faculty of Public Health as ways that the health impact of cars can be mitigated at a local level<sup>82</sup>.
- 5.2.22 We are persuaded of the merits of these approaches, and note the existential role that parking controls have in their delivery.
- 5.2.23 Indeed, we feel that the approach of emissions-related charging is one which should also be applied to pricing of permits for parking on the Council's estates; they are currently set at one standard rate. To enable more consistency we also ask that the Council encourages Registered Housing Providers to follow the same approach on the estates that they manage.

**Recommendation 9 – that the Council introduces environmental pricing to estate parking permits**

The Commission is supportive of the Council using emissions-related charging for on street parking permits. We feel that this is a welcome initiative to help tackle air pollution.

However, we also note that permits for parking on the Council's housing estates are charged at a standard rate, and do not take vehicle emissions levels into consideration.

We ask that the Council applies emissions-related charging to its estate parking permits. We also ask that it encourages Registered Providers operating in Hackney to do the same.

- 5.3 On parking permits for on street parking, the Council sets an incremental pricing structure according to the emission levels of vehicles. Diesel vehicles incur an additional levy within the scheme. Electric vehicles incur a zero charge. Permit pricing to influence environmentally purchasing decisions would not be possible

<sup>81</sup> <http://mginternet.hackney.gov.uk/mgAi.aspx?ID=27960>

<sup>82</sup> <http://www.fph.org.uk/uploads/Local%20action%20to%20mitigate%20the%20health%20impacts%20of%20cars.pdf>



if parking controls were not in place. We are supportive of emissions-related charging and feel that the same principles should apply to pricing for permits on the Council's estates. We also ask that the Council works to encourage Registered Housing Providers to follow a similar approach.

**Implications on air quality of current non borough wide coverage – on areas remaining uncontrolled and on routes used to get to them.**

- 5.3.1 There are affects linked with the borough containing areas of uncontrolled parking which are likely to be detrimental to levels of air quality. These affects are not fully restricted to the uncontrolled areas themselves.
- 5.3.2 **Displacement and inequality.** This review heard acknowledgement from the Cabinet Member and from Officers around the detrimental impact that greater coverage would have on the lives of residents living in the fewer areas where controls were not in place. This was in terms of parking stress brought by the displacement of traffic from the now controlled areas<sup>83</sup>.
- 5.3.3 A deputation recently heard at Council highlighted this, with concerns raised by local residents regarding the effects that a new scheme was having on the parking situation on surrounding uncontrolled streets<sup>84</sup>. This included concerns around the time taken to find spaces, which as covered earlier is likely to lead to longer vehicle movement, and increased pollution.
- 5.3.4 **Commuter travel.** During the review some Members noted what they felt to be a prevalence of commuter parking activity in areas of the borough where controlled parking had not been introduced.
- 5.3.5 The Cabinet Member confirmed that a presence of uncontrolled parking increased the amount of car journeys into the borough from outside. This was in particular relation to journeys to work. We heard that uncontrolled areas were being used as 'park and ride / walk' locations for commuters coming into Hackney and moving further afield.
- 5.3.6 There is data to evidence the extent to which car is used as a method of transport to places of work in the borough.
- 5.3.7 2011 Census data estimated the Hackney workforce population (the number of people working in the area) to be 103,604. Of these, 17,438 travelled to their place of work by car or van<sup>85</sup>.
- 5.3.8 The majority (60%) of the Hackney workforce was found to be travelling into the borough from outside. We would therefore expect high shares of the 17,438 travelling to work in Hackney by car, to be accounted for by those living outside the area. This view is also supported by the very low shares of

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<sup>83</sup> <http://mginternet.hackney.gov.uk/mgAi.aspx?ID=27750>

<sup>84</sup> <http://mginternet.hackney.gov.uk/ieListDocuments.aspx?CId=112&MIId=3802&Ver=4>

<sup>85</sup> 2011 Census data drawn from Nomis

Hackney residents who use a car or van to get to work (approximately 15%)<sup>86</sup>, and generally low levels of car ownership in the borough.

5.3.9 We deem it to be very likely that uncontrolled parking areas are currently used by significant shares of the 17,438 travelling to work through car or van. This is in particular regard to those travelling from outside of the borough who are unlikely to be ineligible for permits for any controlled parking area of the borough.

5.3.10 During the review Members also gave accounts of drivers from outside the borough using uncontrolled parking areas in the borough as 'park and ride' commuting options for their journeys further afield. This took the form of people parking in these areas before accessing the improved public transport links nearby (for example Clapton station in the north of the borough) to complete the remainder of their journey.

5.3.11 The Parking Service and the Cabinet Member confirmed that they shared concerns on this issue, in an environment where areas south of Hackney were generally covered by parking controls. They reported that the issue was exacerbated by new information tools available showing parking availability in areas, including on any uncontrolled streets.

5.3.12 We have not received evidence on the prevalence of this activity, although we have been persuaded of its existence. We are also of the view that this issue is likely to be having a detrimental impact on levels of air pollution in the borough, both in the areas where parking is taking place and on the roads forming routes to them.

5.3.13 Modelling data suggests that significant majorities of the traffic on the main roads in the borough, originate from outside of the borough<sup>87</sup>. This highlights the need for change at a London level if levels of traffic and congestion are going to significantly reduced.

5.3.14 However, we also feel that the presence of uncontrolled parking areas of the borough which enable trips from outside of the borough to end within it, are likely to contribute in a small way to the volumes of traffic (and the air quality issues associated with them) which we see here.

#### **Wider benefits of controlled parking schemes.**

5.3.15 The evidence above demonstrates that controlled parking has a role to play in the improvement of air quality.

5.3.16 In addition to this, we have been persuaded of wider ranging benefits that schemes can deliver. This is along the same lines as the health benefits which filtered permeability can achieve by making the environment more conducive

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<sup>86</sup> Data cited in paper to Commission - <http://mginternet.hackney.gov.uk/documents/s51963/CDM-17690659-v1A-Briefing%20Note%20on%20Air%20Quality%20in%20Hackney%20-%20Scrutiny%2017-...pdf>

<sup>87</sup> TfL modelling of one of Hackney's major roads (Hackney Road) estimated that 27% of traffic present on one road in Hackney originated from the borough.

to walking, cycling and physical activity generally for adults and children, and by making driving less convenient than other options.

5.3.17 We heard that the Faculty of Public Health in their guidance to local authorities recommend the introduction of more CPZs as one of the ways that local authorities should manage the impact of cars on health<sup>88</sup>.

**The Commission’s view on parking control and our support parking controls to be in place in all areas of the borough.**

5.3.18 Evidence shows parking controls to help deliver reduced parking stress and end trips into an area, which will have corresponding impacts on levels of air pollution.

5.3.19 Parking controls enable the Council to take a wider set of actions recommended by external organisations in order to reduce the health impacts of cars.

5.3.20 Evidence suggests that uncontrolled areas in the borough facilitate significant levels of commuting by car and van into the borough, by both people working in Hackney and beyond. This will account for shares of air pollution in the uncontrolled areas and on the routes leading to them. As local Councillors we are fully aware of the significant dispersal and the detrimental effects of these which residents on the few remaining uncontrolled areas, are suffering from.

5.3.21 We feel that an evidence base is in place to support the borough becoming an area wholly covered by parking controls<sup>89</sup>.

**Evidence informing decisions on controlled parking**

5.3.22 The Council’s Parking Enforcement Plan<sup>90</sup> is the document setting out the policy bases on which decisions on parking controls are made.

5.3.23 This sets out that decisions to implement controlled parking can be made according to the six factors below:

- support from public responding to a consultation (petitions are not factored into the percentage support)
- road safety
- traffic flow
- supply and demand for parking
- the environmental and air quality impacts of parking and traffic.

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<sup>88</sup> Drawn from oral evidence given to the Commission by Lucy Saunders, Public Health Specialist – Transport & Public Realm, TfL and GLA and from – Local action to mitigate the health impact of cars publication.

<sup>89</sup> It is important to note that our support is for separate, zone by zone controlled parking schemes which in their totality cover the full borough. This approach would discourage journeys by car into the borough from outside, without encouraging any increases in car journeys within the area. The Commission would not support a borough wide, single zone scheme

<sup>90</sup> <https://www.hackney.gov.uk/pep>

5.3.24 As noted in the paper provided to the Commission by the Parking Service<sup>91</sup>, no formal weighting is applied to these factors in terms of the contribution that each make to informing final decisions.

5.3.25 However the paper provided to us and previous decisions demonstrate that in practice, responses to consultations proposing parking controls for an area play a very fundamental role in the decision to go ahead or not with them.

5.3.26 The Parking Enforcement Plan sets out that by law the Council must consider traffic management grounds before public opinion. This might play out by the Council including some roads within a scheme where there was not majority support for it, in order to be able design a final scheme informed by traffic management considerations. For example, roads might be included in order for a scheme to have clear and logical boundaries and to best discourage displaced parking.

5.3.27 However, while some roads may be ascribed as part of a zone without majority support in order to make schemes viable on an overall level, the Council will not generally deliver schemes where there is not significant support for them among the roads that were consulted with<sup>92</sup>.

**A view that excess weight is given to consultation results in light of wider evidence of benefits (to both the area consulted and that outside of it) and response rates to consultations.**

5.3.28 We feel that the weight which – in practice – is given to responses to consultations on parking controls in making decisions whether to move forward with schemes, should be revisited.

5.3.29 At present consultation results appear to play a determining role.

5.3.30 This is despite the Parking Enforcement Plan giving a mandate to the Council to implement controlled parking on a number of grounds, in addition to consultation findings.

5.3.31 With these grounds including environmental and air quality considerations and evidence available demonstrating the pollution impact of retaining uncontrolled areas of parking in the borough (both on the uncontrolled area and borough more widely), we suggest that this factor should be given a weighting that is at least proportionate as that given to consultation results drawn from the area.

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<sup>91</sup> <http://mginternet.hackney.gov.uk/documents/s53212/Paper%206%20-%20Parking%20Zone%20Implementation%20process.pdf>

<sup>92</sup> A paper to the Commission - <http://mginternet.hackney.gov.uk/documents/s53212/Paper%206%20-%20Parking%20Zone%20Implementation%20process.pdf> confirmed that in no cases have the Council gone ahead with implementing a scheme where there has not been majority support on any of the roads consulted with. The Parking Service in discussions has also confirmed that while some schemes have been delivered where the streets within them have not (on a street by street basis) been supported by a majority, that this is a rare occurrence, and that most schemes have been implemented only after a majority of streets covered within it have expressed support.

5.3.32 We do note from a paper given to the Commission that the streets with uncontrolled parking fall in areas with lower pollution levels than elsewhere in the borough. However, while the uncontrolled areas (like some of the controlled areas nearby which also see lower levels of pollution) benefit from being geographically placed at further points from the city, this in no way points to parking stress and traffic related to it not contributing to the pollution levels which does exist here, nor it not having a detrimental effect on levels in other more polluted areas. That the uncontrolled streets are in areas with overall lower levels of air pollution is – in our view - despite the lack of controls being in place and not in any way because of it.

5.3.33 We also note that the Parking Enforcement Plan sets out the recommendation below. The service highlighted this recommendation as the key paragraph of the plan in regards to the grounds on which decisions to implement controlled parking would be made<sup>93</sup>.

**Recommendation 2.1 in the PEP 2015-2020**

*“A PZ (Parking Zone) will be introduced taking into account whether there is majority support, which is taken to be where the majority of respondents are in favour of the PZ. The Council may, in exceptional circumstances need to introduce a PZ without a clear majority for reasons of road safety, traffic flow, supply and demand for parking and the environmental impact of parking.*

*The need for a logical boundary may also result in some roads or parts of roads receiving controls without majority support.”*

5.3.34 The Commission was advised that the relatively high air quality in the areas of the borough without controls meant that air quality considerations would be difficult to justify as meeting the ‘exceptional circumstances’ threshold set out in Recommendation 2.1, within which schemes may be introduced without a majority being in favour.

5.3.35 We would challenge this view. As set out above, we feel that air quality and other environmental disbenefits can be evidenced to stem from uncontrolled parking being in place in these areas. This is in relation to both the uncontrolled areas and those surrounding them. The evidence very much suggests that the relatively better air quality in the uncontrolled areas compared to some of the controlled ones, is despite the lack of controls rather than because them.

5.3.36 This and the evidence highlighting the impact of uncontrolled parking on wider areas, combined with data on the health impacts of air pollution could, we feel, be seen to meet the ‘exceptional circumstances’ criteria.

5.3.37 Our view that consultation results are given excess weighting is perhaps supported by the shares of households whose views are represented in responses. The Parking and Markets service cites response rates of 15-20%

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<sup>93</sup> See text under section heading ‘Decision to implement a PZ’ on page 4 of paper submitted to Commission - <http://mginternet.hackney.gov.uk/documents/s53212/Paper%206%20-%20Parking%20Zone%20Implementation%20process.pdf>

of households as the norm for consultations seeking views towards the introduction of controls in an area<sup>94</sup>.

**Recommendation 10 - That the Council seeks to implement borough wide, zone by zone controlled parking coverage, taking account of air quality, environmental and other pertinent considerations**

That the Council reassesses its view that air quality considerations may not meet the 'exceptional circumstances' threshold set out in Recommendation 2.1 of the Parking Enforcement Plan, within which controlled parking schemes may be introduced without a majority being in favour.

That the Council seeks to implement borough wide, zone by zone controlled parking coverage, taking account of air quality, environmental and other pertinent considerations.

That it does so in light of evidence showing the beneficial impacts on air pollution environmental and other pertinent factors which controlled parking can help deliver.

**Content of Council consultation documents.**

5.3.38 Whilst feeling that an evidence and policy base to be in place for the Council to pursue controlled parking across the borough, we do not discount the importance of consultation.

5.3.39 As with responses received from consultations around filtered permeability schemes, findings from parking consultations are used to help lead to improvements in scheme design and operational arrangements within them.

5.3.40 In addition, and again along similar lines with filtered permeability schemes, we see consultations for parking controls being a key opportunity for the Council to lay out a range of information. This is in regards to the wider environment in which the introduction new controlled parking is being considered, the benefits and any disbenefits that it will deliver, and initiatives the Council is taking to better enable active travel and also more cost effective and sustainable car use.

5.3.41 This is largely already being done and we support this. During the review we were advised that Stage 1 Consultations (consultations gauging levels of public support for the introduction of new parking controls) set out information including on the reasons for schemes, how they will work and a summary of permit types and their prices.

5.3.42 Reviewing an information sheet attached to a (at the time of writing) live consultation evidences this level of information being given. On reasoning for schemes, it covers the management of parking supply and demand and the prioritisation of space according to need (including the priority of local

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<sup>94</sup> Drawn from Delegated report drawing on the findings of Stage 1 consultations citing 15-20% response rates as the norm for similar consultations. [www.hackney.gov.uk/media/6922/Zone-Dn-Zone-E-and-Zone-N-displacement-areas-Stage-1-Delegated-Report/pdf/Delegated-Authority-Report-Zones-Dn-E-and-N-disp-areas](http://www.hackney.gov.uk/media/6922/Zone-Dn-Zone-E-and-Zone-N-displacement-areas-Stage-1-Delegated-Report/pdf/Delegated-Authority-Report-Zones-Dn-E-and-N-disp-areas)

residents from non-local commuters), improving road safety, reducing parking stress and congestion, improving the local environment and air quality through the reduction of unnecessary car use. It explains the permit pricing structure and the setting of fees according to levels of emissions<sup>95</sup>.

5.3.43 We only ask that the detail incorporated into the documentation is expanded to include the wider context in which controlled parking is being proposed, and the options aside from car ownership which are available to them.

#### **Recommendation 11 - greater context being given in consultation documents for controlled parking proposals**

Information documented in recent parking consultation documents show that the Council gives a range of useful and insightful information. We ask that this is built on to also include:

- That road transport is shown to be the key current cause of air pollution in Hackney (backed up by a statistical example such as one submitted to the Commission showing the high shares of pollution that road transport accounts for).
- The challenge that the borough is facing in terms of managing growth. Using statistics around recent and expected population growth in Hackney and London to highlight this.
- How these schemes are one of the ways that the Council is trying to facilitate clean and green travel to and through the borough in a context of growth in surrounding areas.
- Details of the options that are open to people wishing to continue driving in way which does not require a permit (in particular information on car club options), and details of other non-car travel options (cycle loan scheme).

## **5.4 Communications with residents on air quality issues**

### **The need for communications.**

5.4.1 Evidence suggests that local authorities have a key role in communicating with residents on air pollution.

5.4.2 This is with regards to giving warnings and advice when levels are particularly high, information on the health effects of exposure and how this can be reduced, the causes, and the changes needed to help to address it.

5.4.3 The IPPR's Lethal and Illegal - London's air pollution crisis report<sup>96</sup> sets out the steps and policy changes needed at European, national and London level in order for pollution to be tackled. However, the co-author of the report giving

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<sup>95</sup> Drawn from information in Zone L Displacement (South Homerton) – [www.consultation.hackney.gov.uk/parking-services/zone-l-disp/supporting\\_documents/HDS2393%20Zone%20L%20displacement\\_12pp%20X%20A42\\_WE\\_B.pdf](http://www.consultation.hackney.gov.uk/parking-services/zone-l-disp/supporting_documents/HDS2393%20Zone%20L%20displacement_12pp%20X%20A42_WE_B.pdf)

<sup>96</sup> [www.ippr.org/publications/lethal-and-illegal-londons-air-pollution-crisis](http://www.ippr.org/publications/lethal-and-illegal-londons-air-pollution-crisis)

evidence to the Commission said that local authorities had key roles in helping to persuade residents of the need for wider change.

- 5.4.4 We heard that while there had been an increase in the awareness of the issue and transport (and within this diesel engines) being a key cause, communications messages needed to continue, and would need to progress to ones where it was made clear that all petrol vehicles were causing unacceptably high levels of health issues<sup>9798</sup>.
- 5.4.5 The need for communications by local authorities is reflected in a range of guidance material for local authorities. Draft guidance by the National Institute for Health and Care Excellence (NICE) recommends that consideration is given to how awareness can be raised among residents, businesses, and at risk groups.<sup>99</sup> Recent guidance produced by Public Health Registrars in London also highlights the need for communications by local authorities, and states that Public Health professionals are well placed to carry out a role which raises awareness. They signpost to a tool kit produced by Defra which can be used to aid this<sup>100</sup>.
- 5.4.6 During the evidence sessions for this review, the Council's Director of Public Health also agreed on the need for this work, and felt that these should be focused on how people could best avoid exposure to air pollution, how they should respond when pollution reached particularly high levels (particularly those with existing respiratory problems), and also on improving awareness around the causes.<sup>101</sup>
- 5.4.7 The topic areas that we have covered in this report – around the use of filtered permeability schemes and controlled parking zones – are ones which partly involve encouraging behaviour change by our residents. From this review and from our roles as local Councillors, we are aware that very polarised views exist towards them. We see communications as a vital step towards helping to explain our reasoning for supporting schemes and to help persuade more residents that they are needed.

### **Current communications by the Council**

- 5.4.8 In terms of alerting people to air pollution we support the Council's promotion of airTEXT. This is a service which provides (those signed up) warnings and advice if air pollution in people's areas are expected to reach moderate, high

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<sup>97</sup> It should be noted that the IPPR also saw the need for direct action on a local level. They gave support for the range of measures already being taken in Hackney and said that pollution levels on a Hackney and London level would further benefit from other boroughs following these approaches. The Commission welcomes this external validation of the approaches of the Council and the recognition that these are at the forefront of other areas.

<sup>98</sup> <http://mginternet.hackney.gov.uk/mgAi.aspx?ID=27130>

<sup>99</sup> Air pollution: outdoor air quality and health NICE guideline, Draft for consultation, December 2016 - [www.nice.org.uk/guidance/GID-PHG92/documents/draft-guideline](http://www.nice.org.uk/guidance/GID-PHG92/documents/draft-guideline)

<sup>100</sup> Air pollution: a threat to everyone's health, yet a threat everyone can help to address, May van Schalkwyk and Emera O'Connell

<sup>101</sup> <http://mginternet.hackney.gov.uk/mgAi.aspx?ID=27959>



or very high levels. The Council works to promote the service to those groups who are most vulnerable to the harmful effects of air pollution.

5.4.9 This service is now complemented by the London Mayor's introduction of a system of issuing air quality alerts at bus stops, tube stations and roadsides in instances when pollution levels are particularly high. This was enacted for the first time in December 2016.

5.4.10 The Council also directly communicates and promotes the range of its initiatives which are relevant to the air quality agenda. For example, this has included advertising its exercise programmes, the Low Emissions Neighborhoods project and the electrical vehicle charging infrastructure which has been made available. They also promote healthy activities which are linked, for example cycling and walking.

5.4.11 However, we do see the need for a wider communications activity dedicated specifically to air pollution. We feel that this could better create an environment which enables residents to make positive choices and to be more informed of the reasoning for the Council's approaches (for example around supporting filtered permeability and controlled parking schemes). This is in addition to better preparing residents for London wide initiatives such as the introduction of the Ultra Low Emissions Zone.

5.4.12 Officers from the Communications and the Public Health areas confirmed that there had not been any dedicated campaigns or communications in this area.

5.4.13 We feel that there should be an overarching approach in place, and that this should be defined as one of the actions that the Council is taking to address air pollution issues.

**Recommendation 12 – That the Council develops and maintains an Air Quality Communications Plan and includes this as a dedicated action within the Council's Air Quality Action Plan.**

We ask that Public Health in conjunction with the Communications and Consultation service leads on developing a plan to increase public awareness of air pollution. This is with regard to the high levels of air pollution, the harm that it does, its causes, the actions that the Council is taking to respond to it and how these will help, and how residents and businesses can contribute towards achieving better air quality.

We ask that this action is named in the Council's Air Quality Action Plan as one of the measures being taken to address pollution in the borough.

**5.5 Planning and air pollution considerations made in new developments**

5.5.1 Through its adherence to national and regional policy and guidance and the establishment of extensive policy at a local level, the Council operates within a

framework enabling air quality considerations to play a significant role in planning decisions<sup>102</sup>.

- 5.5.2 National legislation sets air quality as a material consideration within planning applications. It requires Local Plans to address the issue.
- 5.5.3 On a regional level, the London Plan sets out how development proposals should not lead to further deteriorations of air quality.
- 5.5.4 The Council also has a range of relevant policies on a local level. Its Core Strategy and Development Management Local Plan set out policies and principles around development not adversely impacting on air pollution levels. It states the need for good design to reduce emissions and improve energy efficiency, and for developments to promote and enable sustainable transport.
- 5.5.5 The developing wider planning policy environment in which it is operating may enable it to go even further in the standards it demands; the new London Mayor has set out a direction (to be expanded upon as existing strategies are reviewed) of going further, with a requirement for new buildings to be air quality positive contributing to a reductions in emissions in London.
- 5.5.6 The Council is also developing a new Local Plan, which will form the key document to direct development in the borough up to 2033. This is being shaped around a theme of rapid population growth the borough; up by over 30% since 2001, and predicted to rise to 317,000 people from the current 269,000 by 2033. This brings a need for new homes in an already densely populated area; the equivalent of 1,758 additional units per annum. It brings the need for more services, facilities and economic opportunities.
- 5.5.7 We heard that policies emerging in the plan will include steps to further reduce emissions during construction periods and to use more sustainable technologies to reduce emissions over time.
- 5.5.8 Current arrangements through which the Council ensures that that air quality considerations play a full part in planning decisions involve dialogue between two service areas of the Council. Within this, the Environment and Waste Strategy Service reviews planning applications from an air quality objective, and gives any advice and recommendations to the Planning Service. This regards whether applications should – on air quality grounds – be accepted or refused, or accepted subject to particular conditions being attached.
- 5.5.9 From discussions with representatives from both services, we reached a view that there was room for greater collaboration between the two.
- 5.5.10 The service giving advice felt that – while the policy apparatus was in place allow for air quality factors to be given a considerable weighting in planning decisions – the extent to which this fed through into final determinations (either

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<sup>102</sup> Drawn from presentation given to Commission - <http://mginternet.hackney.gov.uk/documents/s54223/Air%20Quality%20Slidesv3.pdf>

in terms of applications being refused or conditions being applied to approvals). Planning Officers have challenged this view.

5.5.11 We appreciate that the Planning Service needs to consider a wide range of factors in the decisions that it reaches. Air Quality is one of these along with a range of others. We also appreciate that the extent to which they are able to act on advice to refuse applications or to apply conditions to them will depend on its judgement of whether these would be reasonably upheld in the event of an appeal.

5.5.12 However, the dialogue with the services did suggest that levels of collaboration could be improved. This would better ensure that recommendations and advice around air quality considerations is ambitious but also securable. It would better enable challenge to the service in cases where recommendations and advice have not been reflected in determinations.

5.5.13 The services appear to have agreed with the need for improvement.

5.5.14 A paper provided to us that there has been collaborative work towards improving the effectiveness and efficiency of how air quality matters are secured within planning applications. The paper lists a set of conditions relevant to air quality which can be applied to planning permissions of particular development / application types. We understand that this list of conditions has been produced to better enable officers to have ease of access to details on what sort of conditions can be reasonably secured on applications.

5.5.15 The paper also states that further actions are planned, including joint training ventures and updating documentation to secure key information early in the development process.

5.5.16 We support this work, although we are keen to explore its impact. We ask that an update is given to the Commission on the progress made.

**Recommendation 13 – That the Commission receives an update from the Environment and Waste Strategy and Planning Services on their work to improve joint arrangements ensuring air quality considerations play a full part in planning decisions, and its impact.**

Current arrangements through which the Council ensures that that air quality considerations play a full part in planning decisions involve dialogue between two service areas of the Council. Within this, the Environment and Waste Strategy Service reviews planning applications from an air quality objective. Advice and recommendations are then given as to whether applications should – on air quality grounds – be accepted or refused, or accepted subject to particular conditions being attached.

From discussions with representatives from both services, we reached a view that there was room for greater collaboration between the two. This would better ensure that the advice provided around air quality related conditions which should be applied

to applications is ambitious but also securable. It would also better enable challenge to the Planning Service in any cases where recommendations and advice have not been reflected in determinations.

The services appear agree on there being a need for improvement and as a result of our review have instigated joint work to improve the effectiveness and efficiency of how air quality matters are secured within planning applications.

We support this work, although we are keen to explore its impact.

We ask that an update is given to the Commission on the progress made.

## **5.6 National and London level change**

5.6.1 This review has been predominantly focused on areas on which the Council has a direct role to play.

5.6.2 However, it is also clear that while local actions can help contribute to tackling air quality, substantial progress will only be made through action on a national and local level.

5.6.3 This is supported by a range of evidence.

5.6.4 Modelling suggests that significant shares of harmful pollution in the borough is generated from outside the area<sup>103</sup>.

5.6.5 In terms of the emissions generated from transport (the key contributor to air pollution) which are generated inside the borough, evidence points to the majorities of vehicles emitting them coming from outside the area. Congestion is getting worse in Hackney in a context where rates and counts of car ownership have fallen.

5.6.6 Delivering filtered permeability schemes helping to encourage other travel options and reducing the scope for trip-ends through parking restraint will help address the issue. However, it will not deliver the sea changes needed.

5.6.7 Significant change will only be achieved through London wide and national action to reduce traffic and the use of the most polluting vehicles in particular.

5.6.8 This was part of our reasoning to gaining contributions to the review by the GLA and by DEFRA. This also came after the Commission held discussions with one of the co-author's of the IPPR's Lethal and Illegal Report. The work sets out the extent and key causes of air pollution in London, and the steps which would (evidenced by modelling) reduce air pollution to acceptable and lawful levels. It makes recommendations for policy changes at the European, national and London. These discussions have helped us reach a view towards the current proposals by the London Mayor and National Government.

## **Approaches at a London Level**

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<sup>103</sup> Modelling by the Council suggests the majority of particulate matter (PM10 and PM2.5) in the borough is generated from outside.

- 5.6.9 At the point of this review starting, the London Mayor was consulting on a set of proposals to improve air quality.
- 5.6.10 With this consultation now having ended, the Mayor has announced that he will be going ahead with the introduction of an Emissions Surcharge (also known as the T-Charge). This – from the 23<sup>rd</sup> October 2017 – will require cars, vans, minibuses and heavy vehicles driving in the current congestion charge zone in Central London (between 7am and 10pm) not meeting minimum emissions standards to pay a £10 daily charge in addition to the Congestion Charge.
- 5.6.11 The consultation also sought views on how the the Ultra Low Emission Zone (ULEZ) decided upon by the previous London Mayor, might be improved. Under the current arrangements, this was set to come into effect at the end of 2020. Operating 24 hours a day 7 days a week, the scheme would involve vehicles not meeting minimum emissions standards paying a charge to enter the congestion charge zone, in addition to the congestion charge.
- 5.6.12 The new Mayor sought views around bringing implementation forward to 2019, for the scheme to cover a greater area (extending to the Central London up to the North and South Circular roads), and for emissions standards to be strengthened.
- 5.6.13 Following the consultation, the Mayor has now announced his intention to go ahead with the bringing forward of the scheme to the 8<sup>th</sup> April 2019. This will involve the most polluting cars, vans and motorbikes having to pay £12.50 to drive through (residents living within the zone will be exempt until 2022) central London, while buses, coaches and HGVs will pay £100. Emissions standards will be strengthened from those set out by the previous Mayor with standards being set on particulate matter emissions for diesel vehicles<sup>104</sup>.
- 5.6.14 This said, in terms of the area coverage, April 2019 will see the ULEZ implemented in the current congestion zone and not more widely. The Mayor has set down an intention to consult at later stages on the extension of the zone to nearly all of Greater London for heavy diesel vehicles from 2020, and to the North and South Circular Roads for light vehicles from 2021.
- 5.6.15 We are supportive of the intention to bring forward implementation of the ULEZ. We are also supportive of the actions to better protect people from the harm of diesel vehicles through the setting of standards on particulate matter in addition to those on nitrous oxide.<sup>105</sup>
- 5.6.16 However, we are disappointed that the ULEZ will not in the first instance be brought to a wider area than the current congestion zone. We look forward to

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<sup>104</sup> <https://consultations.tfl.gov.uk/environment/air-quality-consultation-phase-2>. These proposals are now subject to statutory consultation.

<sup>105</sup> The ULEZ scheme approved by the previous Mayor set emission standards for diesel vehicles to meet Euro 6/VI NOx emissions. However, there are up to 430 vehicles registered in London that meet Euro 6 diesel standards for NOx but emit up to six times the Euro 6 standard for PM.

the release of future consultations on expansions. On this point, we feel that consultations should seek views on widening coverage beyond the North and South Circulars for lighter vehicles in addition to heavier ones. We would be supportive of a scheme covering London as a whole.

**Recommendation 14 – That the Council lobby the Mayor of London for the ULEZ to cover all of London for both heavy and light vehicles.**

### **Views on banning diesel**

5.6.17 While the Mayor of London has announced a range of measures to help improve air quality through transport initiatives, we note the move by the Mayors of Paris, Mexico City, Madrid and Athens to deliver full bans of diesel vehicles by 2025.

5.6.18 We appreciate the arguments against London following its current approach rather than matching the announcements of these cities.

5.6.19 There is currently little detail around how the changes announced will be funded and operated, and around any exemptions which may be necessary. We also note that these schemes are for implementation in 2025 compared to the London Mayor taking steps beginning in 2017 (with the Emissions Surcharge) which will work to restrict the flow of the most polluting vehicles (including older diesels) into the capital. We also note that the newer diesel vehicles meeting emissions standards set by the ULEZ are cleaner than the older vehicles not meeting these. The approach of the ULEZ means less of a blanket approach.

5.6.20 However, we still feel that the setting out of an approach to incrementally phase out the use of diesel vehicles in London is warranted.

5.6.21 Diesel vehicles account for around 40% of both NO<sub>x</sub> and PM<sub>10</sub> emissions in London<sup>106</sup>. Emerging research continues to question the extent to which testing conditions in which emissions standards are measured mask the true emissions which will be expended on the road<sup>107</sup>.

5.6.22 We feel that this incremental approach could start with the current plans to insist on Euro 6 standards for diesel cars within the new ULEZ (extending the reach of the zone would also feed into this). However, we feel there should at this point be a further announcements at this point and with timings attached on intentions to make these vehicles eligible for charging within the ULEZ arrangements, moving to a full ban on diesel vehicles.

**Recommendation 15 – That the Council lobby the Mayor of London for establishing an incremental approach to ban diesel vehicles in London.**

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<sup>106</sup> [www.ippr.org/publications/lethal-and-illegal-londons-air-pollution-crisis](http://www.ippr.org/publications/lethal-and-illegal-londons-air-pollution-crisis)

<sup>107</sup> Research by the [Emissions Analytics](#) found a number of manufacturers to have delivered models in 2016 with NO<sub>x</sub> emissions that are far higher than the official lab-based test when driven in real-world conditions.

## Road Pricing

5.6.23 We support calls from this Council<sup>108</sup>, the IPPR and the London Assembly's Transport Committee (among others) for greater use of road pricing.

5.6.24 The Central London Congestion Charge introduced in 2003 charges vehicles a defined charge for entering a zone of central London within a defined time range of the day.

5.6.25 However, with this charging not taking into account the distances travelled within the zone and the extent of usage of the most congested areas at the most congested times, it is somewhat of a blunt instrument.

5.6.26 We see the need for the design of infrastructure to facilitate the new ULEZ arrangements as an opportunity to explore the potential for a road pricing scheme to operate alongside it, as a replacement of the now dated Congestion Charge.

**Recommendation 16 – That the Council lobbies the Mayor of London for establishing a road pricing scheme as a replacement for the current Central London Congestion Charge**

## Approaches at a National Level

5.6.27 At a national level the action taken to tackle air pollution is strongly lacking. The Hackney-based Client Earth<sup>109</sup> has been instrumental in shining a light on this.

5.6.28 On a number of occasions, ClientEarth has brought legal proceedings challenging the government's approach to the discharge of its duties in relation to air quality. Most recently, ClientEarth secured an Order from the Supreme Court requiring that the government publish its draft Air Quality Plan after the recent local elections. It is understood<sup>110</sup>, that ClientEarth intends to issue legal proceedings challenging the approach taken by the government in its draft Air Quality Plan (which was published on 9 May 2017) and the subsequent consultation.

5.6.29 Initial viewing of these plans suggests that they are vague and non-committal. They do not commit to two practical steps which would enable more tackling of the issue.

5.6.30 A range of commentators – including the IPPR and the London Mayor - have called for a diesel scrappage scheme. This is in order to facilitate the removal of the most polluting vehicles from the roads whilst not penalising those who bought them in response to government advice and incentives (through

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<sup>108</sup> The Cabinet Member for Neighbourhoods, Transport and Parks confirmed that the Council in its Transport Strategy was supportive in principle of a move to London wide road pricing.

<sup>109</sup> [www.clientearth.org](http://www.clientearth.org)

<sup>110</sup> <https://www.clientearth.org/clientearth-challenges-uk-governments-air-pollution-consultation/>

vehicle excise duty and company car tax) for diesel vehicles to be chosen over petrol alternatives. The proposals do not commit to this.

5.6.31 The IPPR also evidences the need for vehicle excise duty to be devolved to the London level. We note evidence from the GLA suggesting that none of the £500 million raised yearly in London from this source is invested in the road network in the capital<sup>111</sup>. We have also heard that nationally-set charging structures for excise duty do not go far enough in incentivising moves away from polluting vehicles. We feel that a transfer of duties to the GLA could enable the extent to which differential pricing is applied according to vehicle emissions, to be partly informed by discussions with local people.

**Recommendation 17 – That the Council lobbies Central Government to introduce a diesel scrappage scheme and to devolve excise duty for London to the GLA.**

## **6. CONCLUSION**

- 6.1. As an inner London borough, Hackney is suffering from high and often illegal levels of air pollution.
- 6.2. Road transport is currently the key cause, and we are supportive of the broad range of work by the Council to affect change locally. This includes initiatives to limit the number of additional motorised vehicles which new development might otherwise bring, work with businesses to reduce their transport-related emissions, and the delivery of continued improvements to cycling infrastructure. There are many others.
- 6.3. Our review explored two topics around transport on a local level – filtered permeability and parking controls.
- 6.4. On filtered permeability, we found that when delivered in areas like Hackney, schemes are likely to reduce (or – in the context of growth – at least help contain increases in) traffic and therefore bring air quality benefits. They are likely to deliver wider benefits in addition. We support the Council using filtered permeability as part of a range of measures to help reduce avoidable car use and to better facilitate other transport options.
- 6.5. This said, there are disbenefits also. We heard first-hand accounts of the impact that these can have, and we support the work of the Council to continue dialogue with those affected.
- 6.6. On parking controls, evidence suggests that rationing parking availability can have significant impacts on air pollution levels. Parking stress has fallen in the areas in which controls have been introduced. This indicates a removal of some of the vehicles (and their emissions) previously accessing the area, and a reduction in the emissions expended by cars continuing to access it but

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<sup>111</sup> <http://www.ippr.org/files/publications/pdf/lethal-and-illegal-solving-londons-air-pollution-crisis-Nov2016.pdf>



spending less time searching for a space. Parking controls can also enable further progressive measures to incentivise the purchasing of lower emission vehicles over higher emitting ones, and to minimise the increase in vehicles which new development will otherwise bring. They also bring a wider range of health related benefits.

- 6.7. The introduction of parking controls brings air quality benefits to beyond the immediate area. This is through lessening the facilitation of journeys by car into and within the borough, and by lowering pollution levels on the routes leading to previously uncontrolled areas.
- 6.8. The caveat to parking controls bringing wider benefits, are the disbenefits felt by residents living in uncontrolled areas experience when controls are brought to areas nearby. Bringing controlled parking to these areas would address this, while delivering further air quality benefits to the borough generally.
- 6.9. We feel that an evidence base is in place to support the borough becoming an area wholly covered by parking controls. We challenge points made to the Commission around current policies not allowing for this, and urge the Council to pursue it.
- 6.10. In addition to transport-related topics, we explored two other Council-managed areas – around how it communicates to residents on air pollution, and, in a Planning context, how it ensures that air quality considerations play a full part in the planning process.
- 6.11. On Communications, a wide range of evidence and guidance highlights a key role for local authorities in communicating with residents on air pollution. However, while the Council works to promote an alerting service, and also carries out communications on a wide range of initiatives relevant to the air quality agenda, there is no overarching approach in place.
- 6.12. We see the need for a wider communications activity dedicated specifically to air pollution. We feel that this could better create an environment which enables residents to make positive choices and to be more informed of the reasoning for the Council's approaches (for example around supporting filtered permeability and controlled parking schemes). This is in addition to better preparing residents for London wide initiatives such as the introduction of the Ultra Low Emissions Zone.
- 6.13. Regarding Planning, national, regional and local policy gives the Council a framework enabling air quality considerations to play a significant role in planning decisions<sup>112</sup>. The further-developing London and local planning policy environment may soon enable it to go even further in the standards it demands.

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<sup>112</sup> Drawn from presentation given to Commission - <http://mginternet.hackney.gov.uk/documents/s54223/Air%20Quality%20Slidesv3.pdf>

- 6.14. Current arrangements through which the Council ensures that that air quality considerations play a full part in planning decisions involves dialogue between two service areas of the Council. It has been identified that there is room for greater collaboration and closer working between these services. This will better ensure that recommendations and advice around air quality considerations are ambitious whilst also securable. It will better enable challenge to the Planning service in any cases where recommendations and advice provided by those with air pollution expertise has not been reflected in determinations. We welcome the work which has been instigated by the services as a result of our review, and we look forward to further updates on this.
- 6.15. Our review makes a number of recommendations for change at a local level. However, without transport related action on a London and national level substantial progress will not be made.
- 6.16. This Commission supports the action by the London Mayor in confirming the introduction of an Emissions Surcharge and announcing an intention to go ahead with the bringing forward of the Ultra Low Emission Zone (ULEZ) scheme to the 8<sup>th</sup> April 2019.
- 6.17. However, we would like to see him go further.
- 6.18. We would like the reach of the ULEZ to be extended, at an earlier point.
- 6.19. Our review was set in a context of a number of European cities announcing plans to deliver full bans of diesel vehicles by 2025. While appreciating the arguments for London following its current approach rather than matching the announcements of others, we still call for the setting out of an approach to incrementally phase out the use of diesel vehicles in London.
- 6.20. As a final note on the need for change at a London level, we support calls for greater use of road pricing. The Central London Congestion Charge is somewhat of a blunt, and now dated, instrument. We see the design of infrastructure to facilitate the new ULEZ arrangements as an opportunity to explore the potential for a road pricing scheme to operate alongside it. This would help tackle traffic by basing charges on distances travelled within the zone and the extent of usage of the most congested areas at the most congested times.
- 6.21. At a national level, the lack of action is more concerning. Court cases brought by a Hackney based group have shown the Government to be ignoring their responsibilities to deal with the air pollution issues. Plans they were forced to make to do so were then shown to be illegally poor. Guidance released in response to that finding appear on first reading to be vague.
- 6.22. We call for two opening coherent points of action.
- 6.23. Government should fund a diesel scrappage scheme to facilitate the removal of the most polluting vehicles from the roads without penalising those who

bought them in response to government advice and incentives. They should also

- 6.24. They should also devolve vehicle excise duty to the London level. This is in order to greater support cleaner transport initiatives in the capital and for the extent of differential pricing applied according to vehicle emissions to be decided at a local level.

## 7. CONTRIBUTORS, MEETINGS AND SITE VISITS

The review's dedicated webpage includes links to the terms of reference, findings, final report and Executive response (once agreed). This can be found at [www.hackney.gov.uk/air-quality-review](http://www.hackney.gov.uk/air-quality-review)

### Meetings of the Commission

The following people gave evidence at Commission meetings or attended to contribute to the discussion panels.

#### **17th November, 2016**<sup>113</sup> -

##### **External Guests:**

- Laurie Laybourn-Langton, Research Fellow, IPPR

##### **From Hackney Council:**

- Councillor Feryal Demirci, Cabinet Member for Neighbourhoods, Transport and Parks
- Paul Bowker, Group Engineer Networks and Transportation
- Mark Griffin, Head of Environment and Waste Strategy
- Robert Tyler, Principal Pollution Control Officer
- Laura White, Sustainable Transport Planner

#### **9th January, 2017**<sup>114</sup>

##### **External Guests:**

- Brian Deegan, Principal Technical Specialist, TfL
- Lucy Saunders, Public Health Specialist, Transport and Public Realm, Greater London Authority (GLA) and TfL

##### **From Hackney Council:**

- Councillor Feryal Demirci, Cabinet Member for Neighbourhoods, Transport and Parks
- Seamus Adams, Head of Parking, Markets & Street Trading
- Andrew Cunningham, Head of Street Scene
- Robert Tyler, Principal Pollution Control Officer
- Laura White (Sustainable Transport Planner)

#### **20th March, 2017**

##### **From Hackney Council:**

- Dr Penny Bevan, Director of Public Health

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<sup>113</sup> <http://mginternet.hackney.gov.uk/ieListDocuments.aspx?CId=119&MIId=3749&Ver=4>

<sup>114</sup> <http://mginternet.hackney.gov.uk/ieListDocuments.aspx?CId=119&MIId=3751&Ver=4>

- Steve Fraser-Lim, Senior Planning Officer
- Joe Sheeran, Strategic Communications Adviser
- Jacob Tong,
- Keung Tsang, Regeneration & Planning Policy Officer
- Robert Tyler, Principal Pollution Control Officer

### **Focus Groups**

Part of the evidence gathering for this review involved the Commission holding focus group sessions with samples of residents who had been affected by a recent filtered permeability scheme introduced in their local area. One was held with a group who were supportive of the changes and one with those who were against.

The written records of this discussion are available in Appendix 1 of this report.

## **8. MEMBERS OF THE SCRUTINY COMMISSION**

- Councillor Sharon Patrick (Chair)
- Councillor Will Brett (Vice Chair)
- Councillor Kam Adams
- Councillor Michelle Gregory
- Councillor Ian Rathbone
- Councillor Vincent Stops

Overview and Scrutiny Officer: Tom Thorn ☎ 020 8356 8186

Legal Comments: Benita Edwards ☎ 020 8356 3126

Financial Comments: Deirdre Worrell ☎ 020 8356 7350

Lead Group Director: Kim Wright ☎ 020 8356 7290

Relevant Cabinet Member: Councillor Feryal Demirci ☎ 020 8356 3270

## **9. FURTHER READING**

9.1 The agenda for the Commission meetings on [17<sup>th</sup> November 2016](#), [9<sup>th</sup> January 2017](#), [8<sup>th</sup> February 2017](#) and [20<sup>th</sup> March 2017](#) on the Hackney Council website contain minutes of the evidence session and background briefings/papers submitted.

9.2 The following documents have also been relied upon in the research

### **National**

- *Government Consultation, Improving air quality: reducing nitrogen dioxide in our towns and cities, DEFRA, May 2017 - [www.gov.uk/government/consultations/improving-air-quality-reducing-nitrogen-dioxide-in-our-towns-and-cities](http://www.gov.uk/government/consultations/improving-air-quality-reducing-nitrogen-dioxide-in-our-towns-and-cities)*
- *Air pollution: a threat to everyone's health, yet a threat everyone can help to address, May van Schalkwyk and Emera O'Connell, Public Health Registrars, 2017*

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## **Appendix 1**

### **Notes of focus group discussions on road closure and filtered permeability schemes.**

**13<sup>th</sup> March 2017**

#### **Members in attendance:**

Cllr Sharon Patrick (Chair), Cllr Vincent Stops, Cllr Michelle Gregory

#### **Introduction and format of discussion**

Two separate focus group discussions were held by the Commission. Both were with residents who had been affected by the motor traffic reduction scheme delivered in the Wordsworth Road area as part of the Cycle Superhighway Route 1 (CS1).

The first discussion was attended by two residents who were against the changes, and who had reported being adversely affected by them.

The second was attended by four residents who saw the effects to have been positive.

Both groups were asked the same set of open questions while also being invited to make any further comments. These are available for reference at the bottom of the paper.

The unequal balance in terms of the numbers attending each session was unfortunate; this was partly down to one resident planning to attend the first session later finding that they were not able to. This resident's written submission which we are grateful for has been incorporated into this analysis.

It should be noted that the residents reporting detrimental impacts had not had their roads closed to through motor traffic, whilst the residents seeing the changes as positive lived on roads which had been made access only for motor vehicles.

#### **Format of document**

This single document covers both discussions. It is separated into 4 themes emerging from the discussions, with subsections within each of these.

##### **1. Awareness of objectives and wider context**

###### **Awareness that the scheme related to CS1**

Both groups were aware that the scheme was related to the CS1 initiative, and that initial plans to change access to one road had been expanded to include more.

###### **Awareness of objectives**

Both groups saw the scheme in Wordsworth as having been intended to reduce traffic (in particular rat running) and car use generally, and to make roads more conducive to safe cycling.

Both groups said that schemes were associated with aiming to make journeys to schools safer and more pleasant for parents and children. One said that they had an aim of reducing pollution in roads around schools.

A resident in favour of the scheme felt that it fitted in with general aims around being a greener borough.

On what she felt were the broader aims of the scheme – to reduce cars and to make cycling and walking safer - a resident said that she had only heard this as a result of her networks in the local community and not through information given to her by the Council or TfL as a local resident. She said that she was supportive of these aims, but that the scheme had failed to deliver this in her area, and had worked to make things more unsafe.

Despite being engaged with the topic of road closures and filtered permeability, neither group had been made aware of the context in which the Council was delivering these initiatives. They had not been made aware of the population and employment growth factors in Hackney, London and the South East which was further driving the need to encourage vehicles away from areas and to facilitate alternatives. There was not an awareness either of the range of initiatives which were being delivered alongside them; greater availability of car club vehicles, encouraging cleaner vehicle types, and reducing commuting by car for example.

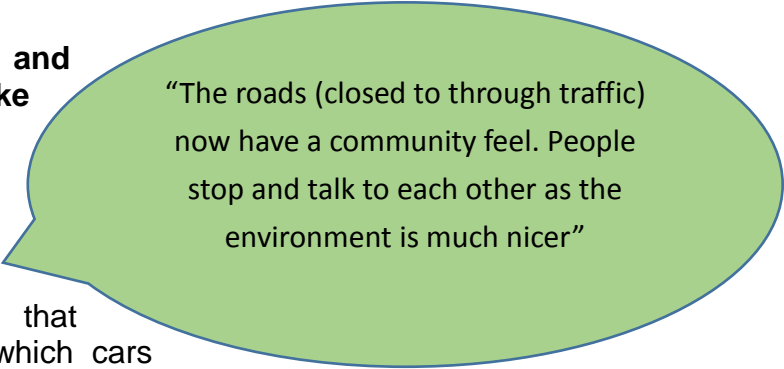
**2. Benefits, Disbenefits and Personal Impact**

We heard very powerful accounts of the advantages that the scheme had delivered for some residents, and also very concerning accounts of the negative impact that others had seen.

**2.1 Benefits**

**Safer for active forms of travel, and encouraging residents to take alternatives to cars**

We heard that cycling had been made safer as a result of the changes. One resident said that the move to close a number of streets to through traffic meant that there were less points through which cars crossed the Cycle Superhighway. Parents found that trips to and from schools were easier, safer and more pleasant.



One resident living on a street closed to through traffic had seen more people walking than previously. Another felt that there had been a marked reduction in heavy traffic in the area generally.

**Cleaner and quieter**

The streets closed to through traffic felt cleaner and safer. There was a sense that public space had been retaken by residents.

We heard of the individual-level benefits felt by some residents living on roads which had been closed. Residents could leave their windows open at night without being woken by traffic and horns. Two said that they could hear birdsong in the morning for the first time for years. One said that he was now able to work at home without constant noise disruption.

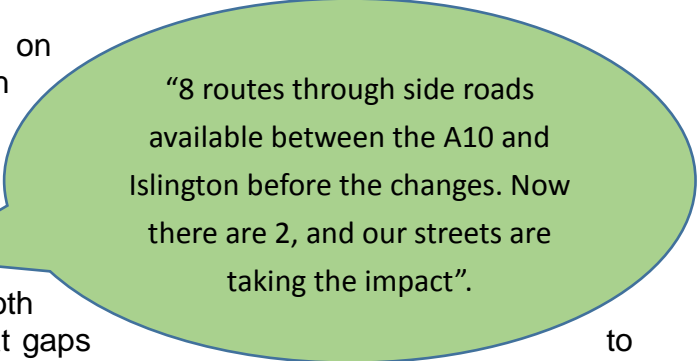


## 2.2 Disbenefits

### Dispersal onto residential roads – creating safety issues, anti-social behaviour and pollution

Residents living on two roads local to those closed to through traffic – Walford Road and Brighton Road – described significant dispersal from the scheme.

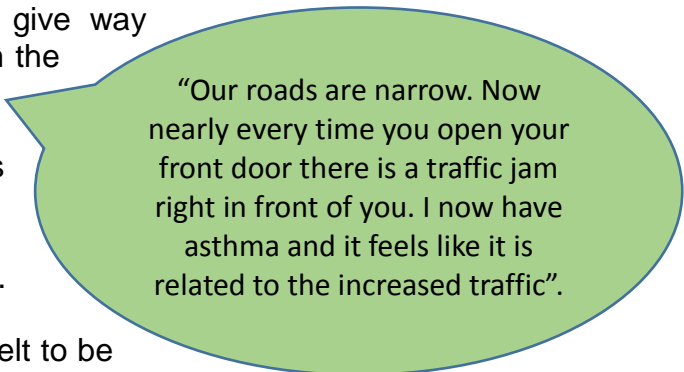
The issues which had been resolved on streets that had been closed to through traffic had become more pronounced on those remaining open.



“8 routes through side roads available between the A10 and Islington before the changes. Now there are 2, and our streets are taking the impact”.

Dispersal was having an impact on driver behaviour. Both roads were narrow with cars parked on both sides. The added congestion meant that gaps to get through were fewer and drivers sought to make the most of opportunities by speeding through. Passing places were inadequately sized and spread. Pedestrians and cyclists were having difficulty navigating streets in this setting.

Stand offs between drivers not willing to give way were common, with residents suffering from the resulting car horn noise and other anti-social behaviour. Motorcyclists unable to squeeze through traffic on the roads mounted pavements.



“Our roads are narrow. Now nearly every time you open your front door there is a traffic jam right in front of you. I now have asthma and it feels like it is related to the increased traffic”.

A residents often witnessed minor accidents.

The roads which had remained open were felt to be suffering from higher pollution levels.

### Disbenefits were expected to continue

When asked, residents who were against the schemes said that they did not feel the volume of dispersed traffic on their roads to have reduced since the scheme was first implemented. They felt that in many cases drivers continued to look for cut-throughs rather than to use main roads. The traffic included work vans (including HGVs), minicabs and school vehicles. Both groups said that with satellite navigation systems directing drivers down the route which would be quickest at any one time, this issue would continue if changes were not made.

There was scepticism among residents against the scheme that it would lead to less car usage.

### Disbenefits were a source of inequality

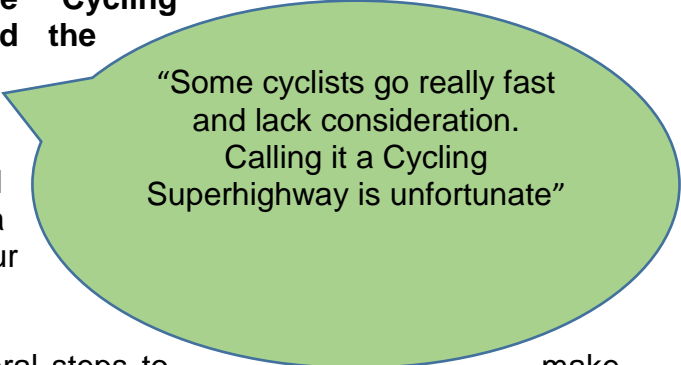
A resident said that she felt that the way the scheme had been designed had created a polarised set of experiences. The 6 roads which had been changed were now quieter and nicer places. However, closing so many and leaving only 2 open meant that those remaining had suffered very heavy consequences. She said that closing fewer roads would have been a fairer approach. Walford Road and Brighton Road

had high levels of pollution and traffic flow before the changes which were similar to the largest of the closed roads, and this had now got worse.

The same resident pointed out that the more major roads where traffic was encouraged onto – the A10 and Crossway – had high densities of social housing and already had high levels of pollution in advance of the changes. The impact of the scheme would therefore be felt disproportionately by lower income groups.

**Some cyclists not using the Cycling Superhighway responsibly – and the name not conducive to encouraging this**

A common issue identified by both those in favour of the scheme and those against was that there was a greater need to address the behaviour of some cyclists.



Both groups were supportive of general steps to make roads more conducive to cycling. However, both reported issues with the speeds travelled by some. This issue could make it difficult for pedestrians to cross roads within the scheme and neighbouring it. Both said that calming measures were needed.

Both groups felt that the name Cycle Superhighway suggested itself to being a route which cyclists should use at speed.

**3. Consultation processes and forecasting the impact of proposed schemes**

**A view that the consultation was not transparent and did not include all that it should have done.**

People who were against the scheme felt that there were lessons to learn from the consultation.

One said that an impression had been left in the community that the process had not been transparent, and that some residents had had greater influence in shaping the final proposals than others.

The resident said that the move to expand the scheme from that initially planned was due to residents of streets which would see significant displacement as a result of the original plan, lobbying for changes which would remedy this. This was done in a meeting which was not widely advertised.

She sympathised with the concerns that residents had but said that the impact of this lobbying had meant that residents living on some other roads had been significantly disadvantaged.

She said that more could have been done to secure the engagement of all groups in the consultation; in particular residents living in the social housing which was heavily prevalent on the more major roads where traffic was being dispersed to. She said that Tenant and Resident Associations representing those in these units were not identified as a living stakeholder contacted as part of the consultation.

“There was an equal distribution of traffic along 8 roads. Now 6 roads are very nice and 2 are a bottleneck...this does not fit in with Hackney a Place for Everyone strategy”.

#### **A view that the impact of the schemes should have been better recognised and communicated**

Residents against the scheme felt that it should – at design and consultation stage – have better and more accurately predicted the impact that it would have on the wider area roads not being closed, and made this clear on consultation documents. The scheme which went live should have included within it measures to mitigate the displacement impact.

Without this, schemes could not claim to be well thought out.

#### **4. Suggested improvements to the scheme**

##### **Scale back**

Those against the scheme felt that it should be fully rethought and made smaller. Reducing the numbers of roads closed to through traffic would mean that the dispersal issues caused would be better spread.

##### **Expand**

Those supportive of the scheme felt that the dispersal affects should be managed by exploring solutions for those detrimentally affected.

##### **Signage**

There was a common view among both groups that signage of the scheme should be improved. Although the experimental scheme had been in place for some time drivers continued to turn into roads that they then found to have barriers on. This and their reversing back onto main roads caused safety issues. It was felt that signage on the main roads in advance of these roads would help this issue.

A suggestion was made that the signage should advise drivers that a road closure scheme was in operation, and that they should follow main roads.

##### **Making main roads taking the traffic more flow-friendly**

Part of the congestion on Crossway was due to drivers being able to turn right onto the A10. This held up traffic behind vehicles turning right. The turn right option should be removed.

##### **Reviewing provision of the size and spread of passing places and the locations of cycle hangers on the open roads**

Those against the scheme wanted more significant change than improving fluidity in the open roads. However, both groups mentioned that a cycle hanger was inappropriately located at one of the junctions of Walford Road which exacerbated the issues caused by dispersal. Both the size and spread of passing places should be reviewed to better allow traffic to move through.

**Questions asked:**

- Can you tell us your understanding of the council's objectives in closing streets to through traffic?
- Can you tell us what you think are any local benefits?
- Can you tell us what you think are any local disbenefits?
- Do you think the policy is beneficial /problematic for the wider area / borough. Please tell us the reasons for your answer?
- How have the road closures affected you personally?

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<sup>i</sup> Local Plans set out a vision and a framework for the future development of the area, addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for safeguarding the environment, adapting to climate change and securing good design. They set out what is intended to happen over the life course of the plan, and where and how this will occur.<sup>i</sup>

**REPORT OF CABINET MEMBER FOR NEIGHBOURHOODS  
TRANSPORT AND PARKS CLLR FERYAL DEMIRCI**

<b>Executive response to Living in Hackney Scrutiny Commission Review into Air Quality</b>  Cabinet: 18 September 2017	<b>Classification</b> <b>Public</b>	<b>Enclosures</b>  Living in Hackney Scrutiny Commission Review into Air Quality report and recommendations
	<b>Ward(s) affected</b> <b>All</b>	

## 1. INTRODUCTION

1.1 The impact of air pollution on health is a recognised problem that needs to be tackled globally. The Worldwide Health Organisation has warned that it is causing an estimated 40,000 premature deaths in the UK and millions worldwide, exacerbating conditions such as heart disease and asthma. At a national level, London has some of the highest pollution levels in the country. A 2015 King's College London study found air pollution in London had been linked to 9,400 premature deaths a year.

1.2 Hackney is currently implementing a wide range of initiatives aimed at improving and mitigating against poor air quality and is leading the way on sustainable transport. In 2015 Hackney adopted its Air Quality Action Plan (2015-2019) and Transport Strategy (2015-2025), setting out an ambitious programme of measures working towards meeting national air quality objectives and making Hackney's transport system a model for sustainable urban living in London. These measures include:

- **The School Streets project** - which enforces road closures during drop off and pick up times, and the Schools' Air Quality Monitoring project, which uses monitoring and audits to communicate and recommend effective measures to minimise exposure to poor air quality.
- **The Zero Emissions Network (ZEN) Project** - a National award-winning local air quality business liaison initiative set up by Hackney to engage with businesses in the City Fringe across Hackney, Tower Hamlets and Islington. ZEN has recruited 1,058 businesses, funded 568 measures to improve air quality and reached 55,000 people via a range of channels.
- **Delivering a Low Emissions Neighbourhood (LEN)** in and around Shoreditch with **London boroughs of Tower Hamlets and Islington**. The first year has seen the introduction of improved junction treatments to prioritise walking and cycling; a roaming parklet; tree planting and cycle parking. The project will also see 12 public realm schemes implemented to encourage a shift to walking and cycling.
- **Neighbourhoods of the Future (NoF)** - Hackney is the lead borough for the City Fringe NoF, working in partnership with LB Islington and LB Tower Hamlets. The scheme has committed to delivering at least 6 Electric Streets, which will support the uptake and encourage a shift to electric vehicles through charging infrastructure and restrictions to prioritise low emission vehicles.
- **Cycling initiatives** - to deliver better facilities and routes for cycling; to boost the uptake of cycling and to reduce dangerous rat running. In 2016/17 the Council created a further 1012 on and off street parking spaces; completed sections of the CS1 Super Cycle

Highway in the south of the borough and broke the world record for the “most number of riders in a bike bus” during our annual Bike Around the Borough event, aimed at getting children cycling.

- **Greening the Council Fleet** - The Fleet Project has installed 35 electric charging points over the last year and is aiming to increase the number of electric fleet vehicles to over 50 vehicles in the next two years. This project is also building up our bike fleet and developing a travel hierarchy to assist staff with traveling around the borough by bike and on foot.
- **Emissions-based parking permits** - The Council was one of the first London boroughs to introduce a diesel surcharge for residents parking permits, with the sole aim of discouraging the use of diesel vehicles.
- **Car Clubs** – There are currently three car clubs operating in the borough all of which operate a diesel-free car fleet. DriveNow have the largest electric vehicle fleet in the UK and have the largest presence in Hackney.
- **Low Emission Bus Zone (LEBZ)** – There has been huge investment into reducing pollution from buses and from 2018 TfL will only purchase hybrid or zero-emission double-decker buses. In addition, 12 Low Emission Bus Zones will be introduced across London - tackling the worst pollution hotspots by concentrating cleaner buses on the dirtiest routes. Hackney are working with TfL to introduce a LEBZ in Hackney.

## 2. RECOMMENDATION

- 2.1 Cabinet are asked to approve the content of this response.

### 3. EXECUTIVE RESPONSE TO SCRUTINY COMMISSION RECOMMENDATIONS

Recommendation	Response
<p><u>Recommendation One</u></p> <p>That the Council uses pedestrian and people focused counting to help inform the impact of filtered permeability and road closure schemes.</p> <p>We ask that the Council draws any learning from the ‘Disappearing traffic? The story so far’ study and from the evidence given to the Commission by Transport &amp; Public Realm Public Health Specialist around the further monitoring in which it might engage. This is in regards to further ensuring that monitoring includes exploring the impacts that schemes have had on people movements generally.</p> <p>We ask that the Council works to ensure that assessments of any change to pedestrian activity, and the extent of people taking of journeys by foot before and after the changes is used to measure the impact of all schemes.</p> <p>This would better enable the Council to gauge any health benefits of schemes in terms of any modal shift from the car for journeys taken, and for more nuanced monitoring of the impact of schemes on visitor numbers to an area.</p>	<p>The Council is investigating how to achieve this overarching objective in the most cost effective way. Pedestrian counts can provide very accurate data for a particular point but when considering an area wide scheme it can be difficult to understand the changes in patterns across the whole area. To conduct monitoring of this nature will be extremely costly if using the traditional pedestrian counts. Further investigation of other methods is therefore required to understand the changes across the area – there is an unknown cost associated with this and consideration may need to be given to the sale of the scheme.</p> <p>Further investigation will include how we embed pedestrian counts into all schemes as the data collection method differs to the usual traffic counts currently undertaken. We need to ensure a consistent approach is developed (i.e. measuring pedestrian movements across a line, how large a cordon should be if used, how many day’s data, using site staff or videos etc.) as this will enable the data to be correlated across the borough. Further investigation is also required into perception surveys.</p> <p>At present, there is limited use of tools to assess the health impacts of implemented schemes and therefore there is an opportunity for further evaluation of the impact of filtered permeability and road closures schemes. Evaluation tools which could be used include:</p> <ul style="list-style-type: none"> <li>• Health and Economic Impact Assessment (HEAT) tool for Cycling and Walking</li> <li>• Healthy Streets Check to enable a wide range of health and environmental factors to inform findings on the results of schemes and will increase the usage of these.</li> </ul> <p>We are also assessing the ‘Disappearing traffic? The story so far’ study and the evidence given to the Commission by a consultant in Public Health – with a specialism in Transport and Urban Realm around the further monitoring in which it might engage. This is in regards to further ensuring that monitoring includes exploring the impacts that schemes have had on people movements generally.</p>
<p><u>Recommendation Two</u></p> <p>That the Council rolls out a</p>	<p style="text-align: center;">Page 245</p> <p>The Council has implemented a number of filtered</p>

<p>programme of filtered permeability schemes</p> <p>We have reached a view that filtered permeability schemes should be used as one of the Council's responses to the transport related challenges around growth.</p> <p>We are convinced that they are likely to reduce levels of traffic and pollution on an overall level, and to deliver wider ranging health and environmental benefits in addition.</p> <p>We ask that the Council sets out a programme of future schemes.</p>	<p>permeability schemes, many of which are detailed in the LiH Air Quality Review report and used as best practice examples. Hackney's Transport Strategy (2015-2025) recognised the need to further build on these and the draft Mayor of London's Transport Strategy (MTS) supports street environments which support walking and cycling and reducing the dominance of motor traffic using the Healthy Streets concept.</p> <p>Hackney has the highest active travel mode share in London but still suffers from the dominance of vehicle traffic. It is recognised that more can be done to reduce this dominance of vehicles and through traffic on our local network. We support developing a programme of future filtered permeability schemes which would contribute to introducing more liveable neighbourhoods and healthier streets. However, we have to consider available budgets and how these may be linked with other considerations such as: road safety interventions, cycling and walking routes etc. All programmes will be subject to consultation and assessment.</p> <p>Currently, consultation has recently closed on the modal filters and closures in the Elsdale Road and Darnley Road areas. There was overall support for the proposals. The Delegated Powers Report is expected to be produced in early September 2017 and the scheme implemented in November 2017, subject to all approvals.</p>
<p><u>Recommendation Three</u></p> <p>That the Council publishes a report on the impact of the CS1 De Beauvoir and Wordsworth Road schemes</p> <p>We look forward to the Council completing their final analysis of the traffic and air quality impact of its recent major schemes.</p> <p>Upon completion of the analysis, we ask that the Council uses this and other evidence (including the findings of this review) to produce a report on the impact of the CS1 De Beauvoir and Wordsworth Road schemes, the successes in their delivery, and lessons learnt.</p>	<p>The recommendation to produce a report on the impact of CS1 is supported. The Delegated Powers report is being prepared and anticipated to be approved by the end of September.</p> <p>This will include analysis of the traffic and air quality impacts.</p> <p>The Council will seek to use the findings of the CS1 impacts report as part of the lessons learnt for future schemes.</p>
<p><u>Recommendation Four</u></p> <p>Greater context being given in consultation documents for filtered permeability or road closure scheme proposals.</p>	<p>The recommendation to provide greater context for consultation material is supported. As such, the Council is proactively reviewing each consultation and incrementally adding in additional information in light of</p>



<p>The content of the supporting documents for the London Fields area traffic management options consultation from January 2016 evidences that for some time the Council has laid out the reasoning for proposed schemes and the wider benefits that they are expected to deliver.</p> <p>This has included notes around improvements to air quality, road safety, personal mobility that delivering reductions in car use will achieve, and the issues from growth in Hackney and London generally which schemes will help to manage.</p> <p>However, we ask that the information offered (at least for larger schemes) is more detailed.</p> <p>We ask that the information sets out:</p> <ul style="list-style-type: none"> <li>• That schemes as per the ones proposed have been evidenced to help reduce traffic and avoidable car use in areas similar to Hackney.</li> <li>• That road transport is shown to be the key current cause of air pollution in Hackney (backed up by a statistical example such as one submitted to the Commission showing the high shares of pollution that road transport accounts for).</li> <li>• In a clear way the challenge that the borough is facing in terms of managing growth. Using statistics around recent and expected population growth in Hackney and London to highlight this.</li> <li>• How these schemes are one of the ways that the Council is trying to facilitate travel clean and green travel through the borough in a context of growth in surrounding areas.</li> <li>• That these schemes are one of a range of measures being taken to enable residents to travel differently.</li> </ul> <p>Any expected disbenefits of schemes (greater traffic levels on sections of main roads for example) and explanations as to why the benefits are felt to outweigh these.</p>	<p>the emerging concerns regarding air quality.</p> <p>There is a fine balance between providing this additional information and keeping the consultation documents to a length that people are happy to read.</p> <p>The Council is currently trying out the use of additional 'FAQs' for the Elsdale Road / Darnley Road scheme. These were added as an insert into the consultation documents, whereas with the Wick Road consultation these have been put on the website only, with a link from the documents.</p> <p>For the next London Fields (and following) consultations the Council is developing a new 'introductory' paragraph referencing the Council's strategies and policies.</p> <p>More detailed information will be provided for larger schemes.</p>
<p><b><u>Recommendation 5</u></b></p> <p>For the Council to work with TfL to seek improved levels of information being given in the consultation documentation they deliver.</p> <p>We feel that there is learning for TfL from recent consultations delivered for CS1 related schemes proposed for areas in Hackney.</p> <p>The two consultation documents that TfL</p>	<p>The recommendation to provide greater context for TfL scheme consultation material is supported by the Council. As a result, we are continuing to work with TfL on their consultations related to Hackney. This has included considering lessons learned from the CS1 consultations.</p> <p>Similar to Hackney led consultation, it is a fine balance between the level of information and encouraging participation. The Council will work with TfL reach this</p>

produced for the schemes in the Wordsworth Road De Beauvoir Road areas, contained a range of useful information.

However, unlike in the documentation for the Hackney-led consultation, there was not reference to the wider environment in which schemes were being considered.

The challenge of managing growth in Hackney and London generally was not mentioned. Whilst a reduction in motor traffic was stated as the aim of the scheme, the impact of traffic on air quality was not given.

This - in tandem with the finding from our focus group that residents living in one of these areas were not aware of the wider challenges that schemes were aiming to address – again leaves us with a view that consultation documents should set this out.

We also feel that clearly setting out the foreseen disbenefits of schemes in addition to the expected benefits would give fuller assurance to residents that schemes had been developed in a thorough and well thought out way.

In the event of similar consultations being delivered by TfL in future, we ask that the Council works with TfL to try to secure improvements to levels of information given in consultation documents.

We ask the Council to seek TfL-led consultations for schemes in Hackney:

- That schemes as per the ones proposed have been evidenced to help reduce traffic and avoidable car use in areas similar to Hackney.
- That road transport is shown to be the key current cause of air pollution in Hackney (backed up by a statistical example such as one submitted to the Commission showing the high shares of pollution that road transport accounts for).
- In a clear way the challenge that the borough is facing in terms of managing growth. Using statistics around recent and expected population growth in Hackney and London to highlight this.
- How these schemes are one of the ways that the Council is trying to facilitate travel clean and green travel through the borough in a context of growth in surrounding areas.
- That these schemes are one of a

balance.

The up and coming TfL consultations include: Stoke Newington Gyratory and Seven Sisters Road. Hackney will work with TfL to ensure these consultations seek to include the information detailed in this recommendation.

<p>range of measures being taken to enable residents to travel differently.</p>	
<p><b><u>Recommendation 6</u></b></p> <p>The Council to report back to the Commission on the results of the review of consultation documentation and clarifying that the results will be considered along with a range of other evidence.</p> <p>We heard from the Council that whilst consultation responses were analysed and the findings used to help shape and inform final decisions, that they were not treated as referendums. This means that the Council's decision to go ahead or not was not fully dependent on whether a majority supported proposals or not.</p> <p>We support the Council in using consultation findings as part of the evidence to inform final decisions. We agree that the findings (while being very useful) should not be used in isolation to establish the way forward.</p> <p>Recent consultations on schemes have drawn response rates of between 10% and 16%. This gives further credibility to these not acting as the trump card in decision making.</p> <p>We support the use of a range of evidence – the input of interest groups, the views of statutory agencies and relevant services, along with the findings of the consultation analysis – to help design, shape and make a final decision on schemes.</p> <p>We thank Officers for their acknowledgement that they needed to do more to ensure that consultation materials were clear in explaining that results would be considered along with a wider range of evidence, and that majority opposition would not necessarily lead to the abandonment of a scheme.</p> <p>We were advised that documentation was being reviewed to make it clear that results to consultations would form part and not the only item of evidence on reaching final decision.</p> <p>We support this work. We ask for an update on its completion.</p>	<p>The Council supports this recommendation. The inclusion of additional evidence in the consultation process stage should better inform residents why proposals are being put forward and the context for the proposals. It is acknowledged that more can be done to clearly explain the result and this will be taken forward with future consultations.</p>
<p><b><u>Recommendation 7</u></b></p> <p>That information webpages are</p>	<p>There is a great benefit to seeking an open dialogue</p>

<p>available for new filtered permeability and road closure schemes.</p> <p>We ask that for any future permeability schemes the Council creates webpages detailing the monitoring taking place to assess the impact of a scheme, how (if applicable) residents can feed back their experiences and suggested improvements for consideration, and how these will be taken into account.</p> <p>Upon the monitoring being completed, we ask that this data is made available on the webpage at the earliest possible point.</p>	<p>through the website for the evaluations of the schemes.</p> <p>It is proposed that additional information (to the consultation documents) for new filtered permeability and road closure schemes will be added to the website. Monitoring information can also be provided - the level of monitoring for each scheme will depend on scale of the scheme, cost and effectiveness (see recommendation 1).</p> <p>As part of the information, we will make residents aware of the monitoring limitations, for example seasonal variations.</p> <p>ICT Services have identified a high quality digital service that can be used for larger consultations, depending on budget.</p>
<p><u>Recommendation 8</u></p> <p>That information webpages for schemes give updates on feedback received, and the Council’s response to this.</p> <p>We ask that the information webpages created as part of recommendation 5, are updated during any live trial of schemes.</p> <p>We ask that these updates summarise the views and concerns received, and the response of the Council to these. Where it is not practical for the Council to take immediate action on the basis of the view or concern, we ask that explanations are given to this. We appreciate that there is unlikely to be capacity for updates to be made upon any new comment or view being received. However, we suggest that updates are added for each month that a live trail is in place.</p>	<p>For larger schemes information about new schemes is being uploaded to the Council website with the view of providing regular updates on the scheme progress.</p> <p>As per recommendation 7, there are website limitations which currently do not support a live update on feedback received. This also has an impact on staff resources, to effectively offer this service.</p>
<p><u>Recommendation 9</u></p> <p>That the Council introduces environmental pricing to estate parking permits.</p> <p>The Commission is supportive of the Council using emissions-related charging for on street parking permits. We feel that this is a welcome initiative to help tackle air pollution.</p> <p>However, we also note that permits for parking on the Council’s housing estates are charged at a standard rate, and do not take vehicle emissions levels into consideration.</p>	<p>This recommendation is supported. The current difference in charging models used raises questions about the Council’s stance on improving air quality and reducing CO2 emissions, and there is a widespread acknowledgement that this must change. With Housing Services once again part of Hackney Council, together with the introduction of a single IT system for permit issuance across Hackney (including estates), this is the opportune time to review these differences in a bid to provide a simpler, more joined-up approach to managing parking across Hackney.</p>

<p>We ask that the Council applies emissions-related charging to its estate parking permits. We also ask that it encourages Registered Providers operating in Hackney to do the same.</p>	
<p><u>Recommendation 10</u></p> <p>That the Council seeks to implement borough wide, zone by zone controlled parking coverage, taking account of air quality, environmental and other pertinent considerations.</p> <p>That the Council reassesses its view that air quality considerations may not meet the 'exceptional circumstances' threshold set out in Recommendation 2.1 of the Parking Enforcement Plan, within which controlled parking schemes may be introduced without a majority being in favour.</p> <p>That the Council seeks to implement borough wide, zone by zone controlled parking coverage, taking account of air quality, environmental and other pertinent considerations.</p> <p>That it does so in light of evidence showing the beneficial impacts on air pollution environmental and other pertinent factors which controlled parking can help deliver.</p>	<p>The Council's powers to impose parking controls are contained in the Road Traffic Regulation Act 1984, under which it must consider the need to maintain free movement of traffic, reasonable access to premises, and the extent to which off-street parking accommodation is or is likely to be encouraged there by implementing a parking zone. It also requires councils to regulate and restrict the use of roads by heavy commercial vehicles, facilitating the passage of public service vehicles, section 80 of the Environment Act 1995 (national air quality strategy) and any other matters appearing to the local authority to be relevant.</p> <p>Advice has been sought regarding the feasibility of this recommendation, and the options available are being explored.</p> <p>In the meantime, demand from residents on the fringes of parking zones for parking controls means that there is continuing support for the gradual expansion of parking zones. As a result, it is quite feasible that the remaining uncontrolled areas within Hackney will become controlled by the end of the next administration without any change in the existing policy.</p>
<p><u>Recommendation 11</u></p> <p>Greater context being given in consultation documents for controlled parking proposals.</p> <p>Information documented in recent parking consultation documents show that the Council gives a range of useful and insightful information. We ask that this is built on to also include:</p> <ul style="list-style-type: none"> <li>• That road transport is shown to be the key current cause of air pollution in Hackney (backed up by a statistical example such as one submitted to the Commission showing the high shares of pollution that road transport accounts for).</li> <li>• The challenge that the borough is facing in terms of managing growth. Using statistics around recent and expected population growth in Hackney and London to highlight this.</li> </ul>	<p>Parking Services will review its consultation documentation and look at the best way to highlight the proposed information to readers.</p> <p>However, consideration will need to be given to how this is presented, as officer's experiences highlight the importance of the concise presentation of information in order to maximise responses.</p> <p>Consultation documents already ask residents whether they would be interested in car clubs or electric bays but this can be expanded to include more detail on each option.</p>

<ul style="list-style-type: none"> <li>• How these schemes are one of the ways that the Council is trying to facilitate clean and green travel to and through the borough in a context of growth in surrounding areas.</li> <li>• Details of the options that are open to people wishing to continue driving in way which does not require a permit (in particular information on car club options), and details of other non-car travel options (cycle loan scheme).</li> </ul>	
<p><b><u>Recommendation 12</u></b></p> <p>That the Council develops and maintains an Air Quality Communications Plan and includes this as a dedicated action within the Council's Air Quality Action Plan.</p> <p>We ask that Public Health in conjunction with the Communications and Consultation service leads on developing a plan to increase public awareness of air pollution.</p> <p>This is with regard to the high levels of air pollution, the harm that it does, its causes, the actions that the Council is taking to respond to it and how these will help, and how residents and businesses can contribute towards achieving better air quality.</p> <p>We ask that this action is named in the Council's Air Quality Action Plan as one of the measures being taken to address pollution in the borough.</p>	<p>Since giving evidence at the Living in Hackney Scrutiny Commission, the Communications and Consultation service has secured good publicity about the electrification of its fleet, closing roads to through traffic and building more cycling infrastructure.</p> <p>We will continue to ensure that air quality messages are always included when communicating with residents and businesses about traffic reduction, cycling and other sustainable transport schemes.</p> <p>Public Health and Communications will develop a communications plan by November 2017 to ensure that the causes, impact and levels of air pollution in Hackney are communicated to residents, especially those at a high risk of respiratory illnesses. The plan will include guidance for residents on how they can help reduce air pollution and exposure to air pollution, as well as the work the Council already does.</p>
<p><b><u>Recommendation 13</u></b></p> <p>That the Commission receives an update from the Environment and Waste Strategy and Planning Services on their work to improve joint arrangements ensuring air quality considerations play a full part in planning decisions, and its impact.</p> <p>Current arrangements through which the Council ensures that that air quality considerations play a full part in planning decisions involve dialogue between two service areas of the Council. Within this, the Environment and Waste Strategy Service reviews planning applications from an air quality objective. Advice and recommendations are then given as to whether applications should – on air quality grounds – be accepted or refused,</p>	<p>The Council has positively influenced development in the borough to improve air quality. In particular, this includes:</p> <ul style="list-style-type: none"> <li>• Requiring alternative and pollution reducing technologies, such as photovoltaic cells and green walls where appropriate</li> <li>• Encouraging denser development in areas of high public transport accessibility</li> <li>• For larger developments (across the borough) and some smaller developments (in areas of poor air quality) requiring an air quality assessment at the application stage</li> <li>• Reducing the allocation of parking spaces for new development, installing bike parking and requesting electric charging points in selected developments</li> <li>• Requiring additional measures for developments incorporating combined heat and power and biomass</li> </ul>

or accepted subject to particular conditions being attached.

From discussions with representatives from both services, we reached a view that there was room for greater collaboration between the two. This would better ensure that the advice provided around air quality related conditions which should be applied to applications is ambitious but also securable. It would also better enable challenge to the Planning Service in any cases where recommendations and advice have not been reflected in determinations.

The services appear agree on there being a need for improvement and as a result of our review have instigated joint work to improve the effectiveness and efficiency of how air quality matters are secured within planning applications.

We support this work, although we are keen to explore its impact.

We ask that an update is given to the Commission on the progress made.

boilers

- Improving thermal efficiency
- Making use of Section 106 monies to promote and pay for transport and public realm related improvements such as tree planting and walking, cycling, electric vehicle charging and car club facilities
- Ensuring that larger impact developments have fully implemented travel plans, Construction Logistics Plans (CLP) and Delivery Service Plans (DSP) to reduce the adverse impacts of servicing and construction on the road network. Scrutinising large projects with strategic air quality impacts, for example TfL about the potential risks and mitigations of air quality impacts from the proposed Silvertown Tunnel.

To further enhance the Councils approach to managing air quality within planning applications, the following improvements have been identified and are being implemented:

- Increasing coordination between different parts of the Council, such as Planning, Environment & Waste Strategy, and Streetscene
  - Agreement of the wording of air quality conditions, taking into account current policy requirements, parameters and statutory planning tests
  - Explanatory table for officers explaining planning application types to which specific conditions can be reasonably applied
  - Agreement to compile information on whether conditions are being complied with
  - Updated planning validation checklist to secure key information early in the development process
  - Updating of air quality modelling map used in decision making
- Updating the Land Water Air Team's Air Quality Planning pages, and
- Internal cross Council conference on Air Quality Planning Practice

The Planning Policy team is currently preparing a new Local Plan (LP33). This plan aims to update and improve planning policies relating to Air Quality by:

- Increasing the types of development which need to consider air quality
- Requiring consideration is given to sensitive uses (i.e. housing, schools)
- Setting out areas of poor air quality and preventing sensitive uses locating in these areas unless sufficient mitigation is achievable.
- Making sure the existing criteria based approach to assessing air quality is reflected and developed

	<ul style="list-style-type: none"> <li>• Making stronger reference to the air quality action plan in policy</li> <li>• Developing mechanism to seek Planning obligations for air quality monitoring and measures</li> <li>• Developing monitoring indicators as part of the plan with regard to air quality.</li> </ul> <p>Strengthening existing Healthy Streets and Liveable Neighbourhood related policies (such as car free developments) and strengthening existing practice (such as CLPs and DSPs) and standards for cycle parking.</p>
<p><u>Recommendation 14</u></p> <p>That the Council lobby the Mayor of London for the ULEZ to cover all of London for both heavy and light vehicles.</p>	<p>The Council will continue to lobby the Mayor of London.</p> <p>The Council recognises that tackling air quality is a priority at a local and national level and therefore supports the importance that the Mayor of London is giving to the matter. The Council is therefore supportive of efforts by TfL to extend the Ultra Low Emission Zone (ULEZ) but still believes it should be a London wide scheme.</p> <p>At present the ULEZ will operate 24 hours a day, 7 days a week within the same area as the current Congestion Charging Zone (CCZ), and comes into force in September 2020. The Mayor of London has undertaken two stages of consultation on the Mayor's plans for new air quality measures, including the introduction of the T-Charge (Emissions Surcharge) and other suggestions concerning the future ULEZ to improve air quality.</p> <p>The latest statutory consultation proposed introducing the central London ULEZ earlier, on 8 April 2019 - 17 months earlier than the current start date on 7 September 2020. A further statutory consultation is due in Autumn 2017 to expand the boundary of the ULEZ beyond central London.</p> <p>Hackney Council has responded to all consultations relating to the ULEZ and will formally respond to the consultation to expand the boundaries in Autumn this year. The Council has been vocal in its position to support a London-wide ULEZ which tightens over time to ensure that London meets National Air Quality Objectives and will continue to lobby TfL for a London-wide scheme.</p> <p><a href="http://news.hackney.gov.uk/tfls-ultra-low-emission-zone-plans-not-good-enough-say-four-london-councils/">http://news.hackney.gov.uk/tfls-ultra-low-emission-zone-plans-not-good-enough-say-four-london-councils/</a></p>



Recommendation 15

That the Council lobby the Mayor of London for establishing an incremental approach to ban diesel vehicles in London.

The Council will continue to lobby the Mayor of London to establish an incremental approach to ban diesel vehicles in London.

The Mayor of London released his Draft Mayor's Transport Strategy (MTS) in June 2017. Within the strategy, the Mayor sets out his ambition to create a zero emission zone in:

- Central London from 2025
- Inner London by 2040
- London-wide by 2050

To support this the whole of TfL bus fleet to emit zero exhaust emissions by 2037 at the latest and all newly registered vehicles driven in London will be zero emission. In addition to this the Government recently announced that they may introduce a ban on the sale of new petrol and diesel vehicle by 2040.

Whilst supporting the Mayor of London's ULEZ proposals to expand beyond Central London, the Council has requested that the Mayor sets out a clear roadmap of the direction of travel including the types of vehicles to be affected by the Emissions Surcharge (ES) and ULEZ. In addition, Hackney would like the inclusion of private cars in the ULEZ roadmap as it is felt this will be important to influence driver behaviour to reduce the reliance on vehicles, more specifically diesel vehicles.

The zero emission zones detailed in the draft MTS aims to encourage a shift to ULEV's rather than banning those that are not, such as diesel. We also know that air pollution does not adhere to boundaries and therefore believe large-scale initiatives, such as banning diesel, should be done in a coordinated approach across the whole of London and not on a borough by borough basis. Therefore the Council released a press release in July 2017 stating that, should the Mayor of London propose a diesel ban, the Council would support it:

*<http://www.hackneygazette.co.uk/news/politics/hackney-council-could-lobby-to-ban-diesel-cars-to-tackle-air-pollution-1-4936877>*

More locally, the Council are aware of initiatives which can support a shift away from diesel vehicles and seek to restrict more polluting vehicles from areas. Those already implemented include the introduction of

	<p>emission based parking charges which adds a £50 levy for diesel vehicles and offers discounts for electric vehicles. In addition to this, the Council are looking into establishing Ultra Low Emission Vehicle (ULEV) streets in Shoreditch as part of the City Fringe Low Emission Neighbourhood. These streets will restrict access to ULEV's only.</p> <p><a href="https://www.hackneycitizen.co.uk/2017/01/23/non-electric-cars-banned-parking-shoreditch/">https://www.hackneycitizen.co.uk/2017/01/23/non-electric-cars-banned-parking-shoreditch/</a></p> <p>The consultation on the draft Mayors Transport Strategy ends 2 October 2017. Hackney Council will formally respond.</p>
<p><u>Recommendation 16</u></p> <p>That the Council lobbies the Mayor of London for establishing a road pricing scheme as a replacement for the current Central London Congestion Charge</p>	<p>The Council will lobby the Mayor of London to establish a road pricing scheme which will expand and tighten the existing congestion charge zone.</p> <p>The draft Mayor's Transport Strategy (MTS) notes that congestion in Central London, which dropped by 30% with the introduction of the London Congestion Charge in 2003, has been steadily growing with a particular growth in evening traffic levels. It also notes the growth in traffic due to vehicles currently exempt from the Congestion Charge such as private hire vehicles. Traffic due to such vehicles has increased at peak hours in Fridays by more than 50% in just three years since 2013. Freight traffic is also on an upward curve and congestion delays are also increasing in Outer London. Congestion is still a serious problem on Hackney's roads especially in the PM peak in the east of the borough.</p> <p>The MTS draft states that "the Mayor, through TfL, will work with those boroughs who wish to develop and implement appropriate traffic demand management measures, for example local (TfL or borough) road user charging or workplace parking levy schemes, as part of traffic reduction strategies"</p> <p>Hackney's 2015-2025 Transport Strategy commits Hackney to working with partners and stakeholders to proactively investigate options for developing new technology to manage demand on the road network such as road user charging such as dynamic road user charging.</p> <p>Road user charging includes:</p> <ul style="list-style-type: none"> <li>• Borough-wide local congestion charge</li> <li>• Tolling specific roads</li> </ul>

	<ul style="list-style-type: none"> <li>• Dynamic road user pricing (pay for the time travelled)</li> <li>• Workplace parking levies</li> </ul> <p>The Council welcomes the recent announcement that the Mayor of London and TfL will work with boroughs to introduce local road user charging. However, whatever type of road user charging is proposed, it will have to consider the implementation hurdles and costs as these will be considerable. There is the issue of boundaries, setting the toll at a suitable level high enough that enough trips are deterred to make an impact on congestion but not too high so that essential trips become problematic for low income residents or essential trips. The Council will be lobbying the Mayor of London to introduce road pricing on a strategic London-wide basis rather than a fragmented borough-by-borough approach.</p>
<p><u>Recommendation 17</u></p> <p>That the Council lobbies Central Government to introduce a diesel scrappage scheme and to devolve excise duty for London to the GLA.</p>	<p>The Mayor of London, on behalf of TfL and London boroughs, has been advocating a government funded scrappage scheme for diesel vehicles. In the latest Air Quality Action Plan, the Government suggested they will investigate implementing a diesel scrappage scheme but there was some uncertainty on whether this will actually be realised. In July, the Government announced plans to ban the sale of new petrol and diesel cars from 2040 in a bid to cut air pollution. Given the recent publicity of diesel vehicles emissions and this announcement, a number of large car companies have started to implement their own diesel scrappage scheme.</p> <p>Hackney Council was one of the first to lobby the former Mayor of London and the current mayor on introducing a diesel scrappage scheme and we are pleased the current mayor is advocating a government funded scrappage scheme.</p> <p>Hackney would like to see a diesel scrappage scheme introduced that offers contributions to other forms of transport and not solely towards the cost of a low emission vehicle.</p> <p>The Mayor called for a range of new powers as part of a new city deal on devolution and Brexit. One such power is to retain the income generated from Vehicle Excise Duty (VED) by London drivers. Whilst again no real details of this approach are known Hackney are in support of this and will continue to support the Mayor of London.</p>

Lead Councillor: Cllr Feryal Demirci, Cabinet Member for Neighbourhoods, Transport and Parks

Director: Kim Wright, Group Director Neighbourhoods and Housing

<b>Appendix 1</b>	Living in Hackney Scrutiny Commission Review into Air Quality
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<b>REPORT OF THE CHIEF EXECUTIVE</b>		
<b>OVERVIEW AND SCRUTINY</b>  <b>REPORT OF GOVERNANCE AND RESOURCES SCRUTINY COMMISSION</b>  <b>Devolution – The Prospects for Hackney</b>  Cabinet: September 2017 Council: October 2017	<b>Classification</b>  Public	<b>Enclosures</b>  <b>Appendix 1</b>  Devolution – The Prospects for Hackney Review Report
	<b>Ward(s) affected</b>  All	<b>Appendix 2</b>  Executive Response

The Governance and Resources Scrutiny Commission review *Devolution – The Prospects for Hackney* set out to explore the implications of London wide devolution for Hackney and how the borough could make the most of the opportunities.

The Commission was of the view devolution presented the potential for London’s councils to implement a whole system approach across public sector services, creating the space for more preventative and joined up approaches. However, devolution would also bring areas of responsibility that councils were not experienced in managing with devolved powers that were likely to be followed by cuts in budget.

The review heard from a number of representatives from various national bodies and think tanks (Metro Dynamics, Centre for Public Scrutiny, New Local Government Network, Professor Travers: London School of Economics and Political Science, London Councils and the Professor of Further Education & Skills, University College London (Institute of Education) that have been involved in devolution or who have contributed to the devolution discussions at a pan London and national level.

The Commission found that the key issues related to devolution revolved around resources, power, accountability structures and public engagement. Even as the review concluded one of the key policy and implementation questions that remained unresolved was accountability structures for the devolved areas.

The progression of Hackney’s pilot for health devolution gave us some pointers to the challenges in this area but the lack of clarity from Government is hindering the progress of devolution for London.

The absence of a detailed plan for London and the uncertainty from the Treasury about the areas that would be devolved in terms of responsibilities, budget and the complexities around accountability configurations, has meant that Hackney Council had not developed a holistic plan. The Commission recognised the Council needs to respond in an agile way due to the fluidity of discussion, variable geographies and proposals being agreed ad-hoc. The Commission made 4 recommendations and these focused on what the

Council could do. The Commission's recommendations centred on the development of a local plan and a set of principles - that will guide the Council's response to devolution discussions and its priorities for advanced areas of devolution. We also made recommendations about public engagement and accountability structures - to build on the work from Hackney's health pilot in this area for use by devolved service areas to hold the relevant people, departments and organisations to account.

## **RECOMMENDATION**

**Council is requested to note the Commission's report and the response to it from the Executive.**

**Report originating officer:** Tracey Anderson, Overview and Scrutiny Officer,  
Tel: 020 8356 3312.

<b>REPORT OF THE GOVERNANCE AND RESOURCES SCRUTINY COMMISSION</b>		
<b>Devolution – the Prospect for Hackney</b>  Governance and Resources Scrutiny Commission – April 2017 Cabinet – July 2017	<b>Classification</b>  <b>Public</b>	<b>Enclosures</b>  <b>Appendices</b> Summary of Evidence Sessions

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## 1. FOREWORD

The UK has one of the most centralised governments in Europe but the tide is turning and devolution looks set to be a trend that will continue. There are opportunities for a London borough such as Hackney to grab hold of, as well as risks to mitigate. The devolution process involves conversations with different geographies in different thematic areas with varying timelines and yet the goal of the London Borough of Hackney throughout must ultimately be the same – to seize the opportunities of devolution to deliver better services for its residents. This report serves two purposes – it can be used as a snapshot, perhaps even a ‘how-to guide’, for interested parties on what devolution means for London and specifically what it could mean for Hackney. It also serves to encourage the council that having a holistic plan, albeit a fluid and agile plan that can adapt to moving jigsaw pieces is essential. Other themes such as public involvement, accountability structures and being at the right tables to influence are common themes the Commission heard from the evidence it took. Devolution of health (already in pilot stage), and skills and employment (soon expected) provide opportunities for the London Borough of Hackney to be confident and assertive in seeking the best solutions for localised joined-up and person-centred services in these areas. In the UK we are living through uncertain times with the anticipated impact of Brexit and a shifting global order. Devolution adds further unpredictability, and yet it brings conversations we should seek to influence and, most importantly, it brings change that we must anticipate and harness.



**Cllr Anna-Joy Rickard**  
Chair - Governance and Resources Scrutiny Commission

**CONTENTS**

- 1. INTRODUCTION ..... - 3 -
- 2. SUMMARY, RECOMMENDATIONS AND OUTCOMES ..... - 6 -
- 3. FINANCIAL COMMENTS..... - 11 -
- 4. LEGAL COMMENTS ..... - 13 -
- 5. FINDINGS ..... - 14 -
- 5.1 Background ..... - 14 -
- 5.2 What is Devolution, current position and the process ..... - 15 -
- 5.3 Importance of Devolution ..... - 16 -
- 5.4 Decentralisation and Fiscal devolution ..... - 18 -
- 5.5 Devolution for London ..... - 21 -
- 5.6 Our Evidence..... - 27 -
- 5.7 Hackney ..... - 34 -
- 5.8 Implications ..... - 36 -
- 5.9 Next Steps..... - 38 -
- 6. CONCLUSION ..... - 40 -
- 7. CONTRIBUTORS, MEETINGS AND SITE VISITS..... - 41 -
- 8. MEMBERS OF THE SCRUTINY COMMISSION ..... - 42 -
- 9. BIBLIOGRAPHY..... - 42 -
- 10. GLOSSARY..... - 44 -
- Appendix 1 – Summary of Evidence Sessions ..... - 45 -



## 1. INTRODUCTION

- 1.1 Devolution has emerged as one of the Government's principal policies to achieve balanced economic growth. However the devolution being proposed in England is on a different scale to the devolved powers and finance for Scotland and Wales.
- 1.2 The English democratic system is more centralised than most other democratic systems around the world. For a number of years there has been a tendency for UK governments to centralise power, leaving English local government constrained in its freedom to make meaningful strategic decisions in the interest of their local population.
- 1.3 Devolution presents the potential for London's councils to implement a whole system approach across public sector services. The Commission's previous review [Delivering Public Services – Whole Place Whole System Approach](#) highlighted the need for councils and local partners to work across the system to deliver joined up services and services with a prevention focus that would be provided at the point of need to enable services to be improved and costs reduced.
- 1.4 Devolution could also create opportunities for new revenue streams in conjunction with redesigning services to have a stronger preventative orientation. On the other hand devolution of responsibility without devolved budgets could expose council budgets to additional pressures and pose a risk to existing council services.
- 1.5 Devolution is also likely to bring areas of responsibility the Council is not experienced in managing, therefore it is important the Council explores how it will deal with issues it has not managed before and identifies where it may lack legislation, relevant knowledge and skills.
- 1.6 The devolution process has the following important implications:
  - It could help boroughs deal with substantial financial challenges by creating new revenue streams, as well as more wide ranging responsibilities;
  - It could help create more effective public services by creating space for more preventative and joined up approaches to the big social challenges in the borough;
  - Devolution could redraw the map of English local government which would have very significant implications for the powers, scope and finances of councils.
- 1.7 The Governance and Resources Scrutiny Commission initiated this review 'Devolution – the prospect for Hackney' to explore the implications of the devolution process for Hackney. The overarching question framing this review was ***'What are the implications of London wide devolution for Hackney and how the borough can make the most of the opportunities?'*** In addition the Commission asked:
  - What does devolution mean for the emerging governance landscape of London (pan London, sub regional, borough) and what are the implications for Hackney?

- What joint working arrangements are currently in place across London and what is Hackney's response to this emerging picture?
  - What are the implications for the council's finances and its governance structures?
- 1.8 London is unique and boroughs have their own powers; so does the Mayor of London and the Greater London Assembly (GLA). Working in partnership as a result of devolution brings risk around delivery of services and connection with communities. Our review highlighted key issues related to resources, power, accountability structures and public engagement.
- 1.9 The review highlighted the funding for London Boroughs is changing in an unprecedented manner and these developments have the potential to transform the financial risk landscape across London both positively and negatively.
- 1.10 In a bid to make local government a mechanism to drive growth, councils are to become more 'financially independent' by being given the power to keep and vary business rates. Nonetheless the financial freedoms afforded to Scotland and Wales are not being given to the English authorities. The Commission is concerned that devolved powers may not always include fiscal devolution and if the budgets are devolved, they are likely to be followed by cuts. Devolution of responsibilities needs appropriate resources to follow too.
- 1.11 One of the key policy and implementation questions that remains unresolved is accountability structures for the devolved areas. London already has its own elected mayor and city regional authority with devolved powers over policing, planning, economic regeneration and transport. In this review the Commission considered and debated what devolution may mean for the borough, the impact of devolution on accountability structures (borough and regional) and how services could be integrated under totally different systems of accountability (notably NHS / Local Government). Hackney Council's pilot will give some pointers to the challenges in this area.
- 1.12 Hackney Council was approved as a borough level pilot for health and social care covering the area of integrated services. We considered the Council's work on this pilot as an indicator of the issues likely to be raised by borough level devolution, notably the issue of governance and accountability. In addition we asked about the Council's plans and principles for devolution in Hackney.
- 1.13 The Commission believes that the Council needs to consider and debate what devolution may mean for the borough and that those discussions need to engage the wider public and local stakeholders. The public have to feel it is in their interest to engage in a debate, but the difficulty with this has been that the devolution deals to date are deals done in private and this has made it very hard to turn devolution into a visible democratic process. Opinion polls have suggested community engagement depends on how the question is phrased, nevertheless finding a way to articulate the debate so the public engagement is key.

- 1.14 Since this review commenced Britain has voted to leave the European Union (EU) and this has implications for Britain's economy. 'Brexit' suggested a wider desire for more local control. The implications of this have **not** been explored in detail by the Commission. However, it will inevitably have an impact on the ability to grow the local economy.
- 1.15 The review heard from a number of representatives from various national bodies and think tanks that have been involved in devolution or who have contributed to the devolution discussions at a pan London and national level. The Commission would like to thank the professionals and organisation for taking the time to participate in this review.
- Ben Lucas, Metro Dynamics
  - Ed Hammond, Centre for Public Scrutiny
  - Jessica Stoddert, New Local Government Network
  - Professor Tony Travers, London School of Economics and Political Science
  - Dianna Neal, Head of Economy, Culture and Culture
  - Professor Martin Dole, Professor of Further Education & Skills, University College London (Institute of Education).
- 1.16 Evidence for this review was gathered during four commission meetings and through carrying out desk research. The Commission received reports from a number of representatives from various national bodies and think tanks that have been involved in devolution or who have contributed to the devolution discussions at a pan London and national level. For brevity we will not repeat that information here, but it can be found with the agendas for [March 2016](#); [June 2016](#); [September 2016](#) and [November 2016](#). In this report we draw out the main themes from our findings and the basis for our recommendations.

## **2. SUMMARY, RECOMMENDATIONS AND OUTCOMES**

### **Summary**

- 2.1 Local services are vital to quality of life in any place and are fundamental to a strong business environment yet they are under pressure as never before. Devolving control may mean councils will be able to remove duplication, align services, get better results and save money. Our review highlighted the key issues related to resources, power, accountability structures and public engagement that this raises.
- 2.2 Particularly at a time of constrained budgets, localities need the freedom to radically reform and improve public services if they are to put them on a sustainable footing and offer opportunities to everyone in their communities. Linking policies for economic growth to those for service reform should enable councils to be in position to develop their local economy and get more people into jobs. Whilst being clear that the growth of a local economy does not always lead to local jobs, to work towards the Government's policy vision will require the freedom to invest in the local economy to drive growth. To enable economies to be competitive the existing centralized funding models need to change so that cities can invest in their economies to maximize their growth potential. To simply devolve responsibility with no fiscal devolution will not produce the results or outcomes envisioned.
- 2.3 A fundamental question in the review was the implications of devolution for Hackney. The absence of a detailed plan for London and the uncertainty from the Treasury about the areas that would be devolved in terms of responsibilities, budget and the complexities around accountability configurations has meant that Hackney Council has not yet been able to develop a holistic plan. The Commission believes in spite of these ambiguities it is important for the Council to develop a plan which considers its general approach to services, and develops a set of principles that capture Hackney's aspirations.

### ***Decentralisation***

- 2.4 Academics and think-tanks have argued that decentralisation could boost economic growth, better reflect differences in local identities and preferences, and allow more local variation and innovation in public services. To enable true freedom in how resources are used locally the solution is seen to involve the devolution of financial accountability too.
- 2.5 There is strong pressure from communities and local politicians for increased control over the way their areas are governed and fiscal devolution with decentralisation will enable local politicians to drive their local economy and better direct growth. However Westminster's politicians are frustrated that weak local accountability leaves them taking the blame for failings in policy areas over which they have little direct control. But in an historic move, London and England's largest cities have united to call for decentralisation with greater financial freedoms (fiscal devolution).

- 2.6 Many UK governments have come to power committed to devolving political power and control. While all parties have been good at making commitments to devolve power, governments have found it hard to implement decentralising reforms in practice. The devolution proposals are another attempt to decentralise the powers that both the communities and local politicians have pressed for.

### ***Devolution for London***

- 2.7 Current devolved powers to London's government have given control over the capital's strategic planning, policing, fire service, most aspects of transport in London and economic development. London is seeking further devolution to better shape and guide public service reform with greater flexibility and power over local spend.
- 2.8 During our evidence sessions we heard that devolution for London looks more likely to be regional for economies of scale. The Commission agrees that power should be exercised at the lowest level possible. However, this should be contingent upon the ability of the devolved body to exercise those powers effectively. The Commission is of the view powers should not be devolved based solely on a regional basis or because it can be - power should take into consideration economies of scale and should be devolved on the principles of subsidiarity and in a manner that ensures clarity to assist public understanding of where responsibility lies.
- 2.9 The Commission is of the view a decision should be based on political and economic ground at the appropriate level – a balance of subsidiarity and scale.

### ***Devolution for Hackney***

- 2.10 At the time of this review there was no clarity for councils on what the Treasury and Government would devolve to London. During this review the Commission was made aware that the fluidity of these discussions and the uncertainty of the commitment to London was hindering the development of council plans for devolution for London.
- 2.11 The review identified that the Council had not developed a set of principles covering the costs and benefits of devolution to Hackney. Hackney Council did not provide details of a holistic plan or their approach to devolution across the board. The ambiguity of discussions and proposals had impacted on the Council's ability to develop overarching plans for devolution in relation to impacted services. Nevertheless the Commission is of the view that having a set of principles would provide a guide for the Council in negotiations for devolution discussions.
- 2.12 Hackney advised the challenge was that neither the partnerships nor the geographies were obvious and that they were likely to be very different for each area of devolution proposed for London. This means the council need to remain open to working in different geographies. The different areas of devolution may require councils to form different partnerships.

## **Health**

- 2.13 As the Commission commenced this review London received agreement from the Government to conduct health and social care integration pilots. [LB Hackney's bid was approved as a pilot scheme.]
- 2.14 The profound barriers to the rational system of provision of care to older people and the entirely different funding regime for local government and the NHS have proved challenging to the implementation of integrated services in practice. To successfully achieve the integration visualised would require breaking down organisational barriers created by the entirely different funding regime and accountability arrangements for local government and the NHS.

## **Skills and Employment**

- 2.15 The Government has been conducting a review of the Further Education (FE) system and devolution of skills funding. The skills system is viewed as complex and a significant challenge for employers and learners to navigate. It is thought that devolution of skills commissioning and provision will help bridge the skills gap in London.
- 2.16 A key area for improvement identified was for a shared sense of purpose and an understanding of what the system is there to achieve. The review highlighted the need to understand if the FE system should (a) boost economic growth (employers), (b) produce social good (learners) or (c) do both? To date there seems to be a lack of clarity on who the skills system is for - students or employers - and devolution could present the opportunity to provide clarity on the purpose of the skills system.

## **Accountability and Governance**

- 2.17 Devolution is being presented as positive for local communities. The devolving and of decentralising power could enable local people to make decisions in local areas, providing better public services and a stronger society.
- 2.18 London's boroughs need to be at the heart of shaping the capital's economic and fiscal future and a pan London devolution deal is likely to mean the loss of the current centre to local relationships. Even with elected Mayors for combined authorities there is a fundamental challenge in relation to who would hold whom to account. An LGIU engagement event on devolution raised accountability and adequate scrutiny as significant issues.
- 2.19 It is clear London devolution will require partnership working with other London boroughs and an agreement between the Mayor of London and the London boroughs. London's local authorities will need to consider new ways of working with other boroughs (sub-regional basis), partners and have a different working relationship with the Mayor of London, GLA and central Government. This review highlighted that London's boroughs have worked collaboratively before but for devolution there will need to be a formal structure.
- 2.20 Indications from Government show they are more comfortable with accountability as a regional body. It is anticipated that they will use London's

regional structure to provide the Mayor and GLA with more powers. We found no evidence to support the transfer of the current accountability structures into a new system.

### ***Public involvement in devolution***

- 2.21 The process and systems of devolution need to be visible and accountable to its citizens. One of the aims from this review was to give local Councillors a better understanding of the devolution plans, the discussions at a pan London level, the proposals for London and the impact of this at a borough level. The Commission has found that the bespoke nature of each devolution deal has meant there are no set objectives or defined measureable outcomes. This has left local areas calling for government departments to take a consistent approach to devolution and define how success will be measured and what successful outcomes look like.
- 2.22 The current approach to devolution lacks clear objectives and a road map of where it is heading. There needs to be clarity about the governance, accountability, principles and the expected outcomes from devolution. It is important that councils clearly define the outcome they wish to achieve from this process. The Commission urges the vision and proposals for the devolution deals to be debated at a local level and for the decision makers to seek the views of the local population to enable the development of the right principles for devolution negotiations.
- 2.23 The Commission also concluded that to find solutions that enabled London's citizens to hold the decision makers to account needed to involve the public. For this reason public engagement and involvement in the devolution process should be considered.
- 2.24 Devolution (the decentralising of power) will require co-ordination of effort. Co-ordination is needed between at least three main groups - national politicians, local politicians and, of course, the public. These groups must either support or agree to the reforms to ensure its success.

## **Recommendations**

The Commission makes the following recommendations, the findings for which are presented in Section 6 of the report:

### ***Recommendation One***

The Commission believes the Government has not provided clarity about the services and areas that will be devolved and recognises that discussions about devolution for London are very fluid and that the Council will need to be agile in its approach. In spite of these very practical challenges Hackney Council could not explain its approach to devolution across the board or the key principles by which it will enter into discussions to influence and shape proposals. The review highlighted the absence of a coherent approach and detailed plan.

**The Commission wishes to see the Council's plan for devolution that will guide its response to devolution discussions and its priorities for advanced areas of devolution like health and skills.**

### ***Recommendation Two***

The Commission understands the lack of clarity from Government is hindering the progress of devolution. The Commission recognises the Council needs to respond in an agile way due to: the fluidity of discussion, variable geographies and proposals being agreed ad-hoc. However, it is important for the Council to have a holistic plan with a set of principles that provided a framework whilst still enabling the Council to respond as required. The Commission is of the view the principles should cover areas such as influence; protection from financial burden; taking proposals out for public debate at the earliest opportunity; accessible and simple structures for the public to navigate; openness to variable geographies, and finding the most appropriate partner.

**The Commission recommends the Council develops a set of key principles that sits alongside its plan, in order to provide a framework for devolution discussions across devolution areas.**

### ***Recommendation Three***

The Commission was of the view that taking the proposals out for debate would create person-centred services that could be co-produced with local residents. The way to achieve this would be engaging with the voluntary and community sector in devolution discussions at a local level. This would enable devolution to be seen as less technocratic and more accessible to the people, ensuring public accountability through effective community engagement.

**The Commission recommends the Council when practically possible takes the devolution proposals or proposed changes out for public engagement to enable the local citizens to shape the service provision.**

### ***Recommendation Four***

The Commission has identified that as powers are devolved it is not clear which accountability structures will be used and how Hackney residents would be able to hold relevant people, departments and organisations to account.

**For governance and accountability, the Commission recommends the Council explores with devolution partners the possibility of setting-up of a local public account committee or equivalent accountability structure of devolution of local services.**



### **3. FINANCIAL COMMENTS**

- 3.1. Devolution could create opportunities for the generation of new revenue streams and expanding existing streams but it could also expose council budgets to additional financial pressures. It is essential therefore, that the Council is well placed to determine the financial risks of any potentially devolved responsibility and to take all steps possible to ensure that it is matched by a sustainable and adequate funding.
- 3.2 This is always the risk that Government will devolve a function but then leave local authorities to almost fend for themselves. In 2013/14, for example, the Government devolved the responsibility for the design of and operation of Council Tax Support to local government but since then has significantly reduced the amount of resources available to fund this responsibility. It is essential therefore that any devolution of responsibility brings with it an appropriate devolution of fiscal responsibility and flexibility.
- 3.3 We also need to ensure that we have the ability to manage and share financial risk with other local public service partners in order to mitigate the financial risks going forward to the Council and to achieve savings from devolved responsibilities. The development of governance arrangements will be key here not only covering the set up and resourcing of a devolved responsibility but also how decisions makers will be held to account and scrutinised by tax-payers and other interested parties.
- 3.4 We must also ensure that we are well placed to take part in any pan London wide discussions and negotiations, where London Government (i.e. the boroughs and the GLA) allocate out funding from Central Government for a devolved responsibility. The form and structure of Governance arrangements will again be key and we must ensure that in the development phase, the Council's views are well represented in any discussions between the boroughs, Government and the GLA.
- 3.5 Hackney's health pilot is in the process of establishing a ring fenced budget across health and social care for 2017/18 and the pilot is providing the opportunity for us to experience how to work with partners to make collective decisions within a financial envelope and how best to collectively manage financial risk. The experience gained here may prove very valuable in managing the introduction and implementation of any further devolved services.
- 3.6 Any devolution proposal must be fully scrutinised to determine all of the financial implications both positive and negative, as even proposals that appear to be attractive in the medium and long term can have negative short term repercussions. An example here is 100% business rates retention (BRR). Whilst Hackney may well benefit in the medium and long term from 100% BRR, we could be potentially worse off in the short term. Firstly, in order to ensure that the financial impact of 100% BRR is financially neutral in totality,

local government will inherit financial responsibilities from Government (the responsibility for the payment of public health grant for example) and secondly, the Council will still need external funding from central government to retain a sustainable 'Settlement' funding stream (business rates plus external funding). Our external funding will in part depend on our assessed needs and it is quite possible that when the Government reassesses local needs as part of its Fair Funding Review – a precursor to the introduction of 100% BRR, that our relative needs assessment will reduce, which in turn could reduce our overall 'Settlement' funding envelope. We will not know how we will be affected though until Fair Funding and 100% BRR financial modelling is published by Government. This raises a further major issue with short term financial devolution as discussed below.

- 3.7 100% BRR was due to be enabled by the 2016/17 Local Government Finance Bill. This Bill did not reach a third reading before the general election was called and so it was withdrawn. In the Queen's speech, the Government listed 27 Bills that it would take through Parliament in the next two years but the 2016/17 Local Government Finance Bill was not one of them, which casts serious doubts on the plan to introduce 100% BRR in 2019/20. It seems likely that the Government will want to press ahead on the Fair Funding review – which does not require primary legislation – but we do not know the Government's views on the priority and direction of travel for broader funding reforms, and on business rate retention in particular. It is worth noting that CLG officials have stated that they could move towards 100% BRR within the existing legal framework but whether they do or not will depend on whether the Government intends to introduce the full set of 100% BRR proposals, as set out in the 2016/17 Bill during this Parliament. We await clarification from Ministers
- 3.7 Another possible casualty of the withdrawal of the 2016/17 Local Government Finance Bill is the proposed London 2018/19 100% Business Rates and Pooling scheme. Currently 67% of business rates are devolved to London and so it may be possible to include the boroughs in the arrangement and move towards 100%. Again we wait for clarification from Ministers on this and again this will depend on whether the Government is committed to introducing full 100% BRR during this Parliament.
- 3.8 More generally, any other devolution proposal which requires primary legislation and is not included in the 27 Queen's Speech Bills, may not progress very far, at least in legislative terms, in the next two years.
- 3.9 The absence of a detailed plan for London and the uncertainty from the Treasury about the areas that would be devolved in terms of responsibilities and budget, means that it is not possible to estimate even in the most broad terms the financial implications of devolution in Hackney. Even costing the recommendations in this report such as the cost of administering public engagement to enable the local citizens to shape the service provision, and any costs of setting-up a local public account committee or equivalent accountability structure of devolution of local services, cannot be made at this stage.

- 3.10 All we can say is that any proposed devolution is likely to have financial costs and benefits (direct cost reductions, economies of scale and increased growth etc.) and that we need to be in a position to accurately determine these and have mechanisms set up to enable us to be actively involved in any subsequent discussions and negotiations.

#### **4. LEGAL COMMENTS**

- 4.1. The Local Democracy, Economic Development and Construction Act 2009 as amended by the Cities and Local Government Devolution Act 2016, enables public body functions to be devolved to combined authorities outside London through regulations.
- 4.2. In London, new legislation would be needed to further devolve central government functions to local authorities.
- 4.3. Any devolution of central government functions to local authorities in London is likely to be as a result of a devolution agreement with central government, as with the devolution of such functions to combined authorities outside London.
- 4.4. The HM Treasury, Mayor of London, London Councils and Department of Communities and Local Government signed a Memorandum of Understanding on Further Devolution to London this year – see section 5.5 of this report.
- 4.5. With regard to recommendation four on the possibility of a joint committee with devolution partners, section 102 of the Local Government Act 1972 permits two or more local authorities to appoint a joint committee of those authorities so long as it is not a function that the law requires to be discharged by a specified committee (LGA 1972, s. 101(5)). The number of members of the joint committee, their term of office (which must not extend beyond their term of office with the appointing authority) and the area within which the joint committee shall exercise its authority must be fixed by the appointing authorities; the membership may include persons who are not members of the appointing authorities (so long as they are not disqualified from membership). The creation of such a joint committee will require amendments to the Council's constitution requiring a decision of full Council.

## **5. FINDINGS**

### **5.1 Background**

Devolution has been the subject of political debate for UK parties of all political persuasions for over a century. All parties have been good at making commitments to devolve power, however governments have found it hard to implement decentralising reforms in practice. There are strong views over whether equality is best achieved by exercising power at the centre or through the development of strong regional and local institutions. There has been significant pressure for this since the 1970s. During the 2000s for example, the Lyons review proposed a 'place-based' approach to local government with joined up services and an emphasis on prevention. The dismantling of regional governance structures from 2010 has led to the pursuit of localism, a key democratic governance mechanism to address the perceived democratic deficit arising from the changing configuration of public institutions.

- 5.1.1 Recent governments have attempted to decentralise power in the UK. But while huge changes have occurred – particularly in Scotland, Wales and North Ireland and to some degree London – until recently, progress in the rest of England has been limited. However this is changing because the Government has been agreeing devolution deals with various English regions and there are Mayoral elections planned for 2017 in some UK cities and city regions.
- 5.1.2 There have been a number of recent legislation changes and programmes of work that have moved the agenda of devolution forward:
- The Localism Act 2011
  - The Cities and Local Government Devolution Act 2016.
- 5.1.3 Devolution is seen as an important basis by which to overcome the alienation many feel as a result of decisions being made by distant authorities and organisations. Devolution is very different to decentralisation. Devolution is about power and the freedom to use resources as required to meet local need.
- 5.1.4 Since devolution commenced, in 2016 there were a number of changes to the current political landscape. There was a new Mayor for London, a new Prime Minister and new Chancellor of the Exchequer (and in 2017 after the end of this review there was a General Election). It should also be noted that since the 2010 election, the Government has been focused on tackling the deficit as a priority, and that as a result spending reductions play a major part in the progress of devolution.
- 5.1.5 Devolution for English councils will require institutional change. Change in how government departments act with local government and how local government interacts with the local community. Devolution will require organisations to look at their knowledge, attitudes and skills of the workforce to ensure it can understand, appreciate and respect the requirements of the different parts of the community (culture, ethnicity, behaviours to name a few).

## **5.2 What is Devolution, current position and the process**

- 5.2.1 Devolution is the statutory granting of powers from central government to government at a sub national level. Devolution is often based on the Principle of Subsidiarity, the process by which legal powers and accountability are moved to the closest possible level to citizens and service users while maximising efficiency and effectiveness. Devolution can be driven by a number of different motives, subsidiarity is the principle we support.
- 5.2.2 Decentralisation is a more limited form of devolution. Devolution is devolving the powers to territories to make legislation relevant to their area. Put simply, Parliament gives added powers for service provision in fields such as education or health to cities or local authorities.
- 5.2.3 Localism, City Deals, Community Budgets and the partial localisation of business rates in England all point towards a growing desire of local control over how money is spent. In the summer of 2014 the Chancellor of the Exchequer signalled the start of the devolution programme aimed at devolving powers to cities in the north of England. The aim at that stage was to stimulate growth and productivity and tackle the north south divide.
- 5.2.4 The Localism Act 2011 contained some measures of devolution. The Localism Act sets out a series of measures with the potential to achieve a substantial shift in power away from central government and towards local people. This included: new freedoms and flexibilities for local government; new rights and powers for communities and individuals; reform to make the planning system more democratic and more effective, and reform to ensure that decisions about housing are taken locally. The rationale was that devolving control would enable councils to remove duplication, align services to get better results and save money.
- 5.2.5 The Cities and Local Government Devolution Act 2016 established a new legal framework for devolution and provided new powers for the Secretary of State, by order, to devolve to a combined authority a central government function and confer on a combined authority any function of a public authority. The 2016 Act also enables there to be strengthened accountability and governance for combined authorities, through enhanced overview and scrutiny arrangements and through new powers to establish, by order, the position of elected mayor. The Government has proposed devolution for those areas that choose to adopt the model of an elected Mayor. In 2017 there will elections for new city –regional mayors in several areas of England outside of London.
- 5.2.6 Devolution deals have been closed discussions between the Treasury and leaders of the city regions, with no opportunities for expression of the wishes of local citizens. Even council leaders have been the weaker party in negotiations. London was left at the margins of the broader discussion around devolution, which initially focused on narrowing the north/south economic divide.

- 5.2.7 Most of the deals announced so far involve some form of Cabinet made up of the partner authorities. The governance structures set up require a two-thirds in favour vote for major change. To date no powers will be taken away from individual local authorities without agreement. The bespoke nature of the deals has highlighted concerns about the ability to measure success. Local areas have expressed a desire for central government departments to take a more consistent approach to devolution.
- 5.2.8 Most other countries have more tax revenues available to them. By comparison to its international peers, the UK system is one of the most centralised of all countries in the Organisation for Economic Co-operation and Development (OECD) and the taxes set locally are equivalent to 1.7% of GDP. English local government also has limited powers to raise, retain and spend money locally.<sup>1</sup> To date for English local government resources, targets and outcomes have been largely driven from central government.
- 5.2.9 After the referendum on Scottish independence in 2014, much attention focused on the prospects for devolution of power and additional funding to local areas in England. The Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly and the Greater London Authority already have some devolved powers. Currently Scotland, Wales and Northern Ireland have control of:
- health and social care
  - education and training
  - local government and housing
  - agriculture, forestry and fisheries
  - the environment and planning
  - tourism, sport and heritage
  - economic development and internal transport.
- 5.2.10 Scotland and Wales have been offered a more radical package of devolved tax powers, including the control of part of income tax, while proposals have been made for Northern Ireland to vary corporation tax rates.
- 5.2.11 However for English authorities Parliament in Westminster remains in control of:
- the constitution
  - international relations and defence
  - national security
  - nationality and immigration
  - nuclear energy
  - broadcasting
  - the UK tax system.

### **5.3 Importance of Devolution**

- 5.3.1 Devolution is aimed at giving local people more of a say in how their community develops which in turn is aimed at giving them a greater stake in

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<sup>1</sup> Devolution in England: the case for local government CLGC report 30 June 2014

the outcomes achieved to be a catalyst for self-reliance and help to build resilience.

5.3.2 Many academics and think-tanks argue that decentralisation of power - now fiscal devolution of resources - could boost economic growth; better reflect differences in local identities and preferences; and allow more local variation and innovation in public services. Therefore the drivers for devolution are:

- *Service management* – a fix to fragmented services, the benefits of seamless services (e.g. hospital / adult social care)
- *Economic growth* - there is the view devolution will provide opportunities for economic growth, innovation, employer engagement and integration of public services.
- *Place shaping* – communities’ desire to influence their physical, social and economic environment
- *Political* – the feeling of alienation by communities that Westminster’s policies and decisions fail to address local need
- *Local economy* – the need to build local economies that address local needs (e.g. the link between skill provision and local employers).
- *Cost saving* – where there are budget pressures on local services, devolution can be the basis for integration across authorities that may enable service levels to be maintained and enhanced while saving costs.

Institute for Government <sup>2</sup>



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<sup>2</sup> Institute for Government: *Skills devolution: our findings, and a framework to assist decision-making* (Pg 16)

5.3.3 In this review it was made clear that devolution should be viewed as a process not a single event and that decentralisation alone is not a panacea. It must be followed by resource and capacity. The local positioning of power will enable communities to challenge decision makers and provide a better opportunity for the local community to place-shape.

## **5.4 Decentralisation and Fiscal devolution**

5.4.1 It has been noted that a number of UK governments have come to power committed to devolving political power and control. While all parties have been good at making commitments to devolve power, governments have found it hard to implement decentralising reforms in practice. This programme of devolution is another attempt to decentralise the powers that both the communities and local politicians have pressed for. In an historic move, London and England's largest cities have united to call for decentralisation with greater financial freedoms (fiscal devolution).

5.4.2 Decentralisation can take many forms. Decentralisation can be political – the decentralisation of authority and democratic accountability or the devolution of power to individual citizens or professions to allow more individual choice. At various times in recent decades there has been different emphases placed on both the objects of decentralisation and the recipients of the decentralised power.

5.4.3 There are strong pressures from communities and local politicians for increased control over the way their areas are governed. It is argued that with local control they could do more, or better with greater influence over the decisions in their areas. This particularly becomes prominent at the time when national decisions are viewed to be adversely affecting their areas, or if negotiations with central government are considered to be excessively burdensome and bureaucratic. Notwithstanding without powerful and accountable local government, it is ministers and Whitehall who bear the brunt of the blame for local failures. This has left Westminster's politicians frustrated that weak local accountability leaves them taking the blame for failings over which they have little direct control. So it is inevitable that because of the very nature of devolution, the Government will want to monitor and ensure the effective use of power and that it is used within its mandate. Government will also want to be prepared to revoke the devolved level of government at any time.

5.4.4 There has been decentralisation that has given with one hand but taken away with another. An example of this is the current education reforms. While free schools and academies may offer greater freedom and flexibility, the primary role in setting the rules has been drawn upwards from local authorities. What looks like decentralisation of one kind is also centralising on the other, removing citizens' ability to set priorities through local democratic structures. This type of decentralisation can be compatible with increased local (and individual) choice, however they also tend to be less responsive to differences in local community preferences. Similarly, public service innovations that decentralise power to individuals, such as personal budgeting, can lead to highly personalised services but they may be



disconnected from local democratic control. The postcode lottery for services make this even more challenging.

- 5.4.5 For London's devolution it is still unclear where the power will lie or who the recipients (regional or local) of power will be. Based on past experience it is likely to be large institutions with geographical coverage for economies of scale. For London boroughs this could mean the removal of local democratic accountability. If this materialises it will be important that the structures created allow local citizens to hold the decision makers to account.
- 5.4.6 In practice, devolution measures have been modest (and in some cases, such as education, powers have been recentralised) and in the form of decentralisation rather than true devolution. Initiatives to decentralise have been Regional Development Agencies, Local Enterprise Partnerships, health devolution pilots and skills (devolution of adult education budget and Work and Health Programme). More recent reforms in health (formation of Clinical Commissioning Groups) and education policy have reorganised structures with the stated aim of giving professions more control and room for manoeuvre.
- 5.4.7 There is the view devolution will provide opportunities for economic growth, innovation, employer engagement and integration of public services. Central to the government's plans for driving economic growth has been Local Enterprise Partnerships (LEPs). In the last 6 years 39 LEPs have been set up. LEPs are business-led partnerships between the private sector and local authorities, and are intended to steer local growth in local communities. LEPs were set up with aim of giving business leaders the potential to influence decisions on how public money is used in the development of the local economy.
- 5.4.8 The Mayor of London is the Chair of London's LEP. London's LEP submitted a bid for London and secured £236m from the Government as part of the first round of Local Growth Deals. London's growth plan at the time, aimed to support jobs and growth in the capital, including in key new sectors such as the digital economy. The investment would seek to ensure the capital's businesses and individuals have the skills and opportunities they need to succeed and to build a strong and sustainable economy. This vision is set to be delivered across London's 32 boroughs and the City, through solid investment in education and skills.
- 5.4.9 Devolution is being driven at a time when the fiscal environment is most challenging and at a time when the Government was strongly committed to a deficit reduction strategy - the aim being to see the nation's books balanced by the end of the decade. In addition, the current government has proposed reforms to local government grants, this will see local government receive a lower proportion of its revenue from central government. This is also being combined with the move to fund local services largely from Council tax and retained local rate income. These changes could potentially impact on the provision of council services. In this review the Commission was exploring the Council's plans, preparations and assessment of impact of this very significant policy change.

- 5.4.10 The government has taken steps towards the re-localisation of business rates (movement towards 100% retention by English local government) but this will still be subject to a complex equalisation funding formula. Despite this progress there have been strong calls for greater financial and fiscal devolution from central government to local government. The key aim being better joined up and integrated services locally to achieve better outcomes with less spending across the system.
- 5.4.11 The London Finance Commission (LFC) initially set up by the Mayor of London in 2013 recommended the devolution of the following taxes: business rates, council tax, stamp duty and property related capital gains tax, to London's government<sup>3</sup>. Following the outcome of the EU referendum the Mayor of London (Sadiq Khan) re-convened the London Finance Commission to assess the powers London needs to manage this uncertainty. The second report by LFC argues that by giving London's government greater power over the tax base and public services, the capital's leaders would be provided with a stronger incentive to develop the economy and be provided with opportunities to reform public services. This, it argues, would ensure London attracts international investment which would otherwise go elsewhere in the world - sustaining the city's attractiveness.
- 5.4.12 None of the tax raising powers proposed by the LFC have been taken forward by government (notwithstanding the move towards 100% business rates retention) and revenue raising remains overwhelmingly determined by central government. The business rates revaluation has increased business rates in Hackney by 46% and this increase is one of the highest in London. There is the potential that if the 100% business rates retention does not have a fair distribution system it could impact on the local economy and the Council's revenue, particularly if Hackney is unable to maintain or attract new businesses into the borough because of the severity of the current revaluation proposals. Its diverse small business economy could also be at significant risk. In a letter to the then Chancellor of the Exchequer Phillip Hammond MP, Cllr Nicholson stated
- 'It is becoming clearer that Hackney's economic growth in the new creative sectors and the future of our local traditional businesses are now seriously undermined by the disproportionate severity of the current revaluation proposals. All are now at risk of sliding into stagnation, forcing relocation instead of expansion, and replacing job creation and thriving business clusters with unemployment and empty buildings. Alongside the increased rates is the current economic uncertainty surrounding Britain's exit from the EU, already making planning for the future difficult for many businesses.'*
- 5.4.13 With cuts to local government grants and the move towards funding services from locally retained income this is likely to have differential impacts in London.

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<sup>3</sup> London's Government refers to GLA Comprising of the Mayor of London, London Assembly and 33 London Boroughs together.

- 5.4.14 Even though relaxation of central Government's control over spending programmes can be a component of fiscal devolution, on its own it is not fiscal devolution. True fiscal devolution would involve handing to local authorities the power to raise money through a range of existing and new taxes and charges; some responsibility for setting those taxes; and the facility to borrow.
- 5.4.15 Therefore it is considered that to deliver economic growth means retaining local resources to fund services and to invest in the local economy. Both of these enablers require significant financial decentralisation and devolution. Local authorities will need the ability to manage and share financial risk with other local public service partners to achieve savings. Successful devolution needs fiscal devolution too not just a transfer of power and/or responsibility. Therefore a consequence of fiscal devolution must be greater local decision-making on how the money raised locally is spent. In the absence of revenue raising power, devolution can only be partial and the exercise of local decision making would remain subject to central government direction.
- 5.4.16 The Government has recently given further impetus to devolution for London by offering new powers to combined authorities with Mayors. Greater Manchester is the first City to benefit from extra powers, with an elected Mayor to cover the whole of the Greater Manchester region - which takes in several council areas. The City of Manchester was the first local authority to take control of its transport budget, a housing fund, strategic planning and NHS spending. Since then the Government's Cities and Local Growth unit has negotiated 12 bespoke devolution deals in England including extended devolved areas to the City of Manchester. The powers being offered to combined authorities exceed those given to London's government. In response, the GLA and London Councils produced a proposal for devolution for London, including health and skills.

## **5.5 Devolution for London**

- 5.5.1 The London wide government commenced in 2000. Devolved powers to London's government gave control over the capital's strategic planning, policing, fire service, most aspects of transport in London and economic development.
- 5.5.2 London Councils and London Borough Leaders have over recent years been driving a programme in pursuit of devolution and reform of public services for London, with London boroughs working in close consultation with the Mayor of London and the GLA.
- 5.5.3 The London Proposition document was produced in autumn 2015 (submitted to Government September 2015). [The London Proposition](#) document asked for devolution and public sector reform in the following areas (*details of the requests for each area can be found in the London proposition document*):
- Employment support
  - Skills
  - Health and social care
  - Financial devolution
  - Criminal justice devolution and reform.

5.5.4 The outcome of the EU referendum opened up the potential for an even more ambitious devolution deal for London. The Government invited London to agree a devolution deal in time for the 2016 autumn statement. Building on the government's commitments at Autumn Statement in 2016, the current progress of devolution as noted from Memorandum of Understanding on Further Devolution to London<sup>4</sup> to the Greater London Authority (GLA) and London boroughs is:

5.5.5 **Development and infrastructure** - the government invited Transport for London (TfL) to bring forward proposals for financing infrastructure projects from land value uplift. There will be further work to explore the options for piloting a Development Rights Auction Model (DRAM) on a mayor infrastructure project in London.

5.5.6 **Criminal justice system** - At the time of hearing the evidence for criminal justice London was asking for devolution of the management of rehabilitation contracts. To date the offer from Government in this area is to work with the Mayor, the Mayor's Office for Policing and Crime (MOPAC) and the boroughs to improve the quality of criminal justice service delivery and enable more effective criminal justice outcomes for London. They have also invited the GLA to identify the criminal justice services that can best be delivered locally to provide a better integrated delivery of services in London (where appropriate). The aim is to compliment, enhance and support the national reform programmes and develop a shared view of the benefits and better outcomes in London that could be delivered by the devolution of criminal justice services.

Hackney reported the government offered local government the ability to manage the courts system. Taking on this area of responsibility could prove costly to local authorities. The last time local government inherited a quasi-judicial service (licensing) it resulted in a cost burden to councils.

5.5.7 **Fiscal devolution** - The government is committed to delivering 100% business rates retention for local authorities in England by the end of this Parliament. From April 2017, the GLA will take on responsibility for funding TfL's investment grant. In return the government will allow London to retain a higher share of locally raised business rates, as part of moving towards 100% local retention.

The government will explore options for granting London government greater powers and flexibilities over the administration of business rates. This includes supporting the voluntary pooling of business rates within London, subject to appropriate governance structures being agreed.

5.5.8 **Transport** - In the area of transport the request was for further devolution of transport routes to Transport for London (TfL) and concession fares e.g. freedom pass. The government, GLA, TfL and London Councils are committed to improving London's transport infrastructure. There will be the development of a new statutory Mayor's Transport Strategy during 2017, setting out plans to transform conditions for walking, cycling and public

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<sup>4</sup> Memorandum of Understanding on Further Devolution to London (8 March 2017) – HM Treasury, Mayor of London, London Councils and Department of Communities and Local Government  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/597291/London-Devolution-MoU.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/597291/London-Devolution-MoU.pdf)

transport and unlocking opportunities for jobs and housing growth. A key area of work will be to address the congestion challenges in London, informed by consultation with businesses, local authorities and the government. The government commits to working further with London government to ensure it has the powers it needs to tackle congestion.

5.5.9 **Health** - The most advanced devolution request is health and social care. In December 2015, the government agreed the London Health and Care Devolution Agreement, which established five pilots as the first step towards improving health and care in London through integration and devolution.

The unique characteristics of social care and the NHS make devolution to a borough level more feasible than at a regional or pan London level. The health devolution pilots were awarded at borough level. The London health and care pilots set up cover the following:

- **Haringey** will run a prevention pilot exploring the use of flexibilities in existing planning and licensing powers to develop new approaches to public health issues;
- **North Central London (Barnet, Camden, Enfield, Haringey, and Islington)** will run an estates pilot to test new approaches to collaboration on asset use.
- **Lewisham** will run a pilot seeking to integrate physical and mental health services alongside social care;
- **Hackney** will run an integration pilot, aiming for full integration of health and social care budgets and joint provision of services. This will also have a particular focus on prevention.
- **Barking & Dagenham, Havering and Redbridge** aim to develop an Accountable Care Organisation, where primary and secondary care are more closely integrated and patient pathways are redesigned with a focus on intervening early and managing the chronically ill.

The government has committed to continuing to work with the Clinical Commissioning Groups, London boroughs, GLA, Public Health England and NHS England in London to make progress in the areas to be set out in the Memorandum of Understanding (MoU). The MoU will be agreed by June 2017 to support the process for collaborative working for health and care.

Hackney's Devolution Pilot has made huge strides in a short time and will go live on 1 April 2017. It involves the pooling of all possible health and social care budgets and the creation of a new Integrated Commissioning Board which will jointly commission the bulk of health and social care. A number of 'Devolution Asks' including control over local health and social care 'estates', have been submitted to government in order to make devolution work and at the time of this review a response was pending as per these requests.

5.5.10 **Skills** - Another devolution areas showing real opportunity is employment and skills. Although London is not a formal devolution area it was announced in March 2015 that the Mayor of London would get devolution of skills provision. Of the 38 bids submitted to government for devolution deals, 80% asked for greater powers over the skills system to help bridge the skills gap. From discussions at the time, it was anticipated London may get agreement to co-commission contracted services.

In the Autumn Statement 2016, the government announced that it will devolve the Adult Education Budget to London from 2019-20, subject to readiness conditions.

The government has also committed to continued working with the GLA and London Councils so that employers can take advantage of the opportunities offered by the apprenticeship levy and will explore options for greater local influence over careers services, with a view to better aligning skills provision and careers services with local needs and priorities.

A pan London review of all further education (FE) providers was conducted with the aim of consolidating service providers. An example of this locally is Hackney Community College merging with Tower Hamlets Community College. The aim of this exercise was for a more sustainable sector because many provider are in deficit. The work in this area is separate to the devolution requests. Following completions of the FE review the request is for funding for London to be devolved to 4 sub-regional partnerships by-passing the GLA. The aim is to join up business demand to the skills and give the regions the freedom to decide on the provision. If this request is granted it would be in shadow form in 2018/19 and then fully implemented in 2019/20. Early signs are the funding request is unlikely to go ahead in the form requested but through the Mayor of London and the GLA.

For the area of skills and employment Hackney has formally joined the regional group called Central Forward London.



#### 5.5.11 Central Forward London

The Central London Forward (CLF) partnership was established 10 years ago to champion the interests of central London's residents and businesses. Its current focus is on jobs, skills and growth in the context of discussions with Government on the potential for devolution to enable innovation in the delivery of public services to provide better outcomes for residents.

The CLF Board agreed in early 2016 to extend its existing partnership of 8 boroughs to include 4 associate boroughs: Haringey, Tower Hamlets, Hackney and Lewisham and to set up new governance for the purposes of employment and skills devolution. The partnership has governance arrangements that allow all boroughs to input into decisions and the policy direction at senior officer, Chief Executive and Leader / Mayor level.

In recent months CLF has worked to influence the Government's area based review of Further Education in the central London sub-region. This involved a framework for the rationalization of colleges, including specialisation, and an annual cycle for curriculum planning in collaboration with local authorities.

As part of the Growth Deal in 2014, the Government and CLF agreed to develop Working Capital as a precursor to further devolution. CLF is now engaged in the design and delivery of the new Work and Health Programme based on Working Capital.

CLF has undertaken to develop a new economic strategy with a framework to understand economic demand and employer need, drawing on local sectoral expertise. This includes the creation of Key Sector Panels focusing on Health and Social Care, Construction, Retail and Hospitality, and Emerging Sectors. The panels will consist of analysts, local authorities, groups of employers (HR Managers) and college curriculum planners and is tasked with setting out the skills needs, priorities and reforms that will meet the needs of employers. It is envisaged that the relationships created through these Panels will form the basis of future collaboration.

**5.5.12 Employment support** - One area of complex need for London is health and employment. The 2016 autumn statement announced the creation of a new Work and Health programme to be launch in 2017. The government announced that it will transfer the budget for the Work and Health Programme to London. London Councils (Representative group for all 32 London Boroughs) reported they have been in dialogue with Department of Works and Pensions (DWP) about the design and devolution of this programme. For the Work and Health programme London has been divided into 4 sub-regions. The aim is to get the boroughs to work together for economies of scale because people do not recognise borough boundaries.

In this area of work there is the request from London Councils to the Department of Works and Pensions (DWP) for co-location of job centres and co-commissioning - promoting the idea of local employment hubs - for the work programme contracted services. London Councils see this as a way to start integrating some of the employment services locally, to offer better and

co-ordinated job support. This would enable the implementation of a single front door with rapid access to multi-disciplinary employment support team – JCP and Local Authorities - giving support to the long term unemployed to get them back into work or to a better state of health and wellbeing. Our previous review *Delivering Public Services Whole Place Whole System Approach*<sup>5</sup> highlighted the need for better co-ordination of arrangements for employment and health support to the long term unemployed.

For this devolution area the government has committed to a new strategic dialogue with the GLA and London Councils on employment support. The strategic dialogue will explore options for closer and better alignment of services for customers in London, to better support people actively looking for work, as well as those moving towards the labour market who need different forms of training and support. It will also review the level of integration between employment services provided by central and local government in London.

The CLF partnership was in discussion to agree a deal on the Work and Health Programme. The proposals for the Health and Work Programme would cover:

- London, via its sub-regions, to lead the design, development, commissioning and management of the Work and Health Programme, working with DWP;
- DWP to lead the development of the national Work and Health programme and for there to be a core minimum policy and commercial design elements of the programme in London that is consistent with the national programme;
- Within this framework, sub-regions will design and procure the Work and Health programme, to reflect local priorities and to enable the alignment and integration of local services with the programme. This means there will be four separate programmes in London, operating within a national framework;
- DWP and London to explore how to set up joint governance arrangements for the programme and to work together to evaluate and share learning from the programme.

It was highlighted that if councils became responsible for the hard end of employment support (the work programme) there would need to be multiple borough arrangements to take on the level of risk this type of devolution would present.

**5.5.13 Housing** - The main request in relation to housing is for the retention of all right to buy receipts within London, so London would be able to use those receipts more flexibly. The other requests in this area for London were nullified by the Housing and Planning Bill. It is unlikely that housing would get devolved to a borough level.

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<sup>5</sup> [http://www.hackney.gov.uk/media/4360/Delivering-public-services-whole-place-whole-system-approach-final-report/pdf/Delivering\\_Public\\_Services\\_Review\\_Report\\_-\\_Final\\_](http://www.hackney.gov.uk/media/4360/Delivering-public-services-whole-place-whole-system-approach-final-report/pdf/Delivering_Public_Services_Review_Report_-_Final_)



## 5.6 Our Evidence

- 5.6.1 We held 3 panel discussion evidence sessions and heard from a number of representatives from various national bodies and think tanks that have been involved in devolution or contributed to devolution discussions.
- Ben Lucas, Metro Dynamics
  - Ed Hammond, Centre for Public Scrutiny
  - Jessica Stoddert, New Local Government Network
  - Professor Tony Travers, London School of Economics and Political Science
  - Dianna Neal, Head of Economy, Culture and Culture
  - Professor Martin Dole, Professor of Further Education & Skills, University College London (Institute of Education).
  - Councillor Jonathan McShane, Cabinet Member Health, social care and devolution
  - Tim Shields, Chief Executive London Borough of Hackney.

### Key findings on Health

- 5.6.2 The NHS in London is one of the most important aspects of public services and the performance of London's NHS is of key concern, particularly as the population in London is rising at an alarming rate and resources to the NHS are flat in real terms.
- 5.6.3 As the Commission commenced this review London received agreement from the Government to conduct health and social care integration pilots. LB Hackney's bid was approved as a pilot scheme.
- 5.6.4 The *London Health and Care Collaboration Agreement* and *London Health Devolution Agreement*, will pilot new ways of working across London's large and complex health economy with the longer term aim for further devolution of London's health and care to the London system. The agreement aims to radically reshape healthcare provision across the city in line with the aspirations of the NHS Five Year Forward plan (STP); in addition to keeping Londoners as healthy as possible and maximising value from health and care estate. Nevertheless it is not clear how far the Government is really willing to decentralise / devolve power of the NHS in London.
- 5.6.5 Hackney Council advised from their devolution work on the pilot, they have a number of ambitious requests for local power such as control over NHS estates. Devolution of NHS estates will allow better co-ordination and management of primary care estates, leading to better care for residents and alignment of services. The Hackney pilot is currently working up plans for how devolved estates would operate in practice. The vision entails devolution of NHS estates at a pan London level, then locally through business cases the Boroughs and CCGs could be given flexibility and freedoms.

#### Hackney Health Pilot

- 5.6.6 Hackney's health devolution business case aims to protect local resources. The work on Hackney's pilot is made simple because of Hackney's coterminous local health economy and Hackney is one of the few areas with

a sustainable local health economy. Hackney's devolution pilot has a focus on prevention and better use of local resources which goes against the usual practice. Our review highlighted that in the current climate of cuts the usual stance would be to cut back on prevention work. There is the argument that this would not be sensible because it would lead to more spend elsewhere within the system. The hope is the devolution work will highlight how local resources can be protected with dedicated focus.

- 5.6.7 Under the current legislative framework there are services that cannot form part of the integrated commissioning vision for health and social care due to accountability. The potential for joint working has been limited due to the scope of the section 75 framework where some 'aligned services' are excluded. Hackney's pilot will pool funds from April 2017 covering all the CCG budget, Public Health and Social Care budgets which are within scope and those services that can legally be pooled into a section 75 agreement.
- 5.6.8 Hackney's pilot is in the process of establishing a ring fenced budget across health and social care for 17/18. They are currently piloting this concept so that system leaders can experience how they will work together making collective decisions within a financial envelope after April 2017 and to help them consider how best to manage financial risk. Doing this will enable integrated commissioning from a single budget, reducing duplication and joining up services along pathways. This will enable improvements in care and service integration and maximum benefit to be gained from the Hackney pound. Having integrated commissioning would also ensure that the transaction costs of commissioning were kept to a minimum. In the meantime from April 2017 there will be an agreed clear financial framework in place outlining how the partners develop and manage the pooled fund each year – the framework is set to be agreed by the respective organisations of the Council and CCG.
- 5.6.9 It is the desire of Hackney Council and the local NHS services for City and Hackney to fully integrate CCG, social care and public health commissioning budgets. The profound barriers to the rationality of care to older people and the entirely different funding regime for local government and the NHS have proved challenging to the implementation of this in practice.
- 5.6.10 To successfully achieve the integration visualised, would require breaking down the barriers to the rationality of care to older people and the entirely different funding regime and accountability arrangements for local government and the NHS. Hackney's pilot has established a programme board to provide strategic direction and oversee the programme going forward. One of the Board's role will be to develop an explicit understanding of accountabilities. Hackney's pilot has highlighted the need for legislation changes to really achieve the vision for integration of health and social care services. Published papers by NHS England suggest their preferred option would be to explore arrangements that veer more on the side of delegation than formal devolution. But delegation arrangements can largely be achieved through existing mechanism such as Section 75s of the NHS Act 2006. Currently Hackney's health devolution pilot has established its governance arrangements using the section 75 framework.

## **Key findings on Skills & Employment / Education**

- 5.6.11 The Government has been conducting a review of the Further Education (FE) system and devolution of skills funding. This review seeks to rationalise FE provision to ensure the financial sustainability of colleges. In the governments of FE review Hackney is part of the central London area.
- 5.6.12 One of the key challenges cited by businesses is the skills shortage in London. It is thought that devolution of skills will help bridge the skills gap in London. Although London is not a formal devolution area it was announced in March 2015 that the Mayor of London would get devolution of the adult skills provision. In practice this would mean having the ability to restructure the further education system and training provision across London in order to provide a provision more in line with the needs of local employers. However, there are parts to the adult/FE education and skills system that are excluded from devolution discussions these are: apprenticeships, higher education and 16-18 education.
- 5.6.13 The incentives in the current adult skills system are perceived as discouraging a focus on local need. Most boroughs have a college provision but this does not mean it is providing education programmes exclusively for the local community it is based in. Currently courses are not being provided to meet the needs of the local economy because the current funding model for adult skills is learner driven. It is known for education and training people move across London in patterns that do not match borough boundaries. Traditionally courses or training provisions attract people from across borough boundaries. The Commission heard how Hackney's Brooke House (Bsix) College had submitted a proposal to remain a standalone sixth form with a reduced curriculum based on areas of highest student demand.
- 5.6.14 The skills system is viewed as complex and a significant challenge for employers and learners to navigate. This is compounded by the lack of high quality career advice. We heard how employer demand should be reconciled to the learner's needs however this would need to be an iterative process and not be led by the economy.
- 5.6.15 A key area for improvement identified was for a shared sense of purpose and an understanding of what the system is there to achieve. The review threw up the need to understand if the primary focus of the FE system should be (a) boost economic growth (employers), (b) produce social good (learners) or (c) do both? To date there seems to be a lack of clarity on who the skills system is for - students or employers - and devolution could present the opportunity to provide clarity on the purpose of the skills system.
- 5.6.16 The question to London in relation to skills devolution is, can London produce incentives to providers so that the skills provision for London covers the need? For this local colleges and the council will need to be responsive to the local labour market.
- 5.6.17 It was perceived that a pan London devolution deal is likely to mean the loss of the current centre to local relationships for FEs - currently local FEs have a direct relationships with Department of Education and Business, Innovation and Skills (BIS) skills funding. The Commission was urged to communicate in its devolution findings the need for local authorities to create a working

relationship with colleges and not a transactional relationship and for councils to consider the prospect of a joined up approach.

- 5.6.18 For skills and employment it was suggested the governance arrangement should be an effective Employment and Skills Boards looking at what the governance might be and the local levers they could use. This could be similar to the regional board set up that Hackney is a member of called Central London Forward.

## **Accountability structures**

- 5.6.19 Accountability and governance arrangements are crucial considerations in any approach to devolution. The Mayor, GLA and London Enterprise Panel (LEP) are seen as principal regional governance tier for devolution in London. In this review the Commission wanted to establish whether existing or new configurations were needed to ensure the devolved responsibilities were accountable to London's citizens.
- 5.6.20 We found no recommendations or proposals for appropriate governance structures for devolution in London. Moreover the report by the Public Accounts Committee *Cities and Local Growth*<sup>6</sup> expressed concern about insufficient scrutiny arrangements for local scrutiny of devolved functions and budgets. It cited "It is not yet clear whether there will be institutional scrutiny of devolution deals at a sub-national level, or what form this might take."<sup>7</sup>
- 5.6.21 In December 2014 the Government set out the standards of governance, transparency and decision-making that it expects from LEPs. However, the Government did not test whether LEPs were meeting the required standards before the first round of Growth Deals were paid out to them, and the National Audit Office's review showed there are significant gaps in LEPs' compliance with the standards expected.<sup>8</sup> However, the Federation of Small Businesses raised as a concern with the PAC that LEPs could be dominated by vested interests, and that there is insufficient involvement of the small business sector.
- 5.6.22 The PAC's report 'Devolution in England - governance, financial accountability and following the taxpayer pound' also stressed that the taxpayer should be able to understand who is spending their money, to what end and where responsibility lies if things go wrong. It also suggested that documents regarding devolved spending should be made publically available by central and local government.
- 5.6.23 For Greater Manchester it has been reported that the new elected Mayor will report to the scrutiny committee of the Greater Manchester Combined Authority, drawn from the "Scrutiny Pool" of 30 Councillors from the ten authorities.
- 5.6.24 Although London's system is unique whereby the boroughs have their own sovereignty and so does the Mayor of London and the Greater London

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<sup>6</sup> [Cities and local growth – Committee of Public Accounts 15<sup>th</sup> June 2016](#)

<sup>7</sup> [Cities and local growth – Committee of Public Accounts 15<sup>th</sup> June 2016, Page 15 para 23](#)

<sup>8</sup> C&AG's Report, *Local Enterprise Partnerships*, paras 3.14 to 3.17 and Figure 17

Assembly (GLA), London's system of accountability already has in place a Mayor and scrutiny system at the different tiers.

- 5.6.25 Currently London has a mixed bag of accountability structures. It is clear that the budgets that need to be co-ordinated (e.g. NHS, DWP and boroughs) are often under the control of different authorities, making accountability and governance in the system complex. This shows a need for urban governance structures but with arrangements that suit London as a whole. One possible solution floated to address scrutiny and public accountability for devolution of services was for local areas to set up a Public Accounts Committee (PAC) similar the House of Commons PAC and this committee would look very tightly at spend.
- 5.6.26 The primary aim of a PAC is to hold public services to account and investigate spend. London would need to identify the level for accountability, where the PAC should sit (regional or sub regional) and there would need to be a link between local scrutiny and GLA scrutiny.
- 5.6.27 In terms of an accountable body, CfPS defined this to be a person / persons or organisation that is responsible for the provision of public services. A public service is defined as largely or wholly being funded by public funds or services of a public nature. It is anticipated that the number of organisations under this criterion would be quite broad and the powers for a local PACs would need to be provided by legislation. Without legislation to set up a PAC there needs to be an agreement between councils and local partners. A PAC would not be the council's public accounts committee but the local area's public accounts committee. This would not be a fixture of the council but set up outside the council's structure. The different organisations that would fit the criteria for membership would have different accountability structures. Therefore it was likely to be difficult to get agreement to a PAC type arrangement without primary legislation. Local PACs only make sense if you have two things, fiscal devolution and a full understanding of the devolution context. The way the powers are balanced will be important and the arrangements will need some kind of sovereignty to have clear governance and accountability structure in place.
- 5.6.28 In our evidence the Commission was advised responsibilities can bring opportunities but it can also bring risks around delivery of services and connection with communities. If local government is going to push for changes that give them complete responsibility there will need to be: consistency, understanding and sharing of risk. Our witnesses informed even though boroughs have a sense of what they want to achieve with devolution, it has not been demonstrated that London can work collectively under regional arrangements. The Commission raised questions about the level of risk and queried if local authorities were fully aware of the risks they would be taking on if responsibilities were fully devolved. The House of Commons PAC made clear the devolution of services should not absolve central government of its responsibility and that the Government needs to ensure that devolved areas receive adequate funding to sustain them. There is a risk of leaving authorities with devolved responsibilities to fend for themselves - particularly health and social care – when local government is already heavily stretched and operating in a beleaguered sector.

- 5.6.29 The Society of London Treasurers reported that the sector's financial and political governance arrangements are not designed to manage the regional or sub regional management of pooled investment or the distribution of pooled income, for example from a growing business rates base. It pointed out that through prevailing arrangements local government had become 'expert' at governing decisions about expenditure and lobbying central government to mitigate risk.<sup>9</sup> Hackney's health devolution pilot also highlighted this challenge. For Hackney's pilot they have implemented a work around to develop a pooled budget and governance arrangements to enable the leaders to come together to make decisions, in the absence of a legislative framework.
- 5.6.30 Devolved functions at a pan London level will require the development of new forms of financial and political governance to manage and agree the distribution of resources across the city region. Therefore it is in the long-term interest of boroughs to contribute actively to the conception of pan London or regional governance arrangements. Any new set up has the potential to profoundly impact on the extent to which funding follows need and on the degree to which growth and other priorities are incentivised.
- 5.6.31 For fiscal devolution the London requests covered permissive powers to raise taxes and radical powers such as to setting VAT rates and the retention of right to buy housing receipts. For business rates, the request is for 100% retention of London's business rates within London and a fair funding principle. The requests are linked to the work of the LFC led by Professor Tony Travers using the recommendations previously reported. The request in this area is asking for the detachment of London's business rates from the rest of the country.
- 5.6.32 Given the diminishing resource position of most councils across the country and London Boroughs in particular, it is clear that the right package of financial devolution measures, incentives and powers could have a positive impact on the medium to long term financial health of the public sector.
- 5.6.33 The report by the Society of London Treasurers (SLT) supports fiscal devolution for London and recommended:
- '... that London Boroughs actively support implementation of the London Infrastructure Plan. They should use the process as an opportunity to define for themselves the sub-regional functional economic areas they believe makes most sense for them, their partners and London as a whole.'*<sup>10</sup>
- 5.6.34 The CLGC report *Devolution in England the case for local government*<sup>11</sup> supports the principle of fiscal devolution in England and call on the Government to work with local government to devise a fiscal devolution framework for local authorities. It also presents the argument that local authorities should have greater powers to raise, retain and spend money locally.

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<sup>9</sup> Society of London Treasurers

<sup>10</sup> Society of London treasurers report

<sup>11</sup> CLGC report *Devolution in England the case for local government*

- 5.6.35 When the Commission asked how the case might be made to Government for true fiscal devolution, emphasis was placed on Boroughs being able to bring forward solutions to Government as case examples that demonstrated what works for their local population. Presenting cases that bring solutions to the challenges like spiralling NHS costs that the Government is facing.
- 5.6.36 Even though relaxation of central Government's control over spending programmes can be a component of fiscal devolution, on its own it is not fiscal devolution. True fiscal devolution would involve handing to local authorities the power to raise money through a range of existing and new taxes and charges; some responsibility for setting those taxes; and the facility to borrow.

### **Public involvement**

- 5.6.37 There will always be the need for strong local political accountability for services. Local Government is more open and transparent than other centralised areas of government structure which can be seen as technocratic. There may be pressure on Government that tips the balance of decentralisation towards a more genuine devolution. Until then the question is, if the Government did devolve more powers to English Cities is there the possibility that the public can have a greater capacity to oversee the operation or even co-produce the devolved structures?
- 5.6.38 Public engagement should be part of the devolution process, but to date the difficulty with expanding public knowledge or engagement has been that devolution deals are being conducted in private and the government restricted any details of negotiations being shared. As negotiation is an inherent part of the process, this has made it hard to turn the process into a visible democratic process. Currently the opportunities for local government to engage the public is only at the start of the process.
- 5.6.39 The Government's timescales did not allow councils to conduct real public engagement over the summer of 2015. If conversations with local people were conducted at the start of the process councils could have asked residents for their views. Councils would have been able to use this information as the heart of their narrative for their bids to Government and would be in a strong negotiation position. To date the opportunity to involve local people has not been taken, primarily because of the speed of devolution discussions.
- 5.6.40 Public involvement in devolution was discussed at evidence sessions and it was agreed devolution proposals should be taken out for a wider public debate into places like schools and colleges, to obtain public buy-in into the process. The Commission was of the view taking the proposals out for debate would create person centred services that could be co-produced with local residents. Achieving this would involve engaging with the voluntary and community sector in devolution discussions at a local level. This would enable devolution to be seen as less technocratic and more accessible to the people, ensuring public accountability through effective community engagement.

- 5.6.41 There is an argument that people will engage and understand proposals if structures and activities are conducted at a borough level and what is of key importance to the public is access to decision makers so they can receive a hearing to enable them to influence or shape the decision made. The Commission was of the view, from their experience as local leaders that the public are not interested in devolution structures or processes but they are extremely interested in improving their lives and the area they live in. The view was people may be more willing to accept a decision that went against them if they have a hearing in front of the person/people who make the decisions, giving them the opportunity to put their points across.
- 5.6.42 Even though it's hard to make the initial part of the process transparent, once determined there could be an opportunity for the public to be involved in the process. One such option would be scrutiny. Scrutiny gives the public the opportunity to scrutinise the way the government works; where Councillors and the public can have a say in how the function operates.
- 5.6.43 If people have a strong sense of place it is easier to build a dialogue. In London this is particularly challenging because some people would describe themselves as a Londoner not as a resident of a particular borough. For the Commission one thing was certain, the views of citizens' and their involvement in the process could provide solutions and this would help to make the process tangible to local residents, combining vision and democracy.

## **5.7 Hackney**

- 5.7.1 At the time of this review there was no clarity for councils on what the Treasury and Government would give to London for devolution. In this review the Commission became aware that the fluidity of these discussion and the uncertainty of the commitment to London was hindering the development of council plans for devolution.
- 5.7.2 Hackney Council confirmed they had no holistic plan outlining their approach to devolution across the board and this was due to the continuing discussion. The ambiguity had impacted on the Council's ability to develop overarching plans for devolution of services. In spite of this the Commission wanted to clarify:
- What the Council is trying to combine?
  - Its views on public accountability.
  - What the Council aimed to get out of the devolution?
  - The Commission wanted to establish the Council's thinking in relation to how devolution for London would impact Hackney and if the Council had devised a set of principles to take into devolution negotiations (if devolution was reduced to a borough level) which represented Hackney's aspirations.
- 5.7.3 It was identified that the Council had not developed a set of principles covering the costs and benefits of devolution to Hackney. The Council advised its key priority was to ensure they were not given areas of responsibilities without resources.



- 5.7.4 It is clear that central to the devolution process is negotiations. The Commission also understands that the fluidity of the discussion make it challenging to set priorities. Nevertheless the Commission was of the view having a set of principles would help the Council in negotiations and in devolution discussions.
- 5.7.5 The Commission raised concern about the impact on Hackney services and asked the Council if it had identified key priorities, benefits and costs. It also queried if the Council had given consider to the form accountability should take. Of key concern was the changes devolution would make to services and the impact of this on citizen's engagement with services because devolution could make accountability of services more opaque. Hackney advised the challenge was that neither the partnerships nor the geographies were obvious and that they were likely to be very different for each area of devolution proposed for London.
- 5.7.6 Hackney's health devolution pilot had considered the governance arrangements required to achieve full integration of health and social care. The Commission noted in regards to the health devolution pilot – which unusually has been devolved to a borough level – the key challenge was working out governance configurations. It was concluded that to achieve the vision of truly integrated services would require legislation changes to establish sovereignty for integrated services. Hackney's pilot highlighted without legislation changes to enable all the organisations to pull services together, the vision for integration, accountable services and joint governance arrangements could not be achieved.
- 5.7.7 For Hackney's health pilot they were in support of public involvement. This was demonstrated in its membership of statutory and voluntary organisations as well as patient and public involvement. We were also informed the Council planned to run local community engagement events for the devolution pilot proposals.
- 5.7.8 Hackney advised there was an understandable desire in the process for everything to fit neatly in the same partnerships councils have always operated in but this may not be the case for devolution. For devolution it was important for the Council not to be parochial and to consider the bigger picture. Hackney Council told us the geographies around opportunities for devolution were very fluid and they needed to remain open to working in different geographies. The different areas of devolution may require councils to form different partnerships. A practical example of the very different geographies open to the Council was cited to be Employment and Skills. Hackney had been invited to join the Central Forward Partnership as their Board had agreed to extend their work on employment and skills to Haringey, Tower Hamlets, Lewisham and Hackney. At the same time Hackney was formally invited by the Mayor of Newham, Robin Wales and Leader of Waltham Forest Cllr Chris Robbins to join the Local London partnership. In January 2016 the Local London partnership was formally constituted with Barking and Dagenham, Enfield, Greenwich, Havering, Newham, Redbridge and Waltham Forest.

## **5.8 Implications**

- 5.8.1 Local communities want more of a say in how resources and the budget is spent locally. Some say, for example, that this could have been a contributory factor in the vote to leave the European Union. Devolution for England presents an opportunity to devolve power and resources closer to citizens. In this review we wanted to understand the implications of devolution to local people.
- 5.8.2 The benefits of devolution are well rehearsed and we also noted that devolution is expected to bring more democratic choice to the people to enable the institution (that are well informed about local needs, conditions and demands) to guarantee a more responsive and rational decision-making system. Devolution is being presented as positive for local communities and that by devolving and decentralising power this will enable local people to make decisions in local areas, which has been reported will create the conditions for sustainable growth, better public services and a stronger society.
- 5.8.3 There have been a number of reforms and attempts to decentralise power but many attempts to decentralise have not achieved the level of success or embedded the way they were visualised. This is thought to be linked to not having support from local politicians or the public and more importantly it is a result of the central institutions of Parliament and civil service resisting any significant loss of power.
- 5.8.4 The report by the Institute for Government pointed out in order to achieve success in this area there are a number of obstacles that will need to be overcome these are:

### Resistance from national government

1. National government lacks trust in sub-national government competence and accountability for failure.
2. Those leading decentralising reforms are often unsuccessful at persuading other departments or ministers to give away powers.
3. Sub-national government can (and will) be reorganised at the whim of the executive.
4. National government resists devolving power to authorities that do not operate at the right geographic scale.

### Resistance from local government

5. Taking powers from existing local politicians to give to a new sub-national government layer creates opposition.
6. Changing the boundaries of political units may jeopardise existing political composition and control.

### Resistance from the public

7. The public are concerned about politics, but generally lack interest in sub-national government reform and tend (when asked) towards the status quo.
8. People only support a new institution when it is clear that it will make a difference to them.

9. The public are generally sceptical of the value of more politicians.
10. Concerns over identity and control can be a barrier to change.<sup>12</sup>

- 5.8.5 Devolution will be wide ranging on whole communities therefore the Government will want to be certain that overall, devolution will bring about a change for the greater good. The impact of devolution will go further than just addressing the needs of people benefiting from a devolved Government. There will be other effects to all the parties involved in devolved Government at any level, from the cost and time involved in setting it up through to the way local authorities are run in devolved areas, not to mention accountability and scrutiny.
- 5.8.6 Experience shows where effective use of power has been demonstrated central government seems willing to extend further powers to bodies that have proved effective and accountable. The Scottish Parliament, was given additional tax-raising powers since 1999. There are examples of successful decentralisation of power such as the devolved structures in London, Scotland, Wales and Northern Ireland. It is considered that the Scottish devolution was possible because most devolved powers were already collected within the Scotland Office.
- 5.8.7 The questions we found in this review without clarity were:
1. The detail about how decentralisation would work in practice (particularly in London) and if this would include devolution of resources (fiscal or otherwise).
  2. Will devolution be to regional, local or a combination of both (particularly for London)? Should this be a matter for the Mayor of London, for the boroughs or a combination of the both?
  3. The form and structures of governance and accountability.
  4. How decisions makers will be held to account and scrutinised by tax-payers and other interested parties?
- 5.8.8 The London proposition requests generally cover pan London. Since the devolution requests were submitted for London there have been a number of changes to the current political landscape. A new Prime Minister, a new Mayor for London, Britain's plans to enter into negotiations to exit from the European Union and a General Election called.
- 5.8.9 Through London Councils, Boroughs have been involved in discussion about what will be devolved to London, the discussions have been about devolution at a pan-London or regional level. The Commission queried what services, if any, would be contracted at a local level and how the governance for regional arrangements would work in practice.
- 5.8.10 Our witnesses told us for true devolution to proceed London will have to make a convincing offer to central government, an offer that demonstrated how services could be changed and improved and would tackle key areas of spend. The strongest areas from the proposition that were highlighted as devolution possibilities for London were: skills and adult education, health

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<sup>12</sup> Institute for Government report - Achieving Political Decentralisation: Lessons from 30 years of attempting to devolve political power in the UK

and employment - areas of complex need and high spend - and health and social care. The Commission noted that if councils do become responsible for areas like the hard end of employment support, there would need to be multiple borough arrangements to take on the level of risk this type of devolution would present.

- 5.8.11 It is anticipated any devolution for London is likely to be regional to achieve economies of scale. However, a key factor in devolution should be to devolve on the principles of subsidiarity and in a manner that ensures clarity to assist public understanding of where responsibility lies. The Commission agrees that power should be exercised at the lowest level possible, however, this should be contingent upon the ability of the devolved body to exercise those powers effectively. Powers should not be devolved solely because it can be - devolving power should take into consideration economies of scale.
- 5.8.12 It is clear devolution for London will require partnership working with other London boroughs and an agreement between the Mayor of London and the London boroughs. London's local authorities will need to consider new ways of working with other boroughs (sub-regional basis), partners and have a different working relationship with the Mayor of London, GLA and central Government. This review highlighted that London's boroughs have worked collaboratively before but for devolution there will need to be a formal structure. This structure is likely to need legislation changes or be by statutory agreement to enable regional powers to be devolved. Throughout this review governance and accountability structures was an area that remained undeveloped and still strongly debated.
- 5.8.13 If local government is to take on new responsibilities, new structures, and new forms of partnership, then there will need to be a multi-level model of accountability that encapsulates this, clarifying the roles and responsibilities within the new ecosystem.

## **5.9 Next Steps**

- 5.9.1 **A Holistic Plan and Principles** - Hackney Council could not explain its approach to devolution across the board. The review highlighted the absence of a coherent approach and detailed plan. The Commission recognises the Council needs to respond in an agile way due to: the fluidity of discussion, variable geographies and proposals being agreed ad-hoc. In spite of these very practical challenges, the Commission was of the view, it was important for the Council to have a holistic plan with a set of principles that provided a framework for discussions but that still enabled the Council to respond in an agile way. The challenges in relation to partnerships and geographies should not deter the Council from developing its own plan and a set approach that fit with the needs of its local community and the desired outcomes for services. This plan will help keep the Council focused on the outcomes they wish to see achieved locally.
- 5.9.2 Although the devolution journey may encounter changes to the path set, this does not mean the destination will change. When the Council enters into devolution discussions it should have a Hackney specific criteria aimed at achieving its desired outcomes. Evidence from the review highlighted that devolution was not an event but a journey. It was important for councils to

have a sense of what they wanted to achieve from devolution. Having clarity about the impact of devolution, how it will interact with pre-existing reforms or changes, their principles for devolution and the expected outcomes. The Commission urges the council to not to get caught up in the processes of devolution and to clearly define the outcome they wish to achieve before entering the devolution process. The Commission suggests that a starting point for the council designing a set of principles as described could be:

- a. Hackney Council will identify where it can influence discussions and have a clear plan of what the Council wants to achieve at those discussions
- b. Hackney Council will prioritise. It will take the most promising areas for devolution locally and clearly think through how involved the council wants to be in these areas e.g. health and skills.
- c. Hackney Council will be careful of financial burden. It will be cautious of being given an area of responsibility without parallel financial commitments.
- d. Hackney Council will ensure that devolution is politically debated
- e. Hackney Council will ensure that devolution is debated with the public and that they participate in shaping the outcomes
- f. Hackney Council will advocate for simple clear structures for accessibility and accountability
- g. Hackney Council will find the appropriate partner to work with for each devolution area.

**5.9.3 Public Involvement** - The process and systems of devolution need to be visible and accountable to everyone. Public involvement in this process will not only help obtain buy-in from residents and stakeholders - who may feel excluded from the discussion and development of proposals – but may also provide solutions to those challenging areas like accountability structures. Devolution needs to be tailored to communities as well as regional areas. Devolved areas should be given the time and resources to create new democratic methods and shouldn't be tied to pre-existing structures and processes. We are suggesting the voluntary and community sector should be seen as a necessary partner to cooperate with to challenge public authorities and elected officials to make sure that local people are at the heart of devolution.

## 6. CONCLUSION

- 6.1 We know the benefits of devolution are well rehearsed but London needs to develop a narrative that moves beyond the standard arguments about why devolution is good; instead providing a demonstration of what works and the successful outcomes that can be realised.
- 6.2 It was been noted that there have been many reforms and changes to public sector service provision over the last decade and the Commission believes it is vital that thought is given as to how the devolution proposals will interact with pre-existing reforms or changes that need to be in.
- 6.3 We learned one of the key drivers for devolution was growth in cities. Devolution should involve the handing down of power and at the very least some assigned revenue to allow discretion in the way the resources are used. An example of this is the transfer of public health from the NHS to local government.
- 6.4 A key policy being driven by Government is for local government to become more financially independent. The Government's proposal is to move towards 100% business rates retention which means the Council will need to establish itself as a responsible body for economic development locally and find ways to develop its local resources. The growth in popularity of areas such as Shoreditch and Dalston since 2010 has resulted in Hackney facing one of the biggest increases in business rates following the revaluation. The fear is the level of increase expected could put local industry at risk of sliding into stagnation, forcing relocation instead of expansion, and replacing job creation and thriving business clusters with unemployment and empty buildings. This would change Hackney from being an affordable business location and reduce the range of activities and jobs available to local people. The Council has a role to lobby Government for its preferred outcome. We note the lead Cabinet Member for Regeneration in Hackney has written to the Chancellor of the Exchequer Philip Hammond to urge the government to delay planned business rates increase (April 2017) until the Brexit negotiations are complete.
- 6.5 The big question this Commission was asking at the start of this review was **“What does this mean for Hackney?”** The fluidity and ambiguity of what is on offer has meant throughout this process we have seen no evidence of a plan that covers all important aspects like accountability and governance or criteria for devolution discussions at a borough or regional level. We believe having a plan with principles as a guiding framework will put the Council in a strong position to achieve its desired outcomes for the local population and local economy.
- 6.6 For devolution it is anticipated the change from policy to implementation may be rapid and Hackney Council needs to be ready. Political leadership will be crucial to devolution success and we are aware that for London's devolution there is a lead Chief Executive from Boroughs and for London Councils a lead Cabinet Member. It is also important that Hackney plays an active role

in this process and in discussions with London Councils who are taking forward the requests of local government for devolution to the GLA and Government for negotiation, so that it can maximise the opportunities of devolution for Hackney residents.

## 7. CONTRIBUTORS, MEETINGS AND SITE VISITS

The review's dedicated webpage includes links to the terms of reference, findings, final report and Executive response (once agreed). This can be found on [our web page](#).

### Meetings of the Commission

The following people gave evidence at Commission meetings or attended to contribute to the discussion panels.

16 <sup>th</sup> March 2016 <sup>13</sup>	<b>Ben Lucas</b> , Metro Dynamics <b>Ed Hammond</b> , Centre for Public Scrutiny <b>Jessica Stoddert</b> , New Local Government Network Science
15 <sup>th</sup> June 2016 <sup>14</sup>	<b>Professor Tony Travers</b> , London School of Economics and Political
5 <sup>th</sup> September 2016 <sup>15</sup>	<b>Dianna Neal</b> , Head of Economy, Culture and Culture  <b>Professor Martin Dole</b> , Professor of Further Education & Skills, University College London (Institute of Education).
14 <sup>th</sup> November 2016 <sup>16</sup>	<b>Tim Shield</b> , Chief Executive London Borough of Hackney  <b>Councillor Jonathan McShane</b> , Cabinet Member Health, social care and devolution for London Borough of Hackney.

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<sup>13</sup> [March 2016](#)

<sup>14</sup> [June 2016...](#)

<sup>15</sup> [September 2016...](#)

<sup>16</sup> [November 2016](#)

## 8. MEMBERS OF THE SCRUTINY COMMISSION

Councillor Anna-Joy Rickard (Chair)

Councillor Susan Fajana-Thomas (Vice Chair)

Councillor Ned Hercock

Councillor Nick Sharman

Councillor Deniz Oguzkanli

Councillor James Peters

Councillor Rebecca Rennison\*

\*replaced Name who resigned during the year

Overview and Scrutiny Officer: Tracey Anderson ☎ 020 8356 3312

Legal Comments: ☎ Stephen Rix 020 8356 Ext 6122

Financial Comments: Russell Harvey ☎020 8356 Ext 1284

Lead Director: Tim Shields ☎020 8356 Ext 3210

Relevant Cabinet Member: Cllr Jonathan McShane

## 9. BIBLIOGRAPHY

The following documents have been relied upon in the preparation of this report or were presented to the Scrutiny Commission as part of the investigation.

- The London Proposition by London Councils and Mayor of London, September 2015
- Devolution to Local government in England – House of Commons Briefing Paper, 24 June 2015 (number 07029)
- Local Action, National Success: How Outcome Agreements Can Improve Skills Delivery by UK Commission for Employment and Skills and Association of Colleges
- Making Devolution deals work by Institute for Local Government
- English Devolution local solutions for a successful Nation by Local Government Association
- Devolution: A state of the Nation by Local Government Intelligence Unit Andrew Walker, 9<sup>th</sup> March 2016
- Capitalising on the Boroughs - Promoting growth through greater financial devolution in London, by Society of London Treasurers
- Achieving Political Decentralisation - Lessons from 30 years of attempting to devolve political power in the UK, by Institute for Local Government



- Cities and local growth by House of Commons Committee of Public Accounts Sixth Report of Session 2016–17
- Devolution in England: the case for local government, House of Commons Communities and Local Government Committee
- A Proposition for London’s Growth Deal 2, London Enterprise Panel
- Progress on Devolution and Public Service Reform, A London Councils Member briefing (August 2016)
- Devolution: a capital idea, *London Finance Commission January 2017*
- Memorandum of Understanding on further devolution to London – HM Treasury, Mayor of London, Department for Communities and Local Government and London Councils March 2017
- Briefing Paper Devolution: what it means for health and social care in England - Helen McKenna and Phoebe Dunn, Kings Fund, November 2015

## 10. GLOSSARY

Below is a list of abbreviations used within this report and their full title.

Abbreviation	Definition
GLA	Greater London Authority
Brexit	British Exit from European Union
EU	European Union
NHS	National Health Service
FE	Further Education
OECD	Organisation for Economic Co-operation and Development
GDP	Gross National Product
UK	United Kingdom
LEP	Local Enterprise Partnership
CCG	Clinical Commissioning Group
CLGC	Communities and Local Government Committee
PAC	Public Accounts Committee
BIS	Business, Innovation and Skills
IPPR	Institute for Public Policy and Research
MOPAC	Mayors Officer for Policing and Crime
TFL	Transport for London
DRAM	Development Rights Auction Model
LFC	London Finance Commission
CLF	Central London forward
MoU	Memorandum of Understanding
DWP	Department of Works and Pension

## Appendix 1 – Summary of Evidence Sessions

The detailed discussion at evidence sessions will not be repeated in this report we have drawn out the key findings from these discussions that have implications for London and Hackney.

The key points from the evidence sessions highlighted the following in relation to devolution.

### Generally

- Devolution is very different to decentralisation. Devolution is about power and the freedom to use resources as required to meet local need.
- Devolution is viewed as providing opportunities for economic growth, innovation, employer engagement and integration of public services.
- London needs to develop a narrative that moves beyond the standard arguments about why devolution is good.
- For true devolution to proceed London will have to make a convincing offer to central government through the build- up of case examples.
- Devolution is not an end process but rather should be viewed as a means to an end, with the aim of creating better value for the way resources are spent. Therefore thought needs to be given as to how the devolution proposals will interact with pre-existing reforms or changes that need to bed in.
- The process has been viewed as opaque - lack of transparency and public engagement.
- Political leadership is crucial to devolution success.
- To achieve devolution London needs to work effectively with the Mayor, GLA and London Councils (London boroughs). Boroughs have not demonstrated that London can work collectively. The key to this will be the relationship between the GLA, boroughs and regional relationships. Any discussion about devolution not only needs to include devolution from central to local government. For London there needs to be consideration of regional devolution too.
- Local authorities will need to consider new ways of working: with employment and skills providers, having a different working relationship with the Mayor and GLA, with Government, with other partners and with other boroughs (sub-regional basis).
- Devolution is being driven at a time when the fiscal environment is challenging. Successful devolution needs fiscal devolution not just a transfer of power and/or responsibility. Devolution should involve the handing down of power and at the very least some assigned revenue to allow discretion in the ways the resources are used. An example of this is the transfer of public health from the NHS to local government.
- Devolution will have resource implications: development of sub-regional strategies, contract management etc. will need to be financed.

- It was highlighted that public spend in London is in silos. The question devolution asks is can London take this spend and use it in a different way to deliver a more effective impact for the local community. Focusing on getting better outcomes for Londoners.
- The most promising areas for devolution are the areas where there is spend on quite complex need. If councils became responsible for the hard end of employment support (the work programme), there would need to be multiple borough arrangements to take on the level of risk this type of devolution would present.
- The current approach to devolution lacks clear objectives and a road map of where it is heading. Local areas want central government departments to take a more consistent approach to devolution. Although boroughs have a sense of what they want to achieve with devolution, there needs to be clarity about the principles of devolution and the expected outcomes. It is important that councils clearly define the outcome they wish to achieve from this process. It is important not to get caught up in the processes of devolution.
- Partnership working and the responsibility for partnership leadership brings opportunities but it also brings risk around delivery of services and connection with communities. Consistency, understanding and sharing the risk will be important.

#### Specific to Skills and Education

- There are parts to the adult/FE education and skills system that is not capable of being devolved. These are apprenticeships, higher education and 16-18 education.
- The positives with the skills system were viewed to be the clarity on apprenticeships and pockets of good practice in the system.
- One of the key challenges cited by businesses is the skills shortage in London. Therefore the question is can London devolve spend so that it gives incentives for providers to provide the skills provision that London actually needs.
- The skills system is viewed as complex and a significant challenge for employers and learners to navigate. In relation to the skills system there needs to be a shared sense of purpose as to what the system is there to achieve (a) Is it to boost economic growth (employers), (b) produce social good (learners) or (c) both?
- Incentives in the current system are perceived as discouraging a focus on local need. Courses are not being provided to suit the local economy and compounded by the lack of high quality career advice.
- Funding for FE is not sustainable and a pan London devolution deal is likely to mean the loss of the current centre to local relationships. Currently local FEs have a direct relationships with Department of Education and Business Innovation and Skills (BIS) funding.
- Funding uncertainty prevents long term planning.

- The current funding model is learner driven and any changes to FEs current funding framework would be hard to reinstate if removed.
- The local college and the council will need to be responsive to the local labour market and employer demand needs to be reconciled to the learner need. This process needs to be an iterative process and not led by the economy.
- Although each borough may have a college provision it does not just provide education programmes for the local community but across borough boundaries. People move across London in patterns that do not match borough boundaries. Engagement with colleges needs to be a working relationship and not transactional; it's the prospect of achieving a joined up approach and having the spend at the point of delivery is key. This will involve having a trusted relationship between the parties.
- Institute for Public Policy and Research (IPPR) analysis suggests that a quarter of entry level vacancies in London are at mid-skill level (not requiring a degree or paying more than the London living wage).
- London's employment rate is below average and there is a skills shortage in certain mid-skill occupations.

#### Specific to Health

- Health spend is another key area. In London there is a huge pressure on the NHS. In times of austerity the usual stance is to cut back on public health budgets, but this would not be sensible because it can lead to more spend elsewhere within the system.
- Budgets that need to be co-ordinated (e.g. NHS, DWP and boroughs) are often under the control of different authorities. The health services in London is run by the UK government but increasingly involves the boroughs; policing is overseen by the Mayor of London; planning and housing policy are split between the Mayor and the boroughs; school education is a borough responsibility supervised by the UK government; transport is down to the Mayor; social care is (currently) a borough responsibility; open spaces are the responsibility of the boroughs (except for Royal Parks). London has some collaboration through London Councils but for devolution it was thought there would need to be a formal structure; possibly by statutory agreement to enable regional powers to be devolved.
- It is not clear how far the Government is really willing to decentralise/ devolve power of the NHS in London. There are profound barriers to the rationality of care to older people because of the entirely different funding regime for local government and the NHS.
- Published papers by NHS England suggest their preferred option would be to explore arrangements that veer more on the side of delegation than formal devolution. Delegation arrangements can largely be achieved through existing mechanism such as Section 75s of the NHS Act 2006.

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## REPORT OF MAYOR AND CABINET MEMBER FOR HEALTH, SOCIAL CARE & DEVOLUTION

<b>Executive response to Governance &amp; Resources Scrutiny Commission Scrutiny Review into Devolution – the Prospect for Hackney</b>  Cabinet: September 2017 Council: October 2017	<b>Classification</b> <b>Public</b>	<b>Enclosures</b>
	<b>Ward(s) affected</b> <b>All</b>	

### 1. INTRODUCTION

- 1.1 Over the last 2 years there have been protracted discussions about a ‘Devolution Deal’ for London. These discussions between London and national government have been complex and slow and have explored areas such as financial and health devolution. London Government has found the slow progress frustrating and there is still a lack of clarity about the contents of any devolution offer. Progress has been further stalled by the General Election and changes in political leadership within government.
- 1.2 The scrutiny report highlights some of the challenges being faced with this agenda and covers the main areas where devolution is either proposed or is being asked for. There has been much debate about the subject of devolution with this review drawing on the expertise of a number of national bodies and think tanks.
- 1.3 The report proposes that the Council lays out a set of principles and a plan which will provide a framework for the discussion across devolution areas. The report also recommends that careful thought is given to engagement with the various stakeholders, where appropriate, to help shape service provision.
- 1.4 I welcome the scrutiny committee’s report, and set out overleaf the Executive response to their recommendations.
- 1.5 I commend this report to Cabinet.

### 2. RECOMMENDATION

- 2.1 Cabinet are asked to approve the content of this response.

### 3. EXECUTIVE RESPONSE TO SCRUTINY COMMISSION RECOMMENDATIONS

Recommendation	Response
<p><u>Recommendation One</u></p> <p>The Commission believes the Government has not provided clarity about the services and areas that will be devolved and recognises that discussions about devolution for London are very fluid and that the Council will need to be agile in its approach. In spite of these very practical challenges Hackney Council could not explain its approach to devolution across the board or the key principles by which it will enter into discussions to influence and shape proposals. The review highlighted the absence of a coherent approach and detailed plan.</p> <p><b>The Commission wishes to see the Council’s plan for devolution that will guide its response to devolution discussions and its priorities for advanced areas of devolution like health and skills.</b></p>	<p>A plan for devolution will be developed by the end of November 2017 which will reflect the latest position on devolution. Such a plan will need to be dynamic as the area of devolution is constantly changing and developing not only in terms of its scope but the timescales are regularly changing with the third iteration of a devolution memorandum of understanding between the GLA, London Councils and the Government perhaps being signed by the end of 2017.</p>
<p><u>Recommendation Two</u></p> <p>The Commission understands the lack of clarity from Government is hindering the progress of devolution. The Commission recognises the Council needs to respond in an agile way due to: the fluidity of discussion, variable geographies and proposals being agreed ad-hoc. However, it is important for the Council to have a holistic plan with a set of principles that provided a framework whilst still enabling the Council to respond as required. The Commission is of the view the principles should cover areas such as influence; protection from financial burden; taking proposals out for public debate at the earliest opportunity; accessible and simple structures for the public to navigate; openness to variable geographies, and finding the most appropriate partner.</p> <p><b>The Commission recommends the Council develops a set of key principles that sits alongside its plan, in order to provide a framework for devolution discussions across devolution areas.</b></p>	<p>The development of a set of principles is a welcome recommendation, and will help to frame any conversations for both Members and Officers. The suggestions set out in paragraph 5.9.2 of the scrutiny report will be taken into account as part of this work.</p> <p>The principles will be developed together with the devolution plan, but they will also need to adapt as the devolution landscape develops.</p>



<p><u>Recommendation Three</u></p> <p>The Commission was of the view that taking the proposals out for debate would create person-centred services that could be co-produced with local residents. The way to achieve this would be engaging with the voluntary and community sector in devolution discussions at a local level. This would enable devolution to be seen as less technocratic and more accessible to the people, ensuring public accountability through effective community engagement.</p> <p><b>The Commission recommends the Council when practically possible takes the devolution proposals or proposed changes out for public engagement to enable the local citizens to shape the service provision.</b></p>	<p>Where this is practical this will be done. In some areas, such as the devolution of business rates, this is unlikely to be practical. Health devolution is, however, an area where public engagement is already strong with many events occurring over the past 18 months and more planned over the following months. This includes, for some areas, co-production principles being adopted as it is important to ensure that patient views are taken on board as part of service re-design and improvement.</p> <p>We can also explore this in more detail in the wider plan for devolution being developed by November 2017.</p>
<p><u>Recommendation Four</u></p> <p>The Commission has identified that as powers are devolved it is not clear which accountability structures will be used and how Hackney residents would be able to hold relevant people, departments and organisations to account.</p> <p><b>For governance and accountability, the Commission recommends the Council explores with devolution partners the possibility of setting-up of a local public account committee or equivalent accountability structure of devolution of local services.</b></p>	<p>This recommendation is not agreed. The accountability structures will need to be appropriate for each area of devolution and should be discharged through those structures.</p> <p>The integrated commissioning of health services will be discharged through the Integrated Commissioning Boards which have been created through the decision making processes of the parties involved.</p> <p>Those decision making processes can then be held to account through existing committees and commissions within each partner organisation.</p> <p>Similarly the devolution of business rates will require some form of pan-London decision making involving London Councils and the GLA to determine any distribution mechanism which could not be based locally. The Council would then, through its normal budget setting processes, need to decide how the resources are distributed to deliver services including any additional responsibilities that may be attached to the devolution of business rates.</p>

Lead Member(s): Mayor Philip Glanville and Cllr Jonathan McShane, Cabinet member for Health, Social Care & Devolution

Lead Officer: Tim Shields, Chief Executive

<b>Appendix 1</b>	Governance & Resources Scrutiny Commission report into Devolution – the Prospect for Hackney
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**APPOINTMENTS AND NOMINATIONS TO OUTSIDE BODIES**

<b>COUNCIL</b>  25 <sup>th</sup> October 2017	<b>CLASSIFICATION:</b>  OPEN
<b>WARD(S) AFFECTED</b>  All	
<b>CORPORATE DIRECTOR</b>  Tim Shields, Chief Executive	

## **1. SUMMARY**

- 1.1 The Council appoints or nominates people to represent it on various Outside Bodies. The Council's arrangements for the appointment or nomination of its representatives to Outside Bodies differ depending on the type of nomination or appointment being made. The Mayor and/or Cabinet have delegated responsibility for executive side nominations or appointments. Full Council is responsible for non-executive side appointments.
- 1.2 This report requests Full Council to agree an Outside Body nomination to the:
  - Homerton NHS Foundation Trust
  - The London Legacy Development Corporation Planning Decision Committee
- 1.3 The Homerton NHS Foundation Trust (HNHSFT) constitution states that the Trust is to have a Council of Governors, which is to consist of Public Governors, Staff governors, CCG Governors, Local Authority Governors and Partnership Governors.
- 1.4 HNHSFT have requested that the Council nominate a governor for their Trust's Council of Governors. Their Constitution requires that the Hospital Secretary, having consulted the Local Authority, is to adopt a process for agreeing the appointment of Local Authority Governors with the local authority.
- 1.5 Their constitution also provides that the London Borough of Hackney or its successor organisation may appoint one Local Authority Governor by notice in writing signed by the Chief Executive and delivered to the Hospital Secretary.
- 1.6 Cllr Ben Hayhurst was previously nominated to be Governor to the HNHSFT and his term is coming to an end 31 October 2017.
- 1.7 The London Legacy Development Corporation Planning Decision Committee's (LLDCPDC) constitution states that the LLDC Board appoints the Committee and one Member will be appointed to that Committee from the London Borough of Hackney. Substitutions are also allowed provided the borough nominates a named substitute.
- 1.8 Cllr Geoff Taylor was previously nominated as the London Borough of Hackney's Committee Member with Cllr Guy Nicholson as the nominated substitute.

## 2. Recommendations

### 2.1 Council is recommended to

- Agree the re-nomination of Councillor Ben Hayhurst as a Governor of the Homerton NHS Foundation Trust for a further period of 3 years
- Agree the nomination of Cllr Nick Sharman as the Committee Member from the London Borough of Hackney for the LLDC Planning Decision Committee until the next AGM.
- Agree the nomination of Cllr Jessica Webb as the substitute Committee Member from the London Borough of Hackney for the LLDC Planning Decision Committee until the next AGM.

## 3. COMMENTS OF THE GROUP DIRECTOR, FINANCE AND CORPORATE RESOURCES

Any costs associated with appointment or nomination of Members to Outside Bodies on behalf of the Council are likely to be small and are provided for within existing budgets.

## 4 COMMENTS OF THE INTERIM DIRECTOR, LEGAL

The Council has the power to appoint or nominate councillors and other people from the community to represent it on outside bodies to which it appoints or nominates representatives.

## APPENDICES

### Appendix 1 Schedule of appointments

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Appendix 1

**HACKNEY NOMINATIONS TO OUTSIDE BODIES  
2017/2018**

NAME OF OUTSIDE BODY	Number of Appointees/ Nominees	Appointee(s)/ Nominee(s) (Deputies)	Tenure of Appointment	Decision required
<b>COUNCIL NOMINATIONS</b>				
Homerton NHS Foundation Trust	1	Cllr Ben Hayhurst	3 years	For approval by full Council
TLDC Planning Decision Making Committee	1 + (1 substitute)	Cllr Nick Sharman (Cllr Jessica Webb)	4 years	For approval by full Council

Page 37

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**APPOINTMENTS TO THE LICENSING COMMITTEE**

<p><b>COUNCIL</b> 25 October 2017</p>	<p><b>CLASSIFICATION:</b> Open  If exempt, the reason will be listed in the main body of this report.</p>
<p><b>WARD(S) AFFECTED</b> N/A</p>	
<p><b>GROUP DIRECTOR</b> Tim Shields, Chief Executive</p>	

## 1. SUMMARY

- 1.1 This is a procedural report that seeks to appoint new members to the Licensing Committee to fill two vacancies. One vacancy is as a result of maternity leave and the other is as a result of a vacancy which the Committee has carried since the AGM in May 2017. The Licensing sub-committees are comprised of members from the Licensing Committee and given the number of Licensing sub-committees per month, the two vacancies have put pressure on the remaining Committee members which is not sustainable long-term.
- 1.2 At the Annual General Meeting (AGM) seats are allocated to this Committee according to the political proportionality rules as set out in the Local Government and Housing Act 1989 ('The 1989 Act') This places a duty on the Council to proportionally allocate seats to political groups based on their size. The political balance for this Committee currently is 13 majority group members (Labour), 1 Conservative Member and 1 Liberal Democrats Member. The vacancy since the AGM is as a result of the Liberal Democrat Party not being able to take up their allocated position.
- 1.3 The Chair of the Licensing Committee, Cllr Plouviez has written to the Leader of the Liberal Democrats Party requesting for the vacant post to be fulfilled or allow her the opportunity to offer the position to another Councillor. Consent was given for the authority to make any appointment it wishes to do.
- 1.4 The 1989 Act also allows for exceptions to the political proportionality rules by way of regulations (the Local Government (Committees and Political Groups) Regulations 1990), under two circumstances. One of these circumstances is when, after official notification has been given to a political group, it fails to express its wish to take up an allocated seat. In this instance the Council, may make such an appointment to that seat as it thinks fit. The other occasion is when the political group has expressed its wishes not to take up the allocated seat to the proper officer.
- 1.5 Although Cllr Sharer has expressed his wish for the Liberal Democrat Party not to take up the seat it is advised, as the formal process has not been followed, in terms of the political group expressing its wishes to the proper officer, as required under the 1990 Regulations that the Council makes such an appointment to that seat as it thinks fit by way of the political group not expressing its wishes to take up the allocated seat.
- 1.6 With regard to the maternity cover Cllr Moule will replace Cllr Cameron.

## **2. RECOMMENDATIONS**

### **2.1 Council is requested to:**

**Agree the appointments of Councillor Patrick Moule and Councillor Sophie Conway to the Licensing Committee for the remainder of the Municipal Year (2017/2018).**

## **3. COMMENTS OF THE GROUP DIRECTOR, FINANCE AND CORPORATE RESOURCES**

- 3.1 There are no direct financial implications emanating from this report, but new committee members are reminded of the need for adherence to financial governance frameworks, internal and external, within which the Council operates.

## **4. COMMENTS OF THE INTERIM DIRECTOR, LEGAL**

- 4.1 The Licensing Act 2003 ('the 2003 Act') set-up the requirement to have a statutory Licensing Committee, with Section 6 of the 2003 Act stating that the Committee must consist of at least 10, but not more than 15 members.
- 4.2 The Council on 20<sup>th</sup> December 2004 resolved to have a single Licensing Committee in order to determine all licensing functions, such as sex establishments and massage and special treatment licences, as well as those of the Licensing Act 2003 which is known as the Council's Statutory Licensing functions.
- 4.3 Although the 2003 Act, does not require the Council to follow the political proportionality rules as it does for other Council committees regulated under the Local Government Act 1972, as the Council has established a single Licensing Committee the requirements of allocating seats to political groups as set-out in Local Government & Housing Act 1989 ('the 1989 Act') will apply.
- 4.4 Section 17 of the 1989 Act provides for exemptions to the requirement of having political balance representation by way of regulations. The Local Government (Committees & Political Groups) Regulations 1990 ('the Regulations') set-out the exemptions to the requirement of having a political balance.
- 4.5 Regulation 13 enables the wishes of a political group to be expressed to the "proper officer" (for this purpose the proper officer is the Chief Executive as set out on the Councils Constitution) of not having to take up the allocated seat. It needs to be a formal notice which in this instance it wasn't.
- 4.6 Accordingly, it recommended to allow the seat to be allocated under regulation 15 which states that where a political group has failed to express its wishes within three weeks of being given notice of the seat from the proper officer (in

accordance with Regulation 14 see para 4.7 below), the authority or committee may make such an appointment to that seat as they think fit.

- 4.7 For purposes of clarity the Council notified the Liberal Democrats party as to the allocation of the seat via the AGM held on 24 May 2017.

#### **APPENDICES**

None

#### **BACKGROUND PAPERS**

None

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**APPOINTMENT TO THE PENSIONS COMMITTEE**

<b>COUNCIL MEETING DATE</b> 25 October 2017	<b>CLASSIFICATION:</b> Open  If exempt, the reason will be listed in the main body of this report.
<b>WARD(S) AFFECTED</b> All Wards	
<b>GROUP DIRECTOR</b> Tim Shields, Chief Executive	

## **1. INTRODUCTION**

- 1.1 This is a procedural report that seeks to appoint Cllr Nick Sharman to the Pensions Committee for the remainder of the municipal year 2017/2018 to replace Cllr Geoff Taylor.

## **2. RECOMMENDATION**

- 2.1 **It is recommended that Full Council:**

**Approves the appointment of Cllr Nick Sharman to the Pensions Committee**

## **3. BACKGROUND**

- 3.1 Membership of the Pensions Committee was approved at the Annual General Meeting (AGM) on 24 May 2017. Seats are allocated to this Committee according to the political proportionality rules as set out in the Local Government and Housing Act 1989 ('The 1989 Act') This places a duty on the Council to proportionally allocate seats to political groups based on their size. The political balance for this Committee currently is 6 majority group members (Labour), and 1 Liberal Democrats Member.
- 3.2 Owing to ill health, Cllr Taylor has stepped down from his Pensions Committee duties and the proposal is to appoint Cllr Nick Sharman as his replacement for the remainder of the Municipal Year 2017/2018. This appointment abides by the political proportionality rules.
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## **4. COMMENTS OF THE GROUP DIRECTOR, FINANCE AND CORPORATE RESOURCES**

- 4.1 There are no additional budgetary implications arising from the changes outlined in this report.

## **5. COMMENTS OF THE INTERIM DIRECTOR OF LEGAL**

- 5.1 The Council's constitution at Part 4 (Council Procedure Rules), paragraph 2.1 (xi), provides that at ordinary meetings of Council it will agree any changes in membership or chairmanship of committees.
- 5.2 The proposal to appoint Cllr Sharman to the Pensions Committee to replace Cllr Taylor is in accordance with this provision.

## **BACKGROUND PAPERS**

None.

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