

# Public Document Pack

## Lewisham Council Members

Members of the committee, listed below, are summoned to attend the meeting to be held on Thursday, 28 June 2012.



Barry Quirk, Chief Executive  
June 20 2012

|                               |  |
|-------------------------------|--|
| Mayor Sir Steve Bullock       |  |
| Councillor Jackie Addison     |  |
| Councillor Obajimi Adefiranye |  |
| Councillor Anne Affiku        |  |
| Councillor Christine Allison  |  |
| Councillor Abdeslam Amrani    |  |
| Councillor Pauline Beck       |  |
| Councillor Paul Bell          |  |
| Councillor Chris Best         |  |
| Councillor Kevin Bonavia      |  |
| Councillor John Bowen         |  |
| Councillor David Britton      |  |
| Councillor Duwayne Brooks     |  |
| Councillor Liam Curran        |  |
| Councillor Janet Daby         |  |
| Councillor Vincent Davis      |  |
| Councillor Amanda De Ryk      |  |
| Councillor Damien Egan        |  |

Councillor Alexander Feakes  
Councillor Peggy Fitzsimmons  
Councillor Julia Fletcher  
Councillor Joseph Folorunso  
Councillor Patsy Foreman  
Councillor Vicky Foxcroft  
Councillor Helen Gibson  
Councillor Sven Griesenbeck  
Councillor Carl Handley  
Councillor Michael Harris  
Councillor Ami Ibitson  
Councillor Helen Klier  
Councillor Chris Maines  
Councillor Jim Mallory  
Councillor Paul Maslin  
Councillor Joan Millbank  
Councillor Pauline Morrison  
Councillor John Muldoon  
Councillor Marion Nisbet  
Councillor Sam Owolabi-Oluyole  
Councillor Crada Onuegbu  
Councillor Stephen Padmore  
Councillor John Paschoud  
Councillor Pete Pattison  
Councillor Philip Peake  
Councillor Alan Smith  
Councillor Eva Stamirowski  
Councillor Alan Till

Councillor Susan Wise

Councillor Alan Hall

Councillor Stella Jeffrey

Councillor Darren Johnson

Councillor Jacq Paschoud

Councillor Madeliene Long



# Council Agenda

Thursday, 28 June 2012

**7.30 pm,**

Civic Suite

Lewisham Town Hall

London SE6 4RU

For more information contact: Kevin Flaherty 0208 3149327 (Tel: 0208 314 9327)

## Part 1

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Members of the public are welcome to attend committee meetings. However, occasionally, committees may have to consider some business in private. Copies of agendas, minutes and reports are available on request in Braille, in large print, on audio tape, on computer disk or in other languages.

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# Agenda Item 1

| COUNCIL             |                           |                    |
|---------------------|---------------------------|--------------------|
| <b>Report Title</b> | Declarations of Interests |                    |
| <b>Key Decision</b> |                           | Item No. 1         |
| <b>Ward</b>         |                           |                    |
| <b>Contributors</b> | Chief Executive           |                    |
| <b>Class</b>        | Part 1                    | Date: 28 June 2012 |

## **Declaration of interests**

Members are asked to declare any personal interest they have in any item on the agenda.

## **Personal interests**

There are two types of personal interest :-

- (a) an interest which you must enter in the Register of Members' Interests\*
- (b) an interest where the wellbeing or financial position of you, (or a "relevant person") is likely to be affected by a matter more than it would affect the majority of inhabitants of the ward or electoral division affected by the decision.

\*Full details of registerable interests appear on the Council's website.

("Relevant" person includes you, a member of your family, a close associate, and their employer, a firm in which they are a partner, a company where they are a director, any body in which they have securities with a nominal value of £25,000 and (i) any body of which they are a member, or in a position of general control or management to which they were appointed or nominated by the Council, and (ii) any body exercising functions of a public nature, or directed to charitable purposes or one of whose principal purpose includes the influence of public opinion or policy, including any trade union or political party) where they hold a position of general management or control,

If you have a personal interest you must declare the nature and extent of it before the matter is discussed or as soon as it becomes apparent, except in limited circumstances. Even if the interest is in the Register of Interests, you must declare it in meetings where matters relating to it are under discussion, unless an exemption applies.

## **Exemptions to the need to declare personal interest to the meeting**

You do not need to declare a personal interest where it arises solely from membership of, or position of control or management on:

- (a) any other body to which you were appointed or nominated by the Council
- (b) any other body exercising functions of a public nature.

In these exceptional cases, unless your interest is also prejudicial, you only need to declare your interest if and when you speak on the matter .

### **Sensitive information**

If the entry of a personal interest in the Register of Interests would lead to the disclosure of information whose availability for inspection creates or is likely to create a serious risk of violence to you or a person living with you, the interest need not be entered in the Register of Interests, provided the Monitoring Officer accepts that the information is sensitive. Where this is the case, if such an interest arises at a meeting, it must be declared but you need not disclose the sensitive information.

### **Prejudicial interests**

Your personal interest will also be prejudicial if all of the following conditions are met:

- (a) it does not fall into an exempt category (see below)
- (b) the matter affects either your financial interests or relates to regulatory matters - the determining of any consent, approval, licence, permission or registration
- (c) a member of the public who knows the relevant facts would reasonably think your personal interest so significant that it is likely to prejudice your judgement of the public interest.

### **Categories exempt from being prejudicial interest**

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception)

### **Effect of having a prejudicial interest**

If your personal interest is also prejudicial, you must not speak on the matter. Subject to the exception below, you must leave the room when it is being discussed and not seek to influence the decision improperly in any way.

### **Exception**

The exception to this general rule applies to allow a member to act as a community advocate notwithstanding the existence of a prejudicial interest. It only applies where members of the public also have a right to attend to make representation, give evidence or answer questions about the matter. Where this is the case, the member with a prejudicial interest may also attend the meeting for that purpose. However the member must still declare the prejudicial interest, and must leave the room once they have finished making representations, or when the meeting decides they have finished, if that is earlier. The member cannot vote on the matter, nor remain in the public gallery to observe the vote.



## **Prejudicial interests and overview and scrutiny**

In addition, members also have a prejudicial interest in any matter before an Overview and Scrutiny body where the business relates to a decision by the Executive or by a committee or sub committee of the Council if at the time the decision was made the member was on the Executive/Council committee or sub-committee and was present when the decision was taken. In short, members are not allowed to scrutinise decisions to which they were party.

# Agenda Item 2

| COUNCIL             |                 |                    |
|---------------------|-----------------|--------------------|
| <b>Report Title</b> | Minutes         |                    |
| <b>Key Decision</b> |                 | Item No.2          |
| <b>Ward</b>         |                 |                    |
| <b>Contributors</b> | Chief Executive |                    |
| <b>Class</b>        | Part 1          | Date: June 28 2012 |

## Recommendation

It is recommended that the minutes of the meeting of the Council which was open to the press and public, held on March 28 2012 be confirmed and signed (copy previously circulated).

# Agenda Item 3

| COUNCIL             |                                 |                    |
|---------------------|---------------------------------|--------------------|
| <b>Report Title</b> | Announcements or Communications |                    |
| <b>Key Decision</b> |                                 | Item No.           |
| <b>Ward</b>         |                                 |                    |
| <b>Contributors</b> | Chief Executive                 |                    |
| <b>Class</b>        | Part 1                          | Date: June 28 2012 |

## Recommendation

The Council is invited to receive any announcements or communications from the Mayor or the Chief Executive.

### 1. Former Councillor Ted Walker

It is my very sad duty to inform Members of the Council that former Councillor Ted Walker recently died. He served three terms as a Councillor for the former Lewisham Park ward from 1971-1982.

### 2. John Maples, former M.P. for Lewisham West

It is with regret that the death of John Maples is announced, he was 69. John Maples was M.P. for the Lewisham West constituency of the borough from 1983 until 1992. He returned to Parliament in 1997 and remained until 2010. He held positions in the Shadow Cabinet in the late 1990's and was Deputy Chairman of the Conservative Party from 2006 until 2010.

He is survived by his wife and two children.

### 3. Queens Birthday Honours List

The following persons with a Lewisham connection were recognised in the recent Birthday Honours List:

Robin Boshier, former Head teacher of Fairlawn, Heseltine and Kilmorie primary schools has been Knighted.

Maxine Room, the Principal at Lewisham College has been awarded a CBE.

Patrick Regan founder of XLP youth project which is based in Lewisham has been awarded an OBE.

Clive Ongley, from the Ahoy Centre Deptford has been awarded an MBE.

David Smith, of The Wash House Youth Club has been awarded a BEM.

#### **4. Independent Member of the Standards Committee**

Owing to changes in national legislation reported elsewhere on this agenda, the five independent voting members of the Standards Committee are scheduled to see their terms of office come to an end today.

The retiring members are Sally Hawkins (Chair), Gill Butler (Vice-Chair), Cathy Sullivan David Roper Newman and Leslie Thomas.

The Council is asked to record its thanks to these Independent Members.

# Agenda Item 4

| COUNCIL             |  |                    |
|---------------------|--|--------------------|
| <b>Report Title</b> | Petitions                                      |                    |
| <b>Key Decision</b> | no   | Item No.4          |
| <b>Ward</b>         | n/a  |                    |
| <b>Contributors</b> | Chief Executive (Head of Business & Committee) |                    |
| <b>Class</b>        | Part 1   | Date: June 28 2012 |

- 4. The Council is invited to receive petitions (if any) from members of the Council or the public. There is no requirement to give prior notice of any petitions that might be presented.

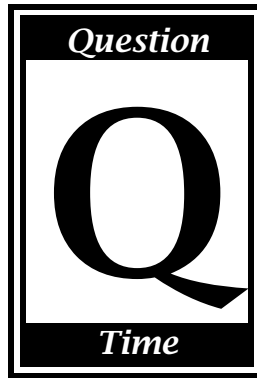
# Agenda Item 5

| COUNCIL             |  |                    |
|---------------------|--|--------------------|
| <b>Report Title</b> | Public Questions                               |                    |
| <b>Key Decision</b> |  | Item No.5          |
| <b>Ward</b>         |  |                    |
| <b>Contributors</b> | Chief Executive (Head of Business & Committee) |                    |
| <b>Class</b>        | Part 1   | Date: June 28 2012 |

The Council has received questions from members of the public in the order shown in the table below. Written responses will be provided to the questioners prior to the Council meeting and they will be entitled to attend and ask a supplementary question should they wish to.

**Question**      **Questioner**

|     |                  |
|-----|------------------|
| 1.  | Mr R Woolford    |
| 2.  | Mr R Woolford    |
| 3.  | Mr R Woolford    |
| 4.  | Mr R Woolford    |
| 5.  | Mr R Woolford    |
| 6.  | Mr R Woolford    |
| 7.  | Mrs P Richardson |
| 8.  | Mrs P Richardson |
| 9.  | Mr A Bays        |
| 10. | Mr A Bays        |
| 11. | Mr A Bays        |
| 12. | Mr R Archer      |
| 13. | Mr R Archer      |
| 14. | Mr P Richardson  |
| 15. | Mr P Richardson  |
| 16. | Mrs P Richardson |
| 17. | Mr P Richardson  |
| 18. | Mr P Richardson  |
| 19. | Ms A Bennett     |
| 20. | Mr P Richardson  |
| 21. | Ms S Preece      |
| 22. | Ms S Preece      |
| 23. | Mr J Hamilton    |
| 24. | Mr J Hamilton    |
| 25. | Mr J Hamilton    |
| 26. | Mr J Hamilton    |



**PUBLIC QUESTION NO. 1**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

Question asked by: Mr R Woolford (on behalf of Lewisham People Before Profit)

Member to reply: Councillor Maslin

**Question**

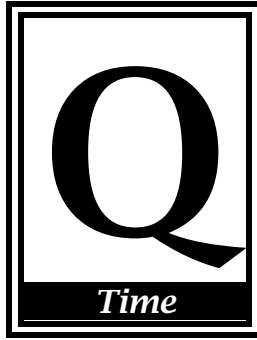
Can you please confirm how much money in allowances and expenses Councillor Long and Councillor Padmore have claimed from January 2011 to January 2012?

**Reply**

Councillors Long and Padmore both received a Basic Councillor Allowance of £9,812.

Additionally Councillor Long was Chair of the Council until April 6 2011 and Councillor Padmore was Chair of a Planning Committee until the same date. Each therefore received an additional Special Responsibility payment of £1,532.50p for the period specified.

Neither Councillor Long or Councillor Padmore claimed any expenses between January 2011 and January 2012.



**PUBLIC QUESTION NO. 2**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

Question asked by: Mr R Woolford (on behalf of Lewisham People Before Profit)

Member to reply: Mayor

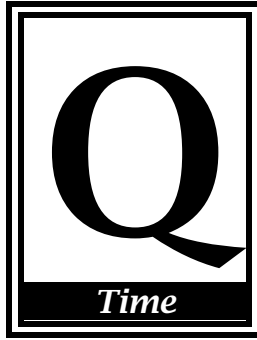
**Question**

Can the Mayor confirm that he is happy for Labour Councillors to only attend meetings once every six months, in order that they can claim up to £13,000 in public allowances?

**Reply**

My happiness is completely irrelevant to the way in which councillors carry out their duties. Those duties include a range of activities only some of which are recorded and published. Meetings of formal bodies which usually take place at the Town Hall form an important part of a councillor's role and it is these which are recorded. I would expect councillors to attend a high proportion of those meetings as well as carrying out their other duties diligently.





**PUBLIC QUESTION NO. 3**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

Question asked by: Mr R Woolford (on behalf of Lewisham People Before Profit)

Member to reply: Mayor

**Question**

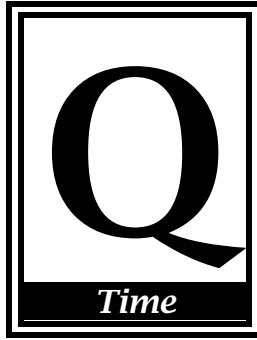
Can the Mayor at a time of real need, cuts and attacks on the most poor in Lewisham, state what is the acceptable number of meetings Councillors should attend, and what is the number of advice surgeries Councillors should be expected to attend, per year?

**Reply**

I will deal first with attendance at meetings. It is difficult to place a definitive number on attendance as there will be individual factors that need to be taken into account both personal to the councillor and also concerning the number of meetings involved in as much as some councillors are required to attend more meetings than others. I would expect councillors to attend a significant proportion of such meetings and also expect attendance records to be taken into account when future appointments are under consideration.

I do not have direct and personal responsibility for councillors with the exception of my Cabinet members who I expect to attend most meetings but recognise that there may be occasions when their attendance at an unrecorded community meeting will be a better use of their time. On other occasions there may, of course, be personal reasons for non-attendance for example ill-health.

With regard to advice surgeries there cannot be a hard and fast view on the right number of surgeries. When I was a ward councillor I represented two very different wards one which required the councillors to ensure that there were weekly surgeries and attendance was usually in double figures. When I represented another ward the take up at the fortnightly surgery never reached double figures and on many occasions no one came at all. In planning advice surgeries it is essential that local circumstances are taken into account. I am also aware that in the ten years since I stopped being a ward councillor many more people have begun to use email and indeed social media. Receiving casework via Facebook as happens now was unheard of ten years ago. Councillors would be well advised to keep their arrangements under review and adjust them to take account of their electors preferences.



**PUBLIC QUESTION NO. 4**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

Question asked by: Mr R Woolford (on behalf of Lewisham People Before Profit)

Member to reply: Mayor

**Question**

Can the Mayor give reasons as to why two Councillors for New Cross Ward, Councillors Padmore and Long, are failing to serve their electorate by not attending advice surgeries advertised, and why according to Lewisham Council's own web site, Councillors Long and Padmore have only attended 1 meeting out of the 17 they had been expected to attend?

**Reply**

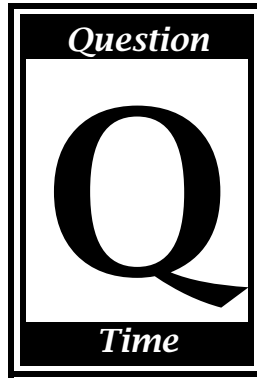
I have endeavoured to contact both of the individual councillors mentioned before formulating an answer to this question. I have also looked at the current information regarding attendance which is published on the Council web site. I have received information from Cllr Long and my response is based on that. In the case of Cllr Padmore I have not been able to make contact but have received some limited information third hand.

There are two distinct parts to this question and I will deal with them separately. I will deal firstly with attendance at Advice surgeries. It is my understanding that some changes were made to the Advice surgery arrangements for New Cross Ward to reduce the number from 4 to 2 per month – one at All Saints Church and one at Wavelengths Library and that the advertising was changed to reflect this. However it is possible that some of

the material advertising the previous arrangements is still in circulation and this may have caused some confusion. There was also a period when Wavelengths Library was closed and there was a delay in being able to relocate the surgeries until Deptford Lounge opened. Other than these difficulties I am only aware of one occasion when an advertised surgery did not take place due unforeseen family issues. It is my understanding that the surgeries are currently being held by Cllrs Long and Maslin only due to Cllr Padmore's ill health although I understand he has continued to deal with case work on behalf of constituents who contact him directly.

I will now turn to the question of attendance at meetings. As I indicated earlier I have not had direct contact with Cllr Padmore and his attendance over the last six months (the most recent period published on the Council's web site) is very low which is matter for considerable concern. However as I indicated earlier it is my understanding that Cllr Padmore has been ill. I do not know the extent or seriousness of that illness and I shall discuss with appropriate colleagues what action is appropriate in these circumstances.

Cllr Long acknowledges that her attendance during the calendar year 2011 at those meetings where this is recorded fell below the high standards she had maintained during her previous 28 years on the council however her current attendance over the last six months is 60% according to the information published on the Council's web site. Cllr Long also drew to my attention that she has a public service role within the NHS as chair of SLaM which imposes a significant work load of its own. I understand that Cllr Long attends a number of meetings in the local area which are not included in the figures published by the council.



**PUBLIC QUESTION NO. 5**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

Question asked by: Mr R Woolford (on behalf of Lewisham People Before Profit)

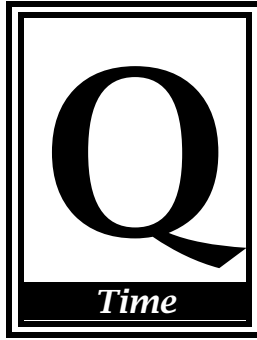
Member to reply: Mayor

**Question**

Is The Labour Group leader aware, that none of the 3 Labour New Cross ward Councillors are attending Advice surgeries?

**Reply**

I refer the questioner to the answer to question 4 which makes clear that this question is based on inaccurate information.



**PUBLIC QUESTION NO. 6**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

Question asked by: Mr R Woolford (on behalf of Lewisham People Before Profit)

Member to reply: The Mayor

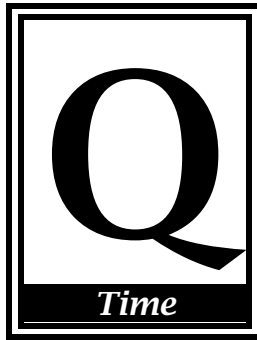
**Question**

Can the Mayor please explain why Councillor Joseph Folorunso,(Eveyn Ward) email and telephone details given out on all Council literature and website is inaccurate, making it almost impossible for Evelyn Ward residents to contact him with problems, case work and requests for help, .and can you confirm when he will start to attend advertised advice Surgery's in Evelyn ward?

**Reply**

I have spoken to Cllr Folorunso and he has informed me that the telephone number which has been advertised on the Council web site is correct but he has been experiencing difficulty receiving email through the council system. His contact phone number 0208 314 6905 and email is [cllr\\_joseph.folorunso@lewisham.gov.uk](mailto:cllr_joseph.folorunso@lewisham.gov.uk) as published on his surgery leaflet. Officers are checking that there are no technical problems and that the information on the website and Lewisham life is correct. Cllr Folorunso informed me that he and his fellow ward councillors are covering the advice surgeries as advertised.

I will ask Council officers to assist in resolving the technical problems.



**PUBLIC QUESTION NO. 7**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

Question asked by: Mrs P Richardson

Member to reply: Councillor Maslin

**Question**

The Localism Act 2011 is now in force, so could the council tell us what plans it has to circulate information to the public about its use in co-operation with the council? Who, at the council, is responsible for this area of interest?

How many community groups, amenity groups/societies and conservation societies are already involved in discussion with the council in attempts to draw up a neighbourhood plan and who are they?

**Reply**

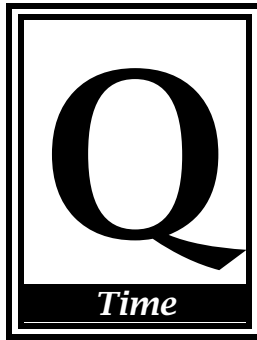
The Council is already engaging with local residents with regard to the provisions of the Localism Act. As part of this, a number of presentations have been made at Local Assembly meetings and further presentations will be made to both inform and engage local residents. In respect of planning, the Council's website has a webpage inviting residents interested in developing a neighbourhood plan, to make contact with the Planning Service. A number of groups have already made contact to explore this opportunity and it is anticipated that others will do likewise.

In terms of overall responsibility, the Localism Act is a complex multi-dimensional piece of legislation covering governance; planning; public finance; asset management; procurement and housing. There are constitutional implications as well as implications for employee; community and tenant rights. To that extent, as part of a jointly co-ordinated effort, a number of officers have been assigned responsibility for leading on the various provisions contained within the Act.

The Planning Service is in the process of preparing information notes on neighbourhood planning to be placed on the planning website. The purpose of the notes are to provide general information about the new process of neighbourhood planning introduced by the Localism Act. Two notes, one providing an introduction to the powers granted by the Act and the other explaining the process of forming a neighbourhood forum are in draft for internal comment and should be placed on the planning webpage shortly.

The Planning Service and the local assemblies team have had informal discussions with representatives from the Sydenham Society and Forest Hill Society about preparing a neighbourhood plan. In addition, the planning service has had informal discussions with the Blackheath Society, Grove Park Community Group and the Ladywell Society and Ladywell Village Improvement Group about the implications of the Localism Act on local planning and the possibility of preparing a Neighbourhood Plan.





**PUBLIC QUESTION NO. 8**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

Question asked by: Mrs P Richardson (on behalf of Users & Friends of Adult Education)

Member to reply: Councillor Best

**Question**

For the September 2011 Council Question Time the Users and Friends of Lewisham Adult Education asked a question about enrolments for the first term. Unfortunately, the data was said to be not directly comparable, due to the later start date.

Is CEL now able to provide a comprehensive set of figures for enrolments for accredited and non-accredited courses for public perusal? If so, please may we see them for each centre and the classes involved.

How do these compare with the previous year of 2010/2011? Are there any noticeable trends?

**Reply**

The CEL curriculum changes every year and has been affected by a decrease in funding. There have also been changes to Skills Funding Agency funding streams as funding is no longer split by accredited and non-accredited courses. It is therefore not possible to do a direct comparison of CEL activity across the years.

The SFA has also introduced significant changes to fee remission and this has affected all provision, in particular English for Second Language (ESOL) classes.

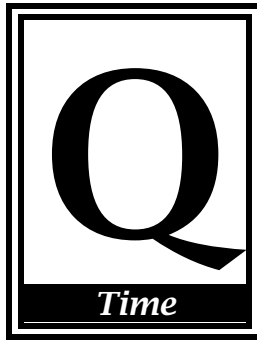
CEL has remodelled the curriculum so that courses are now delivered as either 10 or 15 week stand alone courses rather than academic year length. This also has an affect on enrolment and learner numbers.

|                           | <b>Learners</b> | <b>Enrolments</b> | <b>Accredited</b> | <b>Non Accredited</b> | <b>1st Steps</b> |
|---------------------------|-----------------|-------------------|-------------------|-----------------------|------------------|
| 2010/11 (total)           | 4080            | 6988              | 2313              | 4202                  | 473              |
| 2011/12 (to 18 June 2012) | 3763            | 7325              | 2388              | 4310                  | 677              |
| Brockley 2010/11          | 1678            | 2963              | 980               | 1768                  | 215              |
| Brockley 2011/12          | 1905            | 3789              | 1186              | 2276                  | 327              |
| Granville 2010/11         | 808             | 1429              | 654               | 623                   | 152              |
| Granville 2011/12         | 920             | 1920              | 683               | 980                   | 257              |
| Grove Park 2010/11        | 446             | 676               | 233               | 418                   | 25               |
| Grove Park 2011/12        | 384             | 699               | 239               | 396                   | 64               |
| Offsite 2010/11           | 640             | 1017              | 163               | 854                   | 0                |
| Offsite 2010/12           | 554             | 917               | 230               | 658                   | 29               |
| Kirkdale 2010/11 (all)    | 508             | 903               | 283               | 539                   | 81               |

|                           | <b>Venues</b> |
|---------------------------|---------------|
| 2010/11 total             | 34            |
| 2011/12 (to 18 June 2012) | 27            |

Note that we are still not at the end of the year so the 11/12 figures will increase slightly to include activity up until end of July 2012.



**PUBLIC QUESTION NO. 9**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

Question asked by: Mr A Bays

Member to reply: Councillor Helen Klier

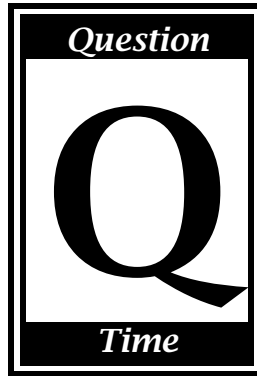
**Question**

What is the intended use for the Kirkdale Institute after the renovation work that is currently underway has been finished? Is the adjacent school going to use all or part of the accommodation?

**Reply**

The Kirkdale Institute, once refurbished, will become part of the adjacent Kelvin Grove Primary School, enabling it to expand from two to three forms of entry and incorporate a Special Educational Needs Resource Base. This additional accommodation will help us to meet increased local demand for primary places from September 2012.

In order to deliver the additional 210 places required, the school will require all the available accommodation provided by the Kirkdale site. As is the case with all Lewisham Schools, some of Kelvin Grove's amenities could be made available for local community use, as determined by the policy of the school governors.



**PUBLIC QUESTION NO. 10**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

Question asked by: Mr A Bays

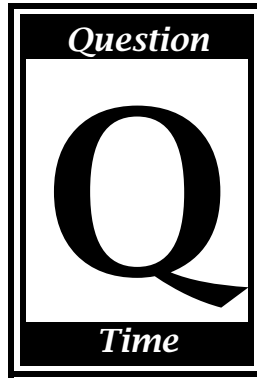
Member to reply: Deputy Mayor

**Question**

For how long have the planned improvements and tidying up programme for Sydenham Station Approach and Sydenham Road been delayed? Does the Council have definite start and finish dates for this programme?

**Reply**

The Sydenham Town Centre Scheme has been tendered and subject to a successful award of contract the works are planned to start on site in September 2012 and be completed by September 2013.



**PUBLIC QUESTION NO. 11**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

Question asked by: Mr A Bays

Member to reply: Councillor Onuegbu

**Question**

What is the scheduled opening date for the new youth club in Wells Park Road?

Will the new premises be open for 7 days a week? How many locally based groups have so far expressed an interest in using the facility?

**Reply**

*What is the scheduled opening date for the new youth club in Wells Park Road?*

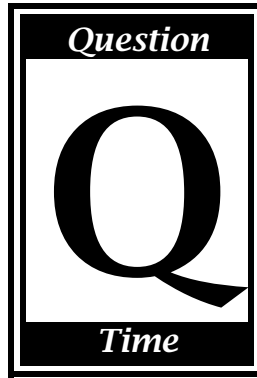
Work has started on site and the centre is scheduled to be completed on time by Dec 2012, with an official opening in Feb 2013.

*Will the new premises be open for 7 days a week?*

The centre will operate 7 days a week, 10am-10pm Monday to Saturday and 10am to 5pm on Sundays

*How many locally based groups have so far expressed an interest in using the facility?*

Approximately 10 locally based organisations have so far expressed an interest in using the £3.75m world-class youth and community venue. This will ensure the delivery of high quality provision to young people primarily 13-19. In the south of the Borough, the TNG (The New Generation) Centre will house three floors of industry standard facilities, such as a Multi-use Games area, Café, training kitchen and music studio. These will deliver a range of innovative and exciting provision and opportunities for young people centred around key themes such as Information Advice and Guidance, and pathways into education and employment. Whilst we are still considering options for the centre already a number of local and national partners including the Rio Ferdinand Foundation and Lewisham College are on board. Further interest has been expressed in delivering a range of services for the wider community such as adult education, crèches, and health services which will help us ensure the local community remain key stakeholders, and are actively encouraged to use the facility, particularly during the day when young people are at school.



**PUBLIC QUESTION NO. 12**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

Question asked by: Mr R Archer

Member to reply: Deputy Mayor

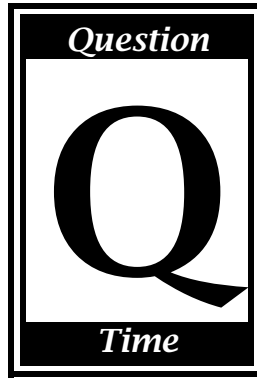
**Question**

What are Lewisham Council and the Mayor doing to help local businesses and shops remain and set up business on our high streets, particularly in the Kirkdale/Sydenham High Street area?

**Reply**

The DCLG's High Street Innovation Fund has recently provided the Council with funding to help bring empty high street properties back into use. This funding is aimed at supporting new businesses who take on empty high street premises. The funding will provide grants for improvements to empty premises, support 'meanwhile' use, pop up shops and mentoring for businesses which take on empty shops. This funding will have to be match funded by the businesses. This fund will focus on high streets not benefiting from the Outer London Fund.

The Council provides a limited amount of free business advice and mentoring for local businesses. This is delivered by Greater London Enterprise as part of the Lewisham and Southwark Business Advisory Service. The service will provide 117 businesses with free mentoring support in 2012/13. This service is Lewisham wide.



**PUBLIC QUESTION NO. 13**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

Question asked by: Mr R Archer

Member to reply: Councillor Onuegbu

**Question**

What is the Mayor and Council doing to help put young people in Lewisham into employment?

**Reply**

**JOB CREATION AND APPRENTICESHIPS**

The Council aims to secure maximum benefits for local people and local businesses from regeneration programmes taking place across the borough. The Local Labour Coordinator works with building companies and Planning Officers to ensure that companies are employing local people, including young people and adults, and giving work experience opportunities to local people on regeneration projects like the Building Schools for the Future programme.

Along with our partners we have created a Lewisham apprenticeship scheme in operation since 2009. We have created over 152 apprenticeship opportunities since then within the Council, partner organisations and through our supply chain. Our partners have included Lewisham Homes, L+Q



Housing Trust, Lewisham Healthcare NHS Trust, Millwall Community Scheme, Teachsport, Mitie, Breyer Group Plc and the Horniman Museum.

We are currently recruiting to an additional 63 apprenticeship opportunities across the Council and with partner organisations. A further recruitment exercise will take place during the autumn. All of these apprenticeship opportunities are available to young people and adults over the age of 16. In 2009/10 the council recruited 58 apprentices, 2010/11 - 34, 2011/12 - 60 apprentices and currently there are 63 advertised Apprenticeship opportunities.

We are taking forward the recommendations of the Lewisham's Youth Task Force relating to young people's employment. These include delivering an enterprise programme with Lewisham College and other partners that supports young people who want to set up a business.

### **WORK EXPERIENCE AND INTERNSHIPS WITH CITY INSTITUTIONS**

A Lewisham Youth Task Force recommendation is to support young people in gaining work experience and skills that enable them to secure sustainable employment.

Lewisham's Work Experience team co-ordinates and supports quality work experience placements for the large majority of Lewisham secondary schools.

We have worked with Barclays Corporate in Canary Wharf to set up a programme called Barclays Beyond. This programme was an employee-led student mentoring scheme that aims to raise aspirations and career prospects of young people. 10 Lewisham young people have benefitted from one to one mentoring sessions with Barclays' employee volunteers by developing new skills from interactive workshops so that they are equipped to go beyond their boundaries. 10 young people took part in this initiative. Following the success of Barclays Beyond, the Council is now working with a brokerage based in the City to create work experience and summer internship opportunities with city Institutions. Approximately 200 young people from Lewisham schools will take part in this programme.

Credit Suisse is working with Lewisham, Tower Hamlets and Newham to create summer internship opportunities for high achievers. Successful interns will be offered a grant/sponsorship to pay for their university fees

The Council continues to support the National Graduate Development Programme (NGDP) scheme. We have employed over 30 young people from the scheme since 2002. Up to three graduates per year are recruited to the programme for a minimum of two years with the council. The scheme offers four 4 month placements across all Directorates and then a one year placement. All graduates who wanted to stay with Lewisham have been offered further opportunities and positions.

### **EDUCATION AND TRAINING**

Schools play a key role in providing young people with appropriate skills, knowledge and motivation to progress into further training and the job market.

Partner organisations in Lewisham also provide a wealth of courses that give young people the skills to go on to further study and employment, eg Lewisham College and private organisations such as Twin Training.

We are expanding our already extensive extra curricular accreditation opportunities, including the Duke of Edinburgh scheme which is well established in Lewisham, to offer young people additional soft skills, support for CV writing, and qualifications which aid pathways into further education, training and employment.

## **INFORMATION, ADVICE AND SUPPORT**

From this September, the Education Act 2011 will place schools under a duty to secure access to independent and impartial careers guidance for pupils in years 9-11.

Lewisham College is a local provider for Next Steps - a government funded service designed to help adults, including young adults, get the advice they need for future skills, careers, work and life choices.

The Council supports a number of community based employment organisations (eg Youth Aid, the Pepys Community Forum Refugee Employment Project, and North Downham Training Project) to work with young people and help them gain access to training, work experience as well as supporting young people to apply for permanent jobs.

The Council is working closely with Jobcentre Plus to maximise benefits of the pre-work programme offer for our young people.

Lewisham has a NEET Reduction Strategy (NRS) which aims:

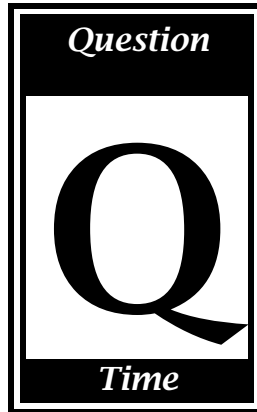
- to reduce the number of Lewisham young people up to the age of 19, and of 20-24 year olds with learning difficulties, who are not in Education, Employment or Training, including preventing young people becoming NEET, and
- to contribute to the reduction of the high unemployment levels of 19-24 year olds.

Vulnerable young people, including those aged 16-19 who are not in employment, education, or training (NEET), homeless, youth offenders, teenage parents and Looked After Children (LAC), are given 1:1 information, guidance and support by a range of services including a dedicated key work service, family intervention programme and targeted family support service.

For young people with learning disabilities and difficulties, the Council undertakes statutory “Moving on” plans (S139 Assessments) and supports transition to further education in both mainstream and specialist provision.

We are now promoting Baseline and the various support opportunities through a range of communication channels including the new launched B-involved web portal. [www.b-involved.org.uk](http://www.b-involved.org.uk). This consists of a website and embedded social media including twitter, facebook and youtube to both promote support avenues to young people as well as offering means to harness the viral marketing potential of young people promoting opportunities to one another. Crucially this includes a developing and up to date list of job, training and apprenticeship opportunities.

Lewisham tracks young people through its client management and client tracking system. The unit operates a call out service to young people who are NEET or whose status is 'unknown', maintains an efficient database and undertakes associated analysis.



**PUBLIC QUESTION NO. 14**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

Question asked by: Mr P Richardson

Member to reply: Councillor Best

**Question**

What is the Lewisham Public Library Service budget for 2012-13? How much of this budget is being spent on books? How much is sent on DVDs? How much is spent on CDs? How much is spent on e-books?

How much of the budget is being spent on the community libraries? How is the money allocated to Blackheath Community Library, Crofton Park Community Library, Grove Park Community Library, Sydenham Community Library and New Cross Learning?

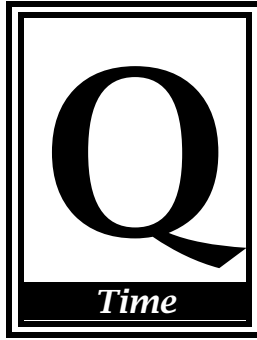
Is there any outsourced funding supporting any of these libraries?

**Reply**

The gross expenditure funding for the Library and Information Service in 2012/2013, not including capital charges and recharges, is £4,497,940. The gross income budget is £249,200. Therefore the net Library and Information Service budget for the year is £4,248,740. In 2012/13 this budget includes the full cost of Deptford Lounge; this was not the case in 2011/12.

The book stock fund is £411,220. The fund for other items (CDs, DVDs, eBooks, and eAudio books) is £52,900.

There are no separate budgets for the community libraries as services are provided to these libraries through the overall libraries team. The book stock for all libraries is based on a 5 year replacement rate.



**PUBLIC QUESTION NO. 15**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

Question asked by: Mr P Richardson

Member to reply: Deputy Mayor

**Question**

The Manor House, Lee is currently undergoing structural repairs. What does these repairs entail? What is the cost of these repairs? Is the bill the responsibility of insurers, the council or the original contractors? If it is the council from which budget is this taken?

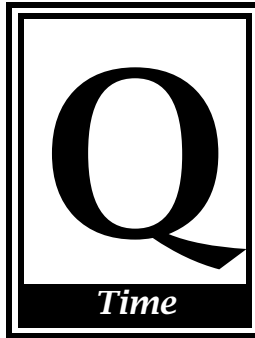
**Reply**

The work undertaken to the library was due to damp in the basement and a full damp survey was carried out. This resulted in the following works.

- Excavate and construct a new soak away in the lawn to the front elevation.
- Install a new cast iron drain to resolve the issue of surface water run-off from the slope towards the building.
- Take off and re-plaster to several offices.

There is no insurance cover in respect of this type of work and the work is not directly related to the original refurbishment of the library.

The estimated cost for this work is £21,449 + VAT and this expenditure will be taken from the Capital Budget for condition related work.



**PUBLIC QUESTION NO. 16**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

Question asked by: Mrs P Richardson

Member to reply: Councillor Best

**Question**

For the financial year April 2011/March 2012 what is the income generated from all sources for the Manor House, Lee? Is this making a profit, and if so, how much?

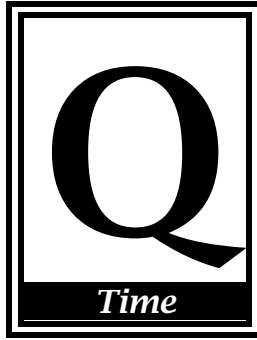
**Reply**

In the year 2011-2012, Manor House generated an income of £34,231, of which £26,230 was from hire of rooms (both internally and externally).

Excluding capital charges, recharges and salary costs, Manor House income exceeded expenditure by £5,779 in 2011-2012.

Staff costs were c£310k and borrowing repayments (to pay for the Manor House library refurbishment) totalled £122k.

Therefore overall the net deficit for Manor House for the year 2011-2012 was £427k.



**PUBLIC QUESTION NO. 17**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

Question asked by: Mr P Richardson

Member to reply: Councillor Best

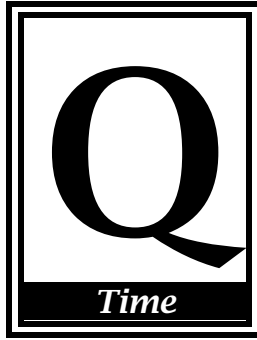
**Question**

Has anything "in kind", purchased with public funds been allocated to the community libraries or New Cross Learning? Which library received anything and what was the benefit in kind?

**Reply**

The Library & Information Service provides support and training for the volunteers working in all community buildings which engage in promoting the love of books and reading. This may be considered an "in kind" contribution. This arrangement is ongoing and part of the community engagement work that the Service provides across all library outlets.





**PUBLIC QUESTION NO. 18**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

Question asked by: Mr P Richardson

Member to reply: Councillor Best

**Question**

The Deptford Lounge recently opened in Deptford. It is a library, but the word "library" is omitted from the building's title. This principle also exists at The Downham Health and Leisure Centre. The word library has now also been replaced by the word "Learning" at the New Cross community library.

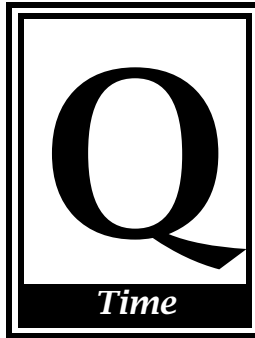
Could anyone in the Council explain why this appears to be necessary?

**Reply**

There is no deliberate strategy to omit the word "library" from the title of any of the buildings.

However, in the case of New Cross, the new name has emerged from consultation undertaken within the New Cross locality by the community group running the building.

The names Deptford Lounge and Downham Health & Leisure Centre emerged from extensive public consultation conducted at different stages in the development of the individual buildings.



**PUBLIC QUESTION NO. 19**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

Question asked by: Ms A Bennett

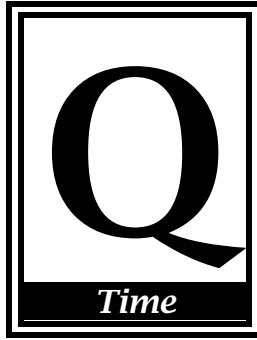
Member to reply: Councillor Best

**Question**

In Blackheath Village the three Public Library signs attached to lamp-posts still point to the library building that was closed a year ago. When does the Council plan to move them to point to the new library site.

**Reply**

Council officers will remove these information signs as soon as possible.



**PUBLIC QUESTION NO. 20**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

Question asked by: Mr P Richardson

Member to reply: Councillor Wise

**Question**

Can the Council confirm that there is an All-London parking restriction in force for vehicles parking partly on the pavement and partly on the carriageway in the absence of any road markings or warning signs alerting drivers to this potential infringement?

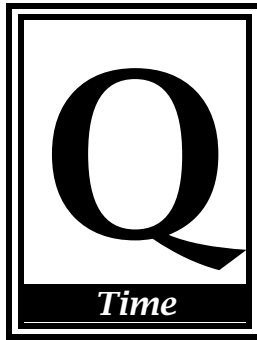
If this is confirmed, is the council not bound to make this restriction known? If so, where is this information available to the public?

**Reply**

There is a London wide ban on vehicles parking on the footway as set out in the Highway Code. The relevant legislation is the Greater London (General Powers) Act 1974 Section 15. The Highway Code is available on line at [www.direct.gov.uk](http://www.direct.gov.uk) The Council is not obliged to introduce signs or markings to advise motorists of the ban.

Local authorities in London can apply to the Department of Transport for an exemption to the ban in a specific road. However, before an exemption is given certain criteria must be met. These include whether the carriageway and footway can accommodate the parking of vehicles without obstructing pedestrians, especially those with young children or wheelchair users. If an

exemption is given the Council is obliged to introduce clear markings and signs.



**PUBLIC QUESTION NO. 21**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

Question asked by: Ms S Preece

Member to reply: Councillor Wise

**Question**

What are the terms of reference of the Brockley Leaseholders' Forum set up by Regenter B3 (which met for the first time on 22 March 2012)? Why haven't the Council's managing agents written to leaseholders in the PFI to inform them about the Forum?

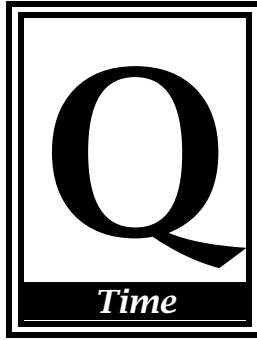
**Reply**

The notice for the first Leaseholders Forum meeting was publicised on Regenter's website and also in *The Brockley Bugle*, their newsletter which was distributed to all residents. Brockley Leaseholders Association(BLA) also advertised the meeting on their website and encouraged residents to attend. It was also promoted at TRA meetings.

Regenter's Leaseholders Forum will meet again on July 19<sup>th</sup> 2012. A draft terms of reference has been prepared and this will be appended to the meeting invite that will be sent to all leaseholders. The Forum has also been publicised recently in Regenter's Summer edition of *The Brockley Bugle*. BLA will also be invited to attend.

The draft agenda for the Leaseholder Forum on 19th July 2012 is currently as follows:

- Overview of the Regenter partnership: partners' roles, relationships and responsibilities
- Draft Terms of Reference and Code of Conduct for the Forum
- Equipe, the Repairs & Maintenance contractor will be attending the meeting to report on:
  - process and timeframe for consultation;
  - proposed works with suggested priorities and options;
  - total budget and estimated costs;
  - procurement or tendering process for works (i.e. competitive tendering or other method);
  - Clarification on £10,000 cap and the 5 year period rolling period; and
  - Routine repairs or improvements to common areas below the threshold for consultation and charging



**PUBLIC QUESTION NO. 22**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

Question asked by: Ms S Preece

Member to reply: Councillor Wise

**Question**

How many tenants and leaseholders have registered on RegenterBrockley.com? Why are residents not receiving the pin numbers for their accounts from the Council's managing agents in a timely fashion?

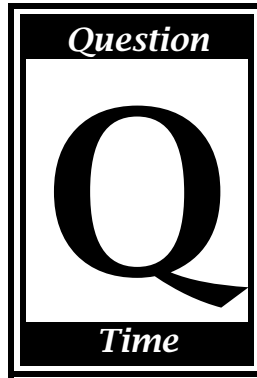
**Reply**

Since Regenter's website went live in February 2012, 453 people have visited the website so far. It can be accessed by everyone. Residents need to register to see their rent and service charge accounts online, which links into the Council's website enabling residents to make online payments if they wish to do so. Latest figures from Regenter show that a total of 47 residents have registered to access their on-line rent and service charge accounts, and this breaks down to 14 tenants and 33 leaseholders. Regenter continues to promote and encourage residents to register through their website, newsletters and at the local office.

Regenter has five working days in which to provide residents with their pin numbers in order for them to access their online accounts. During February and March 2012, when the website and the online accounts facility went live, Regenter experienced some difficulties meeting the target. Regenter has

confirmed that these initial problems have now been addressed and since April 2012, the target of 5 working days is being met.





**PUBLIC QUESTION NO. 23**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

Question asked by: Mr J Hamilton

Member to reply: Mayor

**Question**

I would like to thank the Mayor for reversing his previous decision of 7th December and agreeing to refurbish properties that can be rented to some of the hundreds of families currently in emergency hostel or B & B accommodation.

Was the Mayor misled by council officers, who exaggerated the disrepair of some of the houses.

Could the Mayor detail any steps he has taken to ensure that information given to members of council is accurate in future?

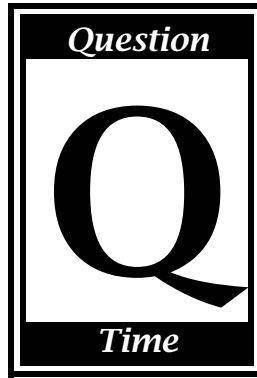
Do you think that the reserve prices announced by the auctioneers, Savill's, of £130,000 and £140,000 for houses which would be valued at up to £430,000 in their refurbished state, would NOT have represented best value for council tax payers if the houses had been sold at these reserve prices.

Could the Mayor explain how such low prices came to be set, and why the reserve prices were raised by £40,000 a few days before the auction on 13th February and following the publication of a letter in the local press from Ray Woolford, Estate Agent, complaining that the prices were unrealistically low?

## **Reply**

A Feasibility Report was prepared by an external consultancy firm on behalf of Lewisham Homes on properties identified as part of a long term void programme. The survey comprised the inspection of a group of properties, internally and externally, and estimated the cost of returning these homes to use. Following consideration of this Feasibility Report by Mayor & Cabinet in December 2011, six of these properties were identified for disposal.

I was not misled by council officers. The prices quoted in the question are inaccurate and the question seems to be based on a misunderstanding of the auction process. These are the guide prices that are used by the auctioneers (Savills) to attract buyers. These guide prices are below the reserve price agreed by the Council. The reserve price is confidential between the seller and the auctioneer. The decision to dispose was based on a technical and financial assessment and the information provided to Mayor & Cabinet was accurate.



**PUBLIC QUESTION NO. 24**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

Question asked by: Mr J Hamilton

Member to reply: Councillor Wise

**Question**

Could you tell me about the large scale voluntary stock transfer of housing in October 2010 from the London Borough of Lewisham to London & Quadrant Housing Trust?

How many homes were involved?

Was Lewisham Council paid for handing over ownership of these homes to London and Quadrant?

Was it the intention of the council that the homes transferred should remain available as rented accommodation?

Do you feel that London & Quadrant has betrayed the trust placed in it through its action in selling off some of these homes to raise cash quickly rather than fulfilling its obligations to refurbish and continue to let these homes at an affordable rent?

Will you make it clear to London & Quadrant, and other housing "trusts"

operating in the borough, that you will make your opposition to sell-offs known to the Regulator for Social Housing, to prevent a further reduction in the availability of social housing?

### Reply

#### **Could you tell me about the large scale voluntary stock transfer of housing in October 2010 from the London Borough of Lewisham to London & Quadrant Housing Trust?**

In May 2008, Mayor and Cabinet approved a contingency plan to meet the decent homes standard in the Chrysalis area through stock transfer. The plan involved dividing the former PFI area into three new transfer areas known as Forest Hill, Rushey Green, and Catford.

#### **How many homes were involved?**

The number of properties involved in the transfer to London & Quadrant (L&Q) in October 2010 were 3520 homes, of which 2425 were tenanted and 1095 were leasehold.

The proposal to transfer these properties to L&Q was supported by residents and reflected the ambitions of the residents in the transfer areas to tackle a range of improvements i.e. that a successful transfer would enable the properties involved to be brought up to and beyond the Decent Homes Standard.

The preferred landlord - L&Q was selected following extensive consultation with the Residents' Steering Groups. L&Q was endorsed as the preferred partner by Mayor and Cabinet in all three transfer areas.

The stock condition survey carried out in 2004 identified that a total of £45.7m would be required for all three transfer areas in the first five years after transfer to deal with catch up repairs. The properties in all three transfer areas suffered from a high level of non decency as identified by the Savills stock condition survey. Without further investment the survey suggested that by 2010 some 93% of properties in the area would fail the decent homes standard.

|             | <b>Number of Homes (Approx)</b> | <b>2004 Stock Condition Survey identified investment requirements</b>   | <b>Council's available investment if transfer did not happen</b> | <b>L&amp;Q investment requirement in first five years</b>  |
|-------------|---------------------------------|---|--|--|
| Forest Hill | 1700 homes                      | <ul style="list-style-type: none"> <li>• £23m in total</li> <li>• £21,000 average investment per tenanted unit</li> </ul> | <ul style="list-style-type: none"> <li>• £5.1m</li> </ul>        | <ul style="list-style-type: none"> <li>• £30.7m</li> </ul> |

|               |            |  |  |   |
|---------------|------------|--|--|---|
| Rushey Green  | 1000 homes | <ul style="list-style-type: none"> <li>• £13.2m</li> <li>• £17,000 average investment per tenanted unit</li> </ul> | <ul style="list-style-type: none"> <li>• £3.4m</li> </ul>        | <ul style="list-style-type: none"> <li>• £18.2m</li> </ul>      |
| Catford       | 800 homes  | <ul style="list-style-type: none"> <li>• £9.5m</li> <li>• £17,500 average investment per tenanted unit</li> </ul>  | <ul style="list-style-type: none"> <li>• £2.4m</li> </ul>        | <ul style="list-style-type: none"> <li>• £13.1m</li> </ul>      |
| <b>Totals</b> |            | <ul style="list-style-type: none"> <li>• <b>£45.7m</b></li> </ul>  | <ul style="list-style-type: none"> <li>• <b>10.9m</b></li> </ul> | <ul style="list-style-type: none"> <li>• <b>£62m</b></li> </ul> |

Resident involvement was particularly strong and residents were determined their decent homes investment vehicle adopted a sustainable approach to address their housing and environmental concerns.

The ballots for the three transfer areas were conducted by Electoral Reform Services in January 2010. The results were as follows:

|              |                              |
|--------------|------------------------------|
| Forest Hill  | 79.5% in favour of transfer  |
| Rushey Green | 79.2% in favour of transfer  |
| Catford      | 79.7% in favour of transfer. |

The transfer to L&Q happened on 11<sup>th</sup> October 2010.

### **Was Lewisham Council paid for handing over ownership of these homes to London and Quadrant?**

The valuation of the stock transfer was calculated based upon the income generated by the social rented properties through the rents, taking into account any works required to bring the properties up to the decent homes standards.

Detailed financial information relating to the stock transfer is confidential.

### **Was it the intention of the council that the homes transferred should remain available as rented accommodation?**

It is always the intention of the Council that properties included as part of a stock transfer to a partner housing association are retained as rented accommodation. However the Council also recognises that in a very small number of cases that the housing providers, following a technical and financial viability assessment, may identify properties that are uneconomical because of the level and cost of works. In these cases we would consider, in discussion with those providers, the possible disposal and reinvestment of any receipts in other social housing stock. This happens rarely.

It is also the case that existing tenants rights are protected under any stock transfer including the retention of the Right to Buy, which would impact on the number of rented homes. In this stock transfer the tenants were given the

'Preserved Right to Buy' and could exercise this in order to buy their property. The scheme is based on a discount.

**Do you feel that London & Quadrant has betrayed the trust placed in it through its action in selling off some of these homes to raise cash quickly rather than fulfilling its obligations to refurbish and continue to let these homes at an affordable rent?**

The Council can not prevent sales. It will endeavour to make every effort to reduce the number of disposals of social rented properties. There have been 10 disposals in the Chrysalis area since the transfer.

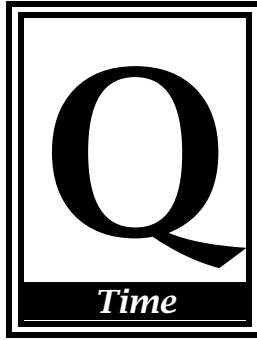
Disposals of any social home only ever happens after a technical and financial viability assessment. Receipts from sales are invested back into decent homes.

Since transfer, L&Q has invested £26m so far in the Chrysalis area making 1995 homes decent, reaching a decency level of 83%. The remaining budget will be spent on bringing up to standard 422 homes in 2012/13 as well as carrying out extensive environmental programmes to the Chrysalis area over the next two years. Works will include garage and pram shed improvements, security and lighting improvements, better landscaping and tree maintenance as well as carrying out a full external decorations programme to all properties.

**Will you make it clear to London & Quadrant, and other housing "trusts" operating in the borough, that you will make your opposition to sell-offs known to the Regulator for Social Housing, to prevent a further reduction in the availability of social housing?**

It is currently a requirement of the Social Housing Regulator, the Homes & Community Agency, that social housing providers seek their permission for any disposal. The only exception to this is if the disposal is to another Housing Association, Local Authority or Arms Length Management Organisation.

It is the intention of the Council to continue to work with its housing partners to increase the supply and improve the quality of affordable housing within Lewisham. In the last financial year Lewisham was in the top three performing Council's in terms of delivery of affordable housing across the country.



**PUBLIC QUESTION NO. 25**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

Question asked by: Mr J Hamilton

Member to reply: Councillor Wise

**Question**

The former caretaker's house at 7 Angus Street, SE14 is one of the houses occupied by Lewisham People Before Profit in February to prevent it's sale.

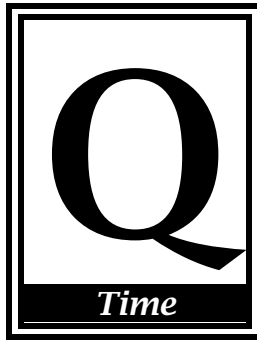
Could you confirm that the intention now is to allow this house to be rented to a family in need of a 3 bedroom house?

Could you tell me how many other empty houses are owned by the Directorate for Children and Young People, how long they have been empty for and what plans you have for them? These may include other former caretakers houses.

**Reply**

Following the recent Mayor & Cabinet meeting, a decision was made that as the property has not previously been used by the Council for housing, providing a business case can be made, it should be retained by the Council, repaired and used for family housing.

There are 2 empty homes previously used by caretakers where officers are considering how these assets will be used in the future.



**PUBLIC QUESTION NO. 26**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

Question asked by: Mr J Hamilton

Member to reply: Councillor Wise

**Question**

This question concerns the workshop in Harts Lane currently occupied by Lewisham People Before Profit.

Lewisham has high unemployment levels and New Cross has particularly high youth unemployment levels. Would you agree that there is a shortage of relatively cheap commercial property suitable for start up businesses where the premises are available to rent, rather than buy? Will you consider dropping plans to sell the workshop at Harts Lane and, instead, offer it for rent to one or more businesses which would be interested in refurbishing the premises and using them to create local employment opportunities?

**Reply**

The squatting of 17 Harts Lane has prevented the Council from realising vital receipts from disposals to finance repairs to other properties and deprived the Council of much needed funding at a time of severe budgetary pressures.

The sale of the garage/workshop will not only enable much needed funding to be realised for the Council, but will also enable businesses and investors to purchase an asset, invest in the building and improve it. The Council's view is that it is likely to be more attractive for someone to own the building if they are going to invest in it for the long term, rather than if they rent it, as this can be a



disincentive to long term investment, particularly where assets are not in good condition. The Council's proposal will enable the building to be refurbished, providing employment and benefit both the local environment and local economy.

# Agenda Item 6

| COUNCIL             |  |                    |
|---------------------|--|--------------------|
| <b>Report Title</b> | Member Questions                               |                    |
| <b>Key Decision</b> |  | Item No.6          |
| <b>Ward</b>         |  |                    |
| <b>Contributors</b> | Chief Executive (Head of Business & Committee) |                    |
| <b>Class</b>        | Part 1   | Date: June 28 2012 |

## 7. Questions from Members of the Council

Section C, paragraph 14 of the Constitution, provides for questions relevant to the general work or procedure of the Council to be asked by Members of the Council. Copies of the questions received and the replies to them will be circulated at the meeting.

**QUESTION No. 1**

**Priority 1**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Hall  
of the Mayor**

**Question**

Can the Mayor brief the Council on the Local Government Finance Bill and how this will impact on Lewisham?

**Reply**

The Government introduced the Local Government Finance Bill into the House of Commons on 19 December 2011. The key aspects of the Bill are to:

- Introduce a Business Rates retention scheme, enabling local authorities to retain a proportion of the business rates generated in their area.
- Provide a framework for the localisation of support for Council Tax in England.

There are also proposals to enable councils to borrow against future business rates growth and to make changes to council tax rules, for example to empty property relief.

**Business Rates retention scheme**

The Local Government Finance Bill introduces a rates retention scheme, enabling local authorities to retain a proportion of the business rates generated in their area. The DCLG argues that this will incentivise local authorities to promote business growth.

To try to create a fair starting position for the new system, the DCLG will deduct a tariff from those authorities with more business rates than their current grant allocation and add a top up to those authorities with less. In

future years, the amount of business rates that Central Government gives or takes from each local authority will remain fixed. Any growth in business rates within an authority will be kept by them.

Lewisham's Formula Grant has been nearly four times the NNDR collected in the past 4 years, and we will therefore rely heavily on a top up in the new system. Officers are working with London Councils to assess the impact of the new system, but until DCLG publishes its consultation on more detailed proposals, expected in September 2012 it is not possible to produce reliable estimates. However, officers are concerned that the system will strip out too much of the growth in business rates away from London due to the proposed exclusion of rental price increases (at revaluation) from business rate growth.

### **Localisation of Support For Council Tax**

Council Tax Benefit is a means tested benefit administered by the Council on behalf of the Department for Work and Pensions (DWP). In the past, the DWP have given the Council a subsidy to cover the full cost of the scheme, plus a grant to cover the administration costs.

As part of the 2010 Spending Review, the Government announced its intention to localise Council Tax Benefit (CTB) with a 10% reduction in expenditure. On 1 April 2013, CTB will be replaced by Council Tax Support (CTS).

Local authorities will be responsible for devising their own local CTS scheme to assist working age claimants with their Council Tax. However, the CTS scheme for pensioners will be a national scheme, which will protect them from any reduction in support as a result of the cut of 10% in grant.

Local authorities will be paid a grant towards the cost of CTS rather than the 100% reimbursement of CTB at present. Local Authorities can devise a local scheme which reduces expenditure to the level of the grant or decide to fund the 10% reduction in grant from other sources. The Department will make funding (based on 90% of the forecast CTB expenditure for 2013/14) available to billing and major precepting authorities. Funding will be provided through the business rates retention scheme and will not be ringfenced.

A report is being drafted for the meeting of the Mayor & Cabinet on 11 July to consider this in more detail.

**QUESTION No. 2**

**Priority 1**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**This question has been withdrawn**

**QUESTION No. 3**

**Priority 1**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Fletcher  
of the Mayor**

**Question**

The Index of Multiple Deprivation shows that Downham and Bellingham wards have about 90% of their super output areas in the lowest 20% in the country, which is the highest level in the borough. Downham and Whitefoot wards have the lowest average household incomes in the borough. What is the Mayor doing to ensure that attempts to attract and encourage business start ups and investment concentrate on the south of the borough where they are most needed?

**Reply**

The Council funds a business start up service which helps local residents start up in business or become self employed. The service is match funded with European Social Funds and is specifically for residents who are unemployed.

The Mayor has funded a new business start up programme which is aimed at young people. The Lewisham Young Enterprise Programme is delivered by Lewisham College and started in 2011. These services are coordinated with the governments Local Enterprise Allowance scheme which is delivered by Axion ltd and provides support for residents on Job Seekers Allowance.

The DCLG's High Street Innovation Fund has recently provided the Council with one off funding to help bring back empty high street properties back into use. This funding is aimed at supporting new businesses who take on empty high street premises. The funding will provide grants for improvements to empty premises, support 'meanwhile' use, pop up shops and business mentoring for businesses which take on empty shops. It will be a criteria for this funding that the grant is match funded by the businesses.

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Johnson  
of the Cabinet Member for Customer Services**

**Question**

What communication has the Head of Strategic Housing had from Regenter regarding its consultation and public engagement plans for the next round of cyclical works within the Brockley PFI scheme?

**Reply**

As part of the overall Brockley PFI Service Plan, Regenter have developed an Improvement Plan for 2012/13, which has been agreed with the Council. The Plan has identified a number of key areas for improvement including the action to ensure leaseholders are thoroughly consulted and involved with the cyclical decorations programme. Over 2012/13, Regenter are also planning to improve engagement with residents living in street properties with the aim of setting up a forum specifically for these residents. They are also working to enhance the scrutiny capacity of the Residents' Board in order to increase service accountability.

Regenter has recently set up a Leaseholder Forum, which met for the first time on 22<sup>nd</sup> March. The Forum was advertised through the website - [www.regenterbrockley.com](http://www.regenterbrockley.com), their newsletter *The Brockley Bugle* and the Brockley Leaseholder Association (BLA) website. It was also promoted at TRA meetings.

The following items were discussed:

- FAQ for the External Decorations Programme – this was drafted in order to respond to the queries that leaseholders may raise during the programme;
- Some of the details of the External Decorations Programme for the street properties for this coming year; this included works to water tanks, metal stairwells and redecorating;

- Website updates;
- Progress on electricity meter readings;
- Estimate service charges for 2012/13;

The FAQ is still in draft form as this is yet to be signed off by the Leaseholder Forum. Outlined below are a couple of areas for consideration by the leaseholders:

- The opportunity to be consulted on colour choice for communal areas, if requested by residents,
- The setting up of a Brockley Procurement Group where residents would be involved in agreeing the specification of the works, the weighting given to the contract (value/quantity) and tender evaluation. The Group will also have the opportunity through the course of the contract to attend sites and comment on works.

The next Leaseholders Forum is due to be held on 19th July 2012 and the Brockley Leaseholders Association (BLA) will be invited to attend. The event will be promoted via their newsletter and website.

The draft agenda for the Leaseholder Forum on 19th July 2012 is as follows:

- Overview of the Regenter partnership: partners' roles, relationships and responsibilities
- **Draft** Terms of Reference and Code of Conduct for the Forum (this is attached for information)
- Equipe, the Repairs & Maintenance contractor will be attending the meeting to report on:
  - process and timeframe for consultation;
  - proposed works with suggested priorities and options;
  - total budget and estimated costs;
  - procurement or tendering process for works (i.e. competitive tendering or other method);
  - Clarification on £10,000 cap and the 5 year period rolling period; and
  - Routine repairs or improvements to common areas below the threshold for consultation and charging.

The cyclical decorations programme is not due to commence until 2013.

Leaseholders will also be able to take advantage of the Council's extended repayment options for the cyclical decorations programme, which allows for equal interest free instalments over 24 months.



## **DRAFT TERMS OF REFERENCE**

### Name

- Regenter Brockley Leaseholder Forum

### Members

- Brockley Regenter Leaseholders, Brockley Regenter staff, Brockley Leaseholders Association

### Goals

- Provide a forum for leaseholders to raise issues and concerns with Regenter in which Regenter listens to and responds to those concerns
- Improve and maintain a good relationship between Regenter, its leaseholders and leaseholders organisations such as BLA
- Provide mechanisms to ensure that leasehold charges are fair, transparent , provide good value for money and are as low as possible

### Deliverables

- Inform all leaseholders of dates and agendas for quarterly Leaseholder Forums
- increased leaseholders satisfaction with services and charges
- mechanisms in place for effective consultation between Regenter and leaseholders

### Scope/jurisdiction

- establish a Regenter/BLA working group to set agendas for Leaseholder Forums, monitor follow up on issues raised at leaseholder forums and co-ordinate consultation on issues of concern to leaseholders

### Resources and Budget

- Regenter will provide resources to cover the cost of venue rental, refreshments, printing and postage for leasehold forums

### Governance

- The Leasehold Forum is a consultative rather than a decision-making body. As such it does not have formal governance structures. The Regenter/BLA working group will meet prior to each forum meeting to set the agenda, agree on how leaseholders will be notified and monitor outcomes of discussion at Leasehold Forum meetings. The working group will operate by consensus.

Regenter have committed to actively promote and build more positive engagement with leaseholders and tenants over the next weeks and months to provide a firm platform for improved partnership working on the delivery of the cyclical redecorations programme next year.

The Council continues to monitor this and their progress on the Improvement Plan through the monthly Operations Meetings with Regenter.

**QUESTION No. 5**

**Priority 1**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Foreman  
of the Cabinet Member for Customer Services**

**Question**

How many complaints have Housing Options received about customer service and customer care over the past two years? Could the Council please provide a breakdown of complaints per month.

**Reply**

The table below shows the complaints received, by month, about the Housing Advice & Review service. These are broadly about or contain elements that concern customer service issues or customer care. This includes complaints about staff and issues such as failure to respond to correspondence or calls. It reflects complaints, not the outcomes of complaints.

|           | 2012 | 2011 | 2010 |
|-----------|------|------|------|
| January   | 1    | 1    |      |
| February  | 3    | 1    |      |
| March     | 2    | 0    |      |
| April     |      | 0    | 3    |
| May       |      | 0    | 2    |
| June      |      | 3    | 2    |
| July      |      | 1    | 4    |
| August    |      | 3    | 3    |
| September |      | 2    | 2    |
| October   |      | 3    | 2    |
| November  |      | 2    | 0    |
| December  |      | 2    | 0    |

**QUESTION No. 6**

**Priority 1**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Allison  
of the Cabinet Member for Customer Services**

**Question**

Do fast food outlets & takeaway's in Lewisham pay the same business rates as health food shops or restaurants which serve customers on the premises?

**Reply**

The business rates charge is based on the rateable value of the property multiplied by the rate poundage.

The rateable value is determined by the Valuation Office Agency which is part of HM Revenue and Customs. The rateable value is based on numerous factors including the rental value and use. The type of food served is not a factor used in the calculation.

The rate poundage is a national figure set by the government each year.

**QUESTION No. 7**

**Priority 1**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Davis  
of the Cabinet Member for Customer Services**

**Question**

On 19 December 2009 the leaseholders of various council owned properties in Brockley and Ladywell applied to the Leasehold Valuation Tribunal for a determination of their liability to pay service charges in respect of a PFI contract for major works to their properties in 2007 – 2009. These properties were managed by Regenter Brockley. The application was split into two parts with two hearings to determine the issues and the LVT issued Decisions in respect of the leaseholders' application on 7 February 2011 and on 20 September 2011, Ref: LON/OOAZ/LSC/2010/0129. The LVT made the following findings:

- The 'preliminaries' element of the contract's 'on costs' was held to be unreasonable and reduced from 10.52% of the contract price to just 3.5%.
- The additional 10% management fee levied on top of the 'on costs' was held to be unreasonable.
- Numerous works carried out on blocks and on street properties, including roof works, and electrical works were held to have been unnecessary, other works were held to be of poor quality, or costs to have been unreasonably incurred, and reductions ordered for individual leaseholders in respect of these works.

The council has appealed the decision of the LVT in respect of the 'on costs' and management fee.

1. What will be the overall cost of refunding the reduction in the preliminaries element of the 'on costs' to the 23 leaseholders concerned in the application?
2. What will be the overall cost of refunding the 10% management fee to the 23 leaseholders concerned in the application?
3. What will be the overall cost of refunding the 23 leaseholders concerned in the application for unnecessary works, works of poor quality, and for costs unreasonably incurred as directed by the LVT?
4. What would be the overall cost of refunding the reduction in 'on costs' and the 10% management fee to all leaseholders in the Regenter Brockley area?
5. Who would be responsible for making these refunds to leaseholders – the council or Regenter Brockley?
6. Have any amounts as yet been refunded? How much?
7. How much has the council paid in legal fees fighting the LVT applications of leaseholders in Brockley and Ladywell? What is the estimated bill to conclusion of the council's appeal? Who is responsible for the council's legal fees –the council or Regenter Brockley?

### **Reply**

Given that this matter is still under appeal it is not appropriate to provide a detailed answer now. When the matter has been fully determined, details will be provided at the appropriate time.

**QUESTION No. 8**

**Priority 1**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor De Ryk  
of the Cabinet Member for Customer Services**

**Question**

Has the Council finalised its discussions with LOCOG and TFL regarding extended parking restrictions in Blackheath during the Olympic games?

**Reply**

Yes, discussions have been finalised. Because the whole of the Blackheath controlled parking zone is located within the games 'event zone', identified by LOCOG, the hours of parking control will be extended from Mon - Sat 9.00am – 7.00pm to Mon - Sunday 8:30am – 7.00pm. The extended hours will be in place from 25 July until 9 September 2012. This should protect residents from the potential increase in parking demand.

Pay and display charges will apply during the extended hours and visitor permits will be valid for the extended hours and Sunday. All households within the 'event zone' will receive one free day visitor permit for each Sunday during the games period.

Residents living within the 'event zone' have been notified.

**QUESTION No. 9**

**Priority 1**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Patisson  
of the Cabinet Member for Customer Services**

**Question**

How much money has the Council spent on property guardians over the past two years? Could the Council please detail the amount spent by month.

**Reply**

The Council currently has paid no money for Property Guardian services in the last 2 years.

Ad Hoc Property Guardians have been active on regeneration schemes across the Borough since the start of May 2012 and as part of the arrangement, there is no management fee. The use of property guardians on regeneration schemes is part of a comprehensive, mixed approach to security of void properties that was agreed by Mayor and Cabinet on 14<sup>th</sup> September 2011.

Before a Guardian is able to take occupation, the property is required to be clean, clear of rubbish and have safe gas and electrics, heating and hot water. Ad Hoc provide a one off per property charge of £300 for this which is cheaper than the charge for decommissioning properties that is carried out if the property is secured with sitex grilles. On Milford Towers, where a limited number of properties had void works carried out by Lewisham Homes, the charge is reduced to £50 to cover the cost of the lock change. The charges for this service are listed below. There are currently no property guardians on Excalibur.

Heathside and Lethbridge:

May – 15 – £4,500

June – 7 - £ 2,100

Milford Towers: All in June 2012.

Total 19 = £3,950

12 (£3,600)

7 reduced fee (£350)

Property Services have one site that uses Guardians (Old Tidemill School) - however this service has been provided as part of the Corporate Security Contract which is awarded to CIS Security Limited. The contract is therefore with CIS (as opposed to a Guardian Company). The company that CIS Security are working in partnership with is Newbould Guardians.

This site does not incur any charges for the guardian service and CIS do not charge a management fee - however Property Services have agreed to pay the utilities bills and Statutory maintenance for the site.



**QUESTION No. 10**

**Priority 1**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Feakes  
of the Mayor**

**Question**

The Cabinet recently adopted the Lee Green Assembly's proposal for a one-hour parking permit. Traders in and users of Forest Hill town centre have been asking for some time for the current 30 minute free parking bays to be extended to one hour of free parking. Following the precedent set in Lee Green, would the Mayor please now consider this for Forest Hill?

**Reply**

The Council recently introduced a one hour visitor permit, at a cost of £1.40 each or £10 for 10, across the whole borough. There is no connection between the one hour visitor vouchers and the 30 minute free parking bays.

The Council is currently conducting a review of its parking policy and the scope does include reviewing the use of free short stay bays and the benefits of them for local businesses. This request will be included in the review. A comprehensive consultation exercise will be conducted as part of the parking policy review in September/October 2012. The outcome of the review will go to Mayor and Cabinet for agreement on the 5 December 2012.

**QUESTION No. 11**

**Priority 1**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Bowen  
of the Deputy Mayor**

**Question**

What submissions will the Council make to the Department for Transport concerning the proposed new franchise for Thameslink services through Crofton Park Station and Southern services to London Bridge?

**Reply**

The Council is liaising with the user group for Crofton Park Station regarding submissions to the consultation. Officers are aware that the user group intend to submit a response and have been proactive in providing support and advice on their submission.

The Council also intends to make representation in response to the consultation. Rail franchise consultations are typically difficult to influence. The current preference is to submit a joint response along with other boroughs in the sub-region, as this approach usually has the most impact. Officers are therefore working with the East and South East London Transport Partnership to submit a joint response. If the Council does not feel that its points are made satisfactorily through a joint submission, an individual response will be submitted. However, it is envisaged that a combination of the local submission from the user group, and a sub-regional response from the partnership, will create the right balance and highest impact on the consultation.

**QUESTION No. 12**

**Priority 1**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Griesenbeck  
of the Cabinet Member for Customer Services**

**Question**

How many stray dogs has the council seized over the past twelve months?  
Has the Council taken any action against dangerous dogs during the last twelve months?

**Reply**

For the year 2011-12 the Council collected 309 stray dogs.

The Council hasn't taken any direct action against dangerous dogs as that responsibility lies with the Police. However, through our partnership programme Borough Action for Responsible K9's (BARK) we do work closely with the Police who have taken action against dangerous dogs and their owners.

**QUESTION No. 13**

**Priority 1**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Maines  
of the Mayor**

**Question**

The Economic Downturn fund established in the 2009/10 budget currently has £558,000 that remains unspent according to the officers' report on the Liberal Democrat budget amendment. Has the Council any plans to spend this money during the current financial year? Would the Mayor agree that this money should be spent immediately on initiatives that create sustainable employment.

**Reply**

The Economic Downturn fund was created as part of the 2009/10 Budget. It has been used for a number of ongoing and one-off projects, since its creation. The Council's 2009/10 Budget Report describes Lewisham's response to the economic downturn by saying:

"We will continue working on delivering our aim to ensure that our employees and those employed by our agents/contractors are paid at or above the London Living Wage. This transition will take place over a number of years, but it is necessary to begin setting aside resources to cover the potential costs."

In 2011/12, the remaining Economic Downturn budget was allocated to specific service budgets to provide support towards the costs of the London Living Wage for agency staff.

Lewisham became a fully accredited London Living Wage employer in March 2012, and this recognises a commitment to pay all employees at least the London Living Wage, which currently stands at £8.30 per hour and extends to employees of contractors who provide services for the Council.

**QUESTION No. 14**

**Priority 1**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Peake  
of the Cabinet Member for Community Safety**

**Question**

What is the Council doing to ensure that young people In Lewisham are adequately informed about the law surrounding the use of roller-skates and skateboards, especially in relation to the practice of "skitching"?

**Reply**

Young people themselves have raised their own concerns about the dangerous use of roller skates. The Youth Support Service, with the assistance of the Young Mayor and advisors, has worked with young skaters to develop a strategy and plan of action to promote safer skating to young people in the borough. This will be launched in the coming weeks and will be delivered to young people by young people in youth clubs, youth venues and schools. The messages in the presentation include making sure that young people have the right equipment and clothing, making use of designated skating parks / spaces and understanding the dangers and illegalities of skating on the streets and pavements and, in particular, skitching.

The Council is seeking wide publicity of the launch of the work to ensure that the message reaches as many young people as possible. The launch will be followed by a leaflet distribution. In addition, I raised the growing concerns around 'skitching' with the Police some weeks ago. I understand that the Police have been working with TfL on this issue and a subsequent bus

advertisement campaign will be launched in the near future. Additional Police have been placed on routes where skitching is most prevalent.

The police have assured me that, alongside youth workers, they will be distributing leaflets and talking to young people over the summer months. The Safer Neighbourhood Teams will also be ensuring that skating parks / spaces are being used sensibly and safely. Youth workers will continue to provide skates with skate facilities and ensure that these are collected after a session. The Safer Neighbourhood Teams will look out over the summer for any hotspot areas where irresponsible skating is taking place.

The Council has expanded the opportunity for safe skate spaces over the last six months and will continue to develop any further opportunities should they become available.

**QUESTION No. 15**

**Priority 1**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Beck  
of the Cabinet Member for Community Services**

**Question**

How many Lewisham residents are registered with an NHS dentist? How does this compare with other South London boroughs?

How many NHS dentists operate in Lewisham? How does this compare with other South London boroughs?

**Reply**

This information is held by NHS South East London. Officers have forwarded this request to NHS South East London and requested that a response be sent directly to the member.



**QUESTION No. 16**

**Priority 1**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Brooks  
of the Cabinet Member for Customer Services**

**Question**

How many households with dependant children housed in bed and breakfast accommodation by Lewisham Council have been resident in one for six weeks or longer?

Can the Council please provide the figure per quarter for the past four years?

**Reply**

The table below shows the number of households in non self contained nightly paid (bed & breakfast) accommodation on the last day of each quarter for the last 4 years. Where there is a figure in brackets this shows the number of cases that were in this accommodation whilst their case was under review. This reflects that the council has made a negative decision on a homeless application and the case is being considered by the reviews officer and may be subject to notice to leave the accommodation. The CLG disregard these cases in terms of the duty to place households in nightly paid accommodation for less than 6 weeks.

|           | 2012 | 2011  | 2010  | 2009  | 2008  |
|-----------|------|-------|-------|-------|-------|
| Quarter   |      |       |       |       |       |
| End March | 5(2) | 37(3) | 32(0) | 3(0)  |       |
| End June  |      | 20(0) | 24(0) | 16(0) | 19(0) |
| End Sept  |      | 33(0) | 28(4) | 50(0) | 21(0) |
| End Dec   |      | 20(5) | 2(0)  | 64(0) | 20(0) |

**QUESTION No. 17**

**Priority 2**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Curran  
of the Deputy Mayor**

**Question**

What penalties are available to the Council for unlawful demolition of a building in a conservation area?

**Reply**

The unlawful demolition of a building in a conservation area is a criminal offence. It is at the discretion of the Council to prosecute. In deciding whether it is appropriate to do so, the considerations taken into account are the contribution the building makes to the interest of the conservation area, the harm that has resulted from the its demolition and whether it would be in the public interest (in this context the preservation and enhancement of the conservation area/historic environment, now and in the future) to take legal action.

**QUESTION No. 18**

**Priority 2**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Fletcher  
of the Cabinet Member for Customer Services**

**Question**

What percentage of household waste is sent for reuse, recycling and composting? Could the Council please provide figures for the past 18 months. Could the Council provide details on how its performance compares with other London boroughs. Has there been any improvement in recycling rates since the introduction of the new recycling contract?

**Reply**

Lewisham's recycling, reuse and composting rate for 2011-12 was 17.11%.

Quarterly figures for the past 18 months (October 2010 – March 2012) are as follows:

|                 |        |
|-----------------|--------|
| Qtr 3 (2010-11) | 18.91% |
| Qtr 4 (2010-11) | 17.94% |
| Qtr 1 (2011-12) | 16.05% |
| Qtr 2 (2011-12) | 15.61% |
| Qtr 3 (2011-12) | 17.20% |
| Qtr 4 (2011-12) | 18.72% |

The new contract with Bywaters has shown an improvement in the recycling rates as can be seen with Qtr 3 & 4 from 2011-12 shown above.

The table below details London authorities recycling, reuse and composting rates for April – Dec 2011. It should be noted that many London boroughs collect food and garden waste separately as this was previously being sent to landfill (this isn't the case with Lewisham) thereby boosting rates. Lewisham concentrates efforts at the top of the waste hierarchy and encourages

households to reduce food waste through the Love Food Hate Waste campaign and to home compost any food and garden waste.

| Qtr1, Qtr 2 & Qtr 3 2011/12       | Average Percentage of Household Waste Sent for Recycling, Composting or Reuse (NI192) | Average percentage of household waste sent to landfill | Average percentage of municipal waste sent to land fill |
|-----------------------------------|---|--|---|
| Barking and Dagenham LB           | 32.11%  |  |   |
| Croydon LB                        | 37.86%  | 58.36%   | 59.16%  |
| Ealing LB                         | 41.88%  |  |   |
| Greenwich LB                      | 38.84%  | 8.48%  | 8.39%   |
| Hackney LB                        | 23.70%  |  |   |
| Hammersmith and Fulham LB         | 26.91%  |  |   |
| Haringey LB                       | 26.20%  |  |   |
| Hounslow LB                       | 36.16%  |  |   |
| Lambeth LB                        | 27.03%  |  |   |
| <b>Lewisham LB</b>                | <b>16.45%</b>   | <b>6.41%</b>   | <b>9.41%</b>  |
| Merton LB                         | 37.03%  | 56.13%   | 58.12%  |
| Newham LB                         | 23.64%  |  |   |
| Southwark LB                      | 27.54%  | 21.55%   | 23.10%  |
| Sutton LB                         | 38.66%  | 56.11%   | 56.34%  |
| Tower Hamlets LB                  | 27.98%  |  |   |
| Waltham Forest LB                 | 27.22%  |  |   |
| Wandsworth LB                     | 28.23%  |  |   |
| East London Waste Authority       |   | 35.97%   | 36.71%  |
| North London Waste Authority      |   | 21.70%   | 22.66%  |
| West London Waste Authority       |   | 50.75%   | 52.23%  |
| Western Riverside Waste Authority |   | 8.12%  | 8.65%   |

**QUESTION No. 19**

**Priority 2**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Hall  
of the Deputy Mayor**

**Question**

Will the cabinet member keep the objective of improving pedestrian access under and around Southend Lane railway bridge in mind when approving highway improvements?

**Reply**

There is a planning obligation for "Accessibility Works" around the Bell Green development area and these include for works to improve the pedestrian access under the Southend Lane railway bridge. Proposals for these highways works will be designed to meet the requirements for "Accessibility" as outlined in the planning agreement.

**QUESTION No. 20**

**Priority 2**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Johnson  
of the Cabinet Member for Customer Services**

**Question**

Could you update me on any change in approach regarding the disposal of Lewisham Homes properties, since my question to the 29th February Council meeting and the answer I received then?

**Reply**

It remains the Council's policy not to dispose of any land or property without considering all the possible options for retention. Our response in February of this year highlighted a small number of properties that were being considered for sale. These were identified by an independent survey that concluded it was not economically viable to retain them due to the high cost of the repairs required to bring them up to Decent Homes standards and the lack of appropriate funding to support these works. However, with the changes in April 2012 to the housing finance framework, new funding opportunities were made available. In addition, other changes coming from the housing and welfare reforms will have a substantial impact on housing needs and supply and the downturn in the economy is making home ownership more difficult for local residents. Hence a report was presented to Mayor & Cabinet on the 30<sup>th</sup> May 2012 to reconsider the earlier decision to sell these properties in the light of these changes. The decision was made by the Mayor & Cabinet to retain these properties. Work is underway to look at how we can maximise the opportunities both for housing for local residents in housing need waiting to move but also to investigate opportunities to link with local training and employment schemes to bring these properties back into use.

**QUESTION No. 21**

**Priority 2**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Foreman  
of the Cabinet Member for Customer Services**

**Question**

Has the Council considered recording telephone conversations to its Housing Options Service in line with the policy adopted by many commercial companies as a way of improving customer service and ensuring the accuracy of details taken?

**Reply**

The Council does not currently record calls to the Housing Options service. Some calls in the council's contact centre are recorded but this ceases once the calls are transferred to individual services. Whilst we are not currently considering recording calls, there are a number of steps we take to monitor the quality and accuracy of advice given and information recorded.

- There is regular mystery shopping carried out on calls to the Housing Options Centre. This was carried out most recently in January and a further exercise is being completed shortly.
- A new ICT casework system has been introduced which enables officers to easily update cases with information from customers and make notes of contact
- The Advice & Review Manager carries out casework quality audits, which would include checking action had been taken on telephone contact from customers. This is then used as part of officers' supervision and performance management processes. Feedback on team performance is provided to staff through regular briefings
- Issues are identified and responded to through the complaints process. Where this requires amendments to processes this is actioned through the Advice & review management team

**QUESTION No. 22**

**Priority 2**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Allison  
of the Cabinet Member for Customer Services**

**Question**

How much revenue has been generated from fines related to littering and dog fouling over the past two years in Lewisham?

How much does it cost to maintain the street furniture relating to enforcement notifications for littering and dog fouling in Lewisham?

**Reply**

In relation to littering there have been 5 paid FPNs for this offence. Offences for flytipping and trade waste offences do not earn revenue and costs are the only retrievable money. Dog fouling FPNs have only resulted in one paid. There has been a significant reluctance for witnesses to come forward in this respect.

In terms of cost to maintain street furniture in relationship to enforcement notifications for littering and dog fouling in Lewisham this is not something which is specifically recorded. Enforcement do not have any budget in regards to the cost of maintaining street furniture in relationship to enforcement work.



**QUESTION No. 23**

**Priority 2**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor De Ryk  
of the Deputy Mayor**

**Question**

Would the Council be able to provide a breakdown of s.106 money that remains unspent by ward? Could the Council provide details of how long s.106 money has remained unspent by project? Could the Council detail whether there has been any incident where s.106 money has been given back because it remained unspent? If so, could the Council provide a full financial breakdown by project and by ward?

**Reply**

**Section 106 Balances**

The total level of Section 106 monies available currently is approximately £8.8 million.

The total monies relate to the following heads/policy areas:

| <b><u>Project /Project Heads</u></b>                      | <b><u>Approx. Allocation (£)</u></b> |
|---|--------------------------------------|
| Affordable Housing Initiatives                            | £2,612,733                           |
| Employment and Training Initiatives                       | £413,865                             |
| Town Centre Management                                    | £126,253                             |
| Community Facilities                                      | £412,617                             |
| Environmental/Parks and Children's Play Space Initiatives | £1,399,706                           |
| Transport Initiatives                                     | £2,271,059                           |
| Education Facilities                                      | £712,736                             |
| Health  | £301,399                             |
| Other Balances  | £543,492                             |
| <b>Total</b>  | <b>£8,793,860*</b>                   |

\*Note: The above totals are only an approximate breakdown according to the main Section 106 spend areas and there may be some discrepancies due to the individual requirements set in some Section 106 agreements. Section 106 expenditure for the current financial year is not reflected in the above totals.

The total level of Section 106 monies is continually changing due to incoming payments from new development and project spends. The total funds received and spent during the year 2007/08 to 2011/12 financial year are set out below.

|                 | 07/08     | 08/09   | 09/10     | 10/11     | 11/12     |
|-----------------|-----------|---------|-----------|-----------|-----------|
| <b>Received</b> | 385,300   | 237,202 | 1,009,859 | 1,324,236 | 2,753,723 |
| <b>Spent</b>    | 1,801,455 | 902,719 | 1,017,587 | 401,824   | 853,873   |

It is important to appreciate that the majority of the Council's Section 106 funds have either been allocated to specific projects or are 'ring fenced' under the Section 106 agreement for specific purposes and the timing of delivery of these projects is linked to the development from which the monies were received.

Over £1.3 million of the transport funds have been allocated towards transport improvements in Bell Green, over £600,000 has been allocated towards improvements to the Ravensbourne River and over £100,000 towards important match funding for the Deptford High Street Scheme (i.e. the GLA Outer London Fund bid). A total of over £130,000 has been allocated to improvements to Mountsfield Park and Mayow Park and the employment and training balance continues to support and deliver the Council's on-going local labour and business scheme.

Data on the Section 106 monies received is not recorded on a ward basis. However, there are site specific restrictions on the funding to ensure the necessary link between the development and the location of the projects implemented and ensure that works undertaken relate to the impact of development. Section 106 agreements usually identify specific projects and these may or may not be in the same ward as the development itself. Whilst there has not previously been a requirement to record Section 106 monies on a ward basis, I have asked officers to investigate how Community Infrastructure Levy funding can be monitored on a ward basis when it is introduced.

The Council has spent all Section 106 sums in accordance with the terms of the relevant agreements and therefore to date we have not returned any Section 106 funds to developers.

**QUESTION No. 24**

**Priority 2**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Feakes  
of the Cabinet Member for Community Services**

**Question**

The recently presented Core Strategy includes predictions of population increases in the borough in the context of meeting demand of GP services. The document includes the prediction that by 2020, the population requiring NHS services would be 303,775. The local NHS group preparing for local commissioning is planning for the coming years on the basis that there were 305,606 NHS registered patients in Lewisham in April 2011. Please could you explain why there is such wide divergence from the population figures that the council is using to plan for local services and those figures actually used and experienced by the deliverers of those local services? Why should we vest trust in the strategic documents used by the council if they cannot even properly assimilate current data properly into their population predictions?

The core strategy predicts that by 2015, an extra 10 FTE GPs would be needed in the borough, mostly concentrated around Deptford and Lewisham, to bring the total provision to 158. Notwithstanding questions over the accuracy of the predictions, please outline what progress has been made to meeting the extra demand so far, and what actions the cabinet member has taken specifically to work with the local NHS providers address this need.

**Reply**

The discrepancy that caused the Councillor's query relates to different ways of counting the populations.

Council officers have asked for a detailed explanation to be sent to Cllr Feakes which sets out how the different figures are calculated.

**QUESTION No. 25**

**Priority 2**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Bowen  
of the Cabinet Member for Children & Young People**

**Question**

How much land on the PrendergastLadywellFieldsCollege site by Manwood Rd comprises play space? How much of this land does the Council expect will be used to accommodate new buildings for the proposed primary school on this site?

**Reply**

The total quantity of designated play space on the current Prendergast Ladywell Fields College site is 20,089 square metres. This includes hard and soft play areas and the astro pitch.

The new primary school building would use 1,958 square metres of this designated play space. However, within the 20,089 square metres of designated play space there is an area of 1,473 square metres that is virtually unusable due to the steep banking of the land. We are proposing to landscape this area and create an amphitheatre, allowing students of all ages to use it.

In addition a multi use games area of 230 square metres will be created on a previously unclassified area of land adjacent to a service road. Therefore the reduction of 1,958 square metres is compensated for by these works by an increase in new recreation space land of 1,708 square metres, making an actual net loss of play space of only 250 square metres.

In addition, the large Astropitch comprising 5111 square metres is due to be upgraded to a multi-use games area surface, providing the opportunity for

increased usage. The landscaping to the school entrance from Ewhurst road will also be upgraded and refurbished.

In the future, as numbers increase, the school may also wish to consider bringing into use an area of land of approximately 2,663 square metres within the school site that is currently inaccessible as it is covered by dense ground cover. Either all or a portion of this land could be cleared and landscaped for soft play.

**QUESTION No. 26**

**Priority 2**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Griesenbeck  
of the Cabinet Member for Customer Services**

**Question**

How many complaints has the Council received about urban foxes over the past twelve months? Could the Council please detail the number of complaints by ward?

**Reply**

From May 2011 – May 2012 the Council has received 33 complaints about urban foxes. These are broken down by ward as follows:

|             |   |
|-------------|---|
| New Cross   | 1 |
| Brockley    | 3 |
| Blackheath  | 2 |
| Sydenham    | 3 |
| Lee Green   | 7 |
| Grove Park  | 3 |
| Lew Central | 3 |
| Bellingham  | 3 |
| Forest Hill | 2 |
| Whitefoot   | 1 |
| Catford Sth | 1 |
| Ladywell    | 1 |
| Downham     | 3 |

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Maines  
of the Cabinet Member for Customer Services**

**Question**

Following the Mayor's reversal of his decision to dispose by auction various street properties left empty for up to 5 years. Will the families currently occupying any of these properties have an opportunities to live in the refurbished properties or be involved in the work to bring them back to an acceptable living standard?

Will the decision of these people to occupy these properties affect their housing rights ?

**Reply**

The council will be taking action to regain possession of the properties squatted by Lewisham People Before Profit. Once this action has been taken the properties will undergo Decent Homes works in line with the decision taken recently by the Mayor and Cabinet. As part of the decision made on the 20<sup>th</sup> May 2012 it was agreed that a self build/training opportunity would be developed and attached to at least one of the properties. The council is currently considering the works required on the properties with our decent homes contractors in order to identify one or more properties that may be suitable for this type of initiative.

We are in contact with Centrepoint about a similar scheme they have been involved in. This is to ensure we consider the best practice options for delivering a project of this type. We will also be discussing with local Lewisham providers how best to identify a group of young people who can be offered a training opportunity working on these homes.

Once the properties have received decent homes works they will be advertised through Homesearch, Lewisham's choice based lettings system. This will ensure they are allocated fairly to households with the highest assessed need who have been waiting longest. They will not be allocated to the young people working on them because they are family sized homes.

Any households squatting in these properties can receive housing advice at any point if they want or need it. Whether they are entitled to assistance from the council with housing, either as homeless or on the housing register will depend on their individual circumstances and they will be assessed in accordance with the relevant Council policies and housing legislation



**QUESTION No. 28**

**Priority 2**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Peake  
of the Cabinet Member for Community Safety**

**Question**

Can the Council please detail any local bye-laws that may be in force in relation to the use of (a) roller skates and (b) skateboards in Lewisham? If applicable, could the Council please provide a detailed list of where these are in operation.

**Reply**

**Pleasure Ground Byelaws 1980**

Specific to skating and roller skating:

Paragraph 5 – A person shall not in the pleasure ground skate on rollers or wheels or other mechanical contrivances except on any part of the pleasure ground which by notice conspicuously exhibited is set aside as a skate about area.\*

***\* Note – both of the by-laws mentioned below, and list of sites, are currently subject to revision, pending a proposal to include the following, and update to a modern list of sites:***

***No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.***

**Pleasure Grounds in respect of which Byelaws are made under Section 164 of the Public Health act 1875:**

Eckington Gardens  
Fordham Park

Grove Park Library Gardens  
New Deptford Green

Pleasure Grounds in respect of which Byelaws are made under Section 15 of the Open Spaces Act 1906:

Baxter Field  
Broadway Fields  
Chinbrook Meadows  
Clyde Vale Open Space Playground  
Forster Memorial Park  
Home Park  
Luxmore Gardens

Manor Park  
Mayow Park  
Ravensbourne Park Gardens  
St Paul's Churchyard Gardens  
St Norbert Green  
Southend Park

Pleasure Grounds in respect of which Byelaws are made under Sections 12 and 15 of the Open Spaces Act 1906:

Beckenham Place Park  
Bellingham Play Park  
Bellingham Green  
Blythe Hill Fields  
Brookmill Park  
Catford Hill  
Childers Street  
Deptford Park  
Deloraine Play Park  
Downham Fields  
Woodland Walk, Downham  
Folkestone Gardens  
Friendly gardens  
Giffin Street  
Grinling Place  
Hatcham gardens

Hilly Fields  
Ladywell Fields  
Lewisham Park  
Lucas Street Playground  
Manor House Gardens  
Margaret McMillan Park  
Mill Road Open Space  
Mountsfield Park  
Memorial Gardens – Lewisham Way  
Northbrook park  
Pepys Park  
Senegal Fields  
Sydenham Wells Park  
St Mary's Churchyard  
Telegraph Hill Park  
Warren Avenue Playing Fields

Blackheath being dealt with separately in the Greater London Council's Parks, Gardens and Open Spaces Byelaws, 1932, which have no specific mention of skating.

These documents are held by the Council's Legal Department.

**Note:** The following **traffic laws** are in force on the highways throughout the Borough, according to the Road Traffic Act 1988.

**Section 26 (1)** "If, for the purpose of being **carried**, a person without lawful authority or reasonable cause takes or retains hold of, or gets on to, a motor vehicle or trailer while in motion on a road he is guilty of an offence

(2) If, for the purpose of being **drawn**, a person takes or retains hold of a motor vehicle or trailer while in motion on a road he is guilty of an offence. "

**Section 22A** is a general provision but covers offences under "causing danger to road users".

**QUESTION No. 29**

**Priority 2**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Beck  
of the Cabinet Member for Customer Services**

**Question**

Could the Council please detail the types of garden waste that the Landmann Way re-use and Recycling Centre in New Cross is able to accept for recycling and reuse?

Please list all publicity issued to Lewisham residents over the past twelve months about the types of garden waste that can be recycled through the Council's garden waste recycling scheme? Are there any plans to extend the Council's garden waste recycling scheme to cover 'hardcore, stone and rubble' recycling?

**Reply**

The types of garden waste that can be accepted at the Reuse & Recycling Centre include: flowers and plants, grass clippings, hedge trimmings, leaves and twigs & branches up to four inches in diameter. The site cannot accept kitchen waste, vegetable peelings, soil, turf, stones or Japanese knotweed.

Publicity about the garden waste schemes include:

- Recycling leaflet including details of garden waste services to all households in the borough;
- Lewisham Life – Winter 2011;
- Council web pages;
- Twitter and Blog activity;
- Media activity.

There are no plans to extend the garden waste scheme to cover hardcore, stone and rubble. This type of waste is a different classification of waste and would need to be separated from garden waste sent for composting.

**QUESTION No. 30**

**Priority 2**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Brooks  
of the Cabinet Member for Children & Young People**

**Question**

What is modal and mean 'last child admitted' distances for primary schools in Lewisham (to the nearest 10 metres for modal)?

- a) What has been the average reduction in kilometres in catchment area radius for primary schools in Lewisham?
- b) Could the Council please also provide a breakdown of the reduction in catchment area radius by school?

**Reply**

I am providing information on schools in the borough which use the same admissions criteria. That covers all schools including academies which offer places based primarily on home to school distance. I have not included the faith schools which offer places based on other factors which can include attendance at church.

The mean 'last child offered a place' distance on 18 April 2012 was 2101 metres.

The modal 'last child offered a place' distance (to the nearest 10 metres) on 18 April 2012 was 360 metres.

Note: for the 45 schools there were 41 different distances to the nearest 10 metres. 360 metres occurred 3 times.

There are no catchment areas for schools in Lewisham.

Priority is given to

- i) Children who are Looked After
- ii) Children with an exceptional medical or social need for a particular school
- iii) Children whose brother or sister is on the roll of the school on the closing date for applications (Year 6 children do not qualify)
- iv) Children living nearest to the school

Faith schools use additional criteria as well as these.

Home to school distances are calculated using a straight line measurement. Home to school distances will vary each year and is dependent on the volume of applications for that school at that time. The number of places available for children qualifying under home to school distance, criterion (iv), above will depend on how many places remain after places are allocated to children qualifying under criteria (i – iii).

I have interpreted your question as relating to the distance for the school of where the 'last child to be admitted' lives.

The attached table shows the distances in metres of the last child to be admitted for each relevant primary school for the 2011/12 and 2012/13 reception intake.

No child in Lewisham was offered a place over 2 miles/3218 meters away from their home unless they applied for that school. In the table, where distance over 3218 meters is shown it is because that school was one of that child's preferences.

| <b>School</b>                           | <b>Places<br/>2011/12</b> | <b>Distance<br/>in metres<br/>of last<br/>child<br/>offered<br/>2011/12</b> | <b>Places<br/>2012/13</b> | <b>Distance<br/>in<br/>metres<br/>of last<br/>child<br/>offered<br/>2012/13</b> |
|---|---------------------------|---|---------------------------|---|
| Adamsrill Primary School                | 60                        | 1341  | 60(90)                    | 5187  |
| Ashmead Primary School                  | 30                        | 475   | 30(60)                    | 5198  |
| Athelney School                         | 60                        | 2560  | 60                        | 1493  |
| Baring Primary School                   | 30                        | 321   | 30                        | 232   |
| Brockley/Beecroft Garden Primary School | 30                        | 587   | 60                        | 4391  |
| Brindishe Green Primary School          | 90                        | 897   | 90                        | 410   |
| Brindishe Lee Primary School            | 30                        | 135   | 30                        | 213   |
| Childeric Primary School                | 60                        | 697   | 60                        | 674   |
| Coopers Lane Primary School             | 60 (90)                   | 1326  | 60(90)                    | 5141  |
| Dalmain Primary School                  | 45 (60)                   | 635   | 60                        | 448   |
| Deptford Park Primary School            | 90                        | 7159  | 90                        | 3960  |
| Downderry Primary School                | 60                        | 1425  | 60(90)                    | 3963  |
| Edmund Waller Primary School            | 60                        | 326   | 60                        | 563   |
| Elfrida Primary School                  | 60                        | 534   | 60(90)                    | 9706  |
| Eliot Bank Primary School               | 60                        | 457   | 60(120)                   | 987   |
| Fairlawn Primary School                 | 60                        | 405   | 60                        | 301   |
| Forster Park Primary School             | 60                        | 1786  | 60(90)                    | 4679  |
| Gordonbrock Primary School              | 75 (90)                   | 977   | 90                        | 881   |
| Grinling Gibbons Primary School         | 30 (60)                   | 595   | 30(60)                    | 515   |
| Haseltine Primary School                | 60                        | 6921  | 60(90)                    | 2668  |
| Holbeach Primary School                 | 60                        | 501   | 60                        | 420   |
| Horniman Primary School                 | 30 (60)                   | 1348  | 30                        | 369   |
| John Ball Primary School                | 60 (90)                   | 806   | 60                        | 540   |
| John Stainer Primary School             | 30                        | 184   | 30(60)                    | 1254  |
| Kelvin Grove Primary School             | 60 (90)                   | 5849  | 90                        | 1733  |
| Kender School                           | 30 (60)                   | 5223  | 60                        | 4888  |
| Kilmorrie Primary School                | 45 (60)                   | 1270  | 90                        | 724   |
| Launcelot Primary School                | 60                        | 5422  | 60                        | 3471  |
| Lee Manor School                        | 60                        | 694   | 60                        | 436   |
| Lucas Vale Primary School               | 60 (90)                   | 2091  | 60                        | 3512  |
| Marvels Lane Primary School             | 60                        | 6374  | 60                        | 2797  |
| Myatt Garden School                     | 60 (90)                   | 964   | 60                        | 410   |
| Perrymount Primary School               | 26                        | 321   | 26                        | 356   |
| Rangefield Primary School               | 60 (90)                   | 3830  | 60                        | 4196  |
| Rathfern Primary School                 | 60 (90)                   | 3243  | 60(90)                    | 3095  |
| Rushey Green Primary School             | 60 (90)                   | 645   | 60(90)                    | 478   |
| Sandhurst Infant And Nursery School     | 75 (90)                   | 665   | 90                        | 518   |
| Sir Francis Drake Primary School        | 30                        | 367   | 30                        | 527   |
| Stillness Infant School                 | 90                        | 461   | 90                        | 476   |
| Torridon Infant School                  | 90                        | 721   | 90                        | 891   |
| Turnham                                 | 66                        | 686   | 66(90)                    | 6241  |

**QUESTION No. 31**

**Priority 1**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**This question has been withdrawn**



**QUESTION No. 32**

**Priority 3**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Fletcher  
of the Cabinet Member for Customer Services**

**Question**

The Government recently announced the launch of the 2012/13 air quality grant programme with funds of £2 million to support local authorities in tackling air pollution. Will Lewisham Council be submitting a bid for this funding?

**Reply**

The Environmental Protection Team have received the communication from DEFRA advising of the availability of the air quality grant funding to specified authorities. LB Lewisham is one of the local authorities that can apply for funding and we are currently looking at projects for which a bid can be submitted.

Currently two ideas for grant bids are being considered and it is intended that at least one bid will be made.

Firstly, the Senior Air Quality Officer has been discussing a co-ordinated project with the Sustainability Officer and the Road Safety & Sustainable Transport Team to encourage lift-sharing and cycling. Together these form one bid aimed at reducing transport-related emissions through a sustainable transport strategy. This will also be co-ordinated with Lewisham Healthcare NHS Trust as the other major employer in the local area. The bid will set out how the projects will be used as a case study in order to develop examples of good practice.

A further bid is being discussed with the Environmental Research Group, King's College on a project to gauge current levels of public awareness of air quality issues. This will be a study carried out by ERG. Further work with community groups will then follow to engage the local community and raise awareness of both the effects of air pollution and projects aimed at minimising public exposure.

**QUESTION No. 33**

**Priority 3**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Johnson  
of the Deputy Mayor**

**Question**

Since I presented the petition to Council in February can you update me on discussions the Council has undertaken with Goldsmiths College about bringing empty properties on New Cross Road and St Donatt's Road and outline what progress has been made?

**Reply**

Officers from the Council's Economic Development and Programme Management teams have continued to have discussions with the University to explore how the shops on 302-314 New Cross Road could be bought back into use. Goldsmith's expect to begin the refurbishment of at least two of the shops in 2012. Council officers will continue to work with the college to explore opportunities to secure funding for the refurbishment of all of the five shops.

The two empty properties on St Donnat's Road (numbers 38 and 80) have been sold for residential use, subject to contract.

**QUESTION No. 34**

**Priority 3**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Foreman  
of the Cabinet Member for Customer Services**

**Question**

How many fines and fixed penalty notices for dog fouling have the Council issued to irresponsible dog owners in Lewisham over the past 12 months? Could the Council please provide a breakdown of the fines issued by ward?

**Reply**

There have been 8 fixed penalty notices for dog fouling, this has resulted in only one paid fine. There has been a significant reluctance for witness's to come forward in this respect. There is however a joint working group which works to educate in other ways to address dog issues

**QUESTION No. 35**

**Priority 3**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor De Ryk  
of the Cabinet Member for Children & Young People**

**Question**

Would the Council be able to provide an estimate of how many children there are currently in Blackheath ward? And how many public play-spaces are there within the ward for them to enjoy? How many of the ward's housing estates have dedicated play areas? What money has been invested in public play facilities for children in the ward in the last 5 years?

**Reply**

The latest statistics taken in 2010, show c. 2,668 children aged 0-19 in Blackheath.

There are a number of green spaces in the Blackheath Ward where young people play, including Heathside and Lethbridge, Pagoda Gardens and the open space of the heath itself.

Blackheath housing providers offer a number of play spaces including playgrounds at 2-48 Dacre Park, Ball Court at 70-100 Boone Street and 2-24 and 26-28 Lee Church Street.

We have invested £180,000 in the Meridian and Washhouse youth clubs in Blackheath Ward. The nearest play areas outside the ward are listed below:

- Lee Green youth club: 1 mile away.
- Baseline youth advice one stop shop based in Lewisham town centre: 1 mile away
- The Town centre project based at the Leemore centre: 1.3 miles away
- Ladywell Adventure Playground: 2.3 miles away

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Feakes  
of the Cabinet Member for Customer Services**

**Question**

Southwark Council meet on 19th June to decide the fate of Honor Oak Recreation ground and the future of their cemetery provision. Members of this council have been resolute in their opposition to Southwark's plans to use the recreation ground space for burials - what representations did Lewisham Council make to this final decision making meeting? Similar burial pressures will soon face this borough - when will the burial strategy for Lewisham be updated and published, and what lessons will be learned from the experience of Southwark Council and Honor Oak Recreation Ground. One suggestion put forward by some Southwark Councillors has been for Lewisham to take over Honor Oak Recreation ground. What contacts, if any, have there been about exploring this idea?

**Reply**

In response to the individual points raised –

Southwark Council is aware that, as on previous occasions, this council would formally object to the use of the recreation ground for burials during the required planning application process. At this stage no officers at Lewisham Council been consulted on any proposals for the future use of the recreation ground.

Lewisham, along with many other London local authorities, does need to resolve the shortage of burial space. To address this officers have already taken some action, including clearing previously unused areas within the cemeteries for burial space. The clearance of such area last year will result in approximately 1,250 new burial spaces (900 in Grove Park Cemetery and 350 in Hither Green Cemetery). There are also plans, following the work associated with the installation of the new Mercury Abatement equipment in the New Year, to create a new garden area for the burial of cremated remains.

There are no plans at this stage to update the burial strategy. We are currently looking for and converting areas of land within the cemeteries as

part of our on going strategy. We have previously looked for suitable additional areas of land within the borough but have not been able to identify any suitable sites. As stated this is a London/nationwide problem and a Bill making changes to the legislation on the Reuse of Grave Spaces was laid before Parliament just before the change of government, but it hasn't progressed since that time. The option of reuse of unused grave spaces is available to us but we would obviously wish to use this as a last resort.

In terms of lessons learned, this council has long recognised that any loss of well used recreational open space and sports facilities will have a detrimental impact on local residents and should if at all possible be avoided.

Southwark Council have not made any approaches to Lewisham Officers regarding the possibility of this council taking over the management of the recreation ground.

**QUESTION No. 37**

**Priority 3**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Bowen  
of the Cabinet Member for Children & Young People**

**Question**

How many additional staff are expected to be employed at Ladywell Fields College once the new primary school has been built and is fully operational? How many staff car parking spaces are currently provided on the site?

**Reply**

Based on average staffing for a two form entry primary school, when the proposed primary phase of Prendergast Ladywell Fields College reaches its full complement of children in 2019, around 30 additional teaching and support staff will be required.

The total number of car parking spaces at the current school is 59. This comprises 6 disabled spaces, 6 reserved spaces, 22 bays marked for staff and 21 unmarked bays. In addition there are 2 spaces which are allocated to the PFI maintenance contractor.

**QUESTION No. 38**

**Priority 3**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Maines  
of the Cabinet Member for Strategy and Communications**

**Question**

Did the Council co-operate with the makers of the BBC2 programme "The Secret History of Our Streets" when it featured Deptford High Street. Has the Council now released all the papers relevant to the demolition of the properties mentioned in the programme.

**Reply**

The makers of *The Secret History of Our Streets* did not approach Lewisham Council during the development of their programme and did not asked for any papers to be released.

The information I've received is that officers are not aware of the Council holding any information on this matter as the demolitions that were the subject of the programme were carried out by the Greater London Council.



**QUESTION No. 39**

**Priority 3**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Peake  
of the Deputy Mayor**

**Question**

Apparently it was agreed in December 2010 that the parking bay outside Mirror Mirror at 25 London Road should be changed to 20 mins loading between 7am and 7pm. When will this change happen?

**Reply**

London Road is part of the Transport for London (TfL) Road Network and officers have asked TfL for information on this proposal.

**QUESTION No. 40**

**Priority 3**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Brooks  
of the Cabinet Member for Customer Services**

**Question**

The reinstatement of Lewisham Shopmobility's business rate relief, Lewisham Council stated it would be reconsidering its policy on discretionary business rates for charities. May I have an update on how this is progressing?

**Reply**

The Discretionary Rate Relief review is in progress and consultation with all stakeholders will take place in Autumn 2012. The new policy will be implemented for April 2013 which will coincide with the introduction of the Business Rates Retention Scheme.

**QUESTION No. 41**

**Priority 1**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**This question has been withdrawn**

**QUESTION No. 42**

**Priority 4**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Fletcher  
of the Deputy Mayor**

**Question**

How many car pools operate in Lewisham? What assistance does Lewisham Council offer to individuals wishing to start up or expand car pools?

**Reply**

Car pools are generally operated informally by organisations or large employers, who offer flexible use of a vehicle to their staff or visitors. The Council does not keep records of the number of car pools operating in the borough, but does work with developers through the planning process to encourage car pools as part of a wider package of travel planning measures.

In Lewisham, a number of private businesses operate car clubs, such as Zipcar and City Car Club, although the exact number of car clubs is not known. The Council is supportive of car clubs, which are in alignment with our sustainable transport objectives, but does not offer direct support to new businesses wishing to start up. The Council has introduced parking bays for pool cars when new CPZ's are introduced.

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Foreman  
of the Cabinet Member for Customer Services**

**Question**

Are there any plans to increase the number of signs and notices about dog fouling and bins for dog waste in (a) Whitefoot and (b) Downham ward?

**Reply**

No, however in respect of dog fouling signs these consist of either a stick on notice to lamp posts or the yellow 'Bag it & Bin it' pavement stencils.

Stencils are placed in areas where there are particular issues and the lamp post notice detailing the requirements under the Dog Control Orders were placed on many of the lamp posts across the borough. As part of the lamp post replacement scheme Skanska should be replacing the Dog Control Order notices.

Lewisham no longer provides dedicated dog fouling bins and dog owners can dispose of their bagged dog fouling in general litter bins or their refuse bin at home.

**QUESTION No. 44**

**Priority 4**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Feakes  
of the Cabinet Member for Community Services**

**Question**

Will the council consider adding the sculpted moldings by a local artist which clad the bridge where Honor Oak Park crosses the London to Croydon railway line to the council's list of public artworks deserving of protection and maintenance?

**Reply**

The piece is listed on the Council's database of public art managed by the Arts Service.

The Arts Service produced a Public Art Strategy in 2009 to provide a coherent framework for future commissioning and best practice guidance in relation to maintenance. The approach taken to public art maintenance has been to concentrate resources (£2,000 in the current financial year) on key works commissioned by the Council requiring urgent repairs.

A review of public art was conducted in 2011 to identify priorities regarding maintenance and the Arts Service consulted with public art champion, Cllr Pauline Morrison, on the allocation of resources. It is anticipated that a review will take place every year. The 2011 review did not identify the piece in Honor Oak as a key priority, but it could be considered as part of the next annual review.

**QUESTION No. 45**

**Priority 4**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Bowen  
of the Cabinet Member for Resources**

**Question**

How does the Council help small businesses access Government initiatives supporting access to finance? If such a service exists, how does the Council promote it?

**Reply**

Through the cuts imposed by the Coalition Government, several grants were cut which led to us having to close our Opening Doors Service.

The Council's business advisory service provides free advice and information for businesses on how to access finance. This includes in depth work with businesses and entrepreneurs on developing a finance ready business plan. The main source of finance for businesses is from banks . However the service has access to information on other sources of grants and loans. The details for these grants and loans regularly changes and can depend on the age and location of the business.

The service is promoted through the council website, a business e-newsletter and articles in Lewisham Life.

**QUESTION No. 46**

**Priority 4**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Maines  
of the Deputy Mayor**

**Question**

Following the letter sent by Norman Baker on Cycle safety and the Council passing its support for The Times Safer Cycling campaign - what have the council done?

**Reply**

In support of the Times Safer Cycling campaign, the council currently offers a full complement of training to anyone living, working or studying in the borough.

The programme includes adult cycle training aimed at new cyclists, cyclists wishing to gain more confidence, or plan a journey safely. The two hour free lesson is tailored to the trainees needs. Additionally a 5 week bikeability course runs each weekend for adult group lessons.

Exchanging Places has been held at Eddystone Bridge offering cyclists the opportunity to sit in the cab of a lorry to fully understand the blind spots of an HGV.

Lewisham will also be working with female cyclists through the Breeze network in association with British Cycling.



**QUESTION No. 47**

**Priority 4**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Brooks  
of the Cabinet Member for Children & Young People**

**Question**

How many children entering the primary phase have been educated at independent schools or state schools out of the borough for each of the last ten years?

**Reply**

This data is not available because parents are not required to notify us or anyone else about where they are sending their child to school when they reach statutory school age.

We do have three years of national data collated by the DfE which analyses the borough / LA in which pupils live and the borough / LA in which pupils attend school. This does not give the independent school data. We have more reliable data at secondary level where we can track known primary school pupils.

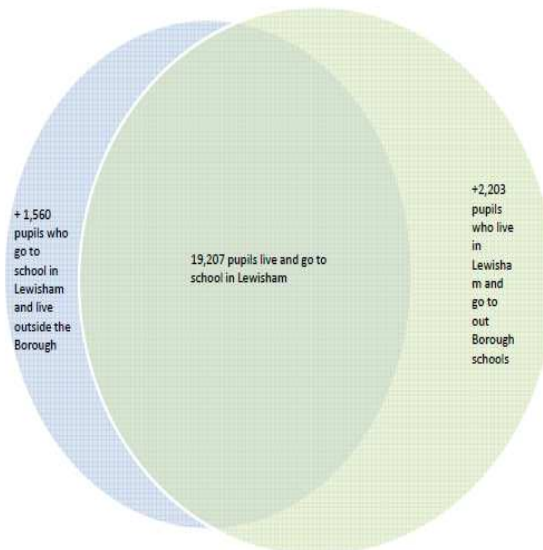
From January 2012 school census, there were 21410 primary school pupils resident in Lewisham, of whom 19207 attended state funded primary schools in Lewisham (90%).

Out of the total 20767 pupils who attended Lewisham primary schools at the census point, 1560 pupils reside in other boroughs (7.5%).

The data table for recent years is shown below and in the attached diagram (data for primary age pupils from DfE January School Census):

|   | 2010  | 2011  | 2012  |
|---|-------|-------|-------|
| % Lewisham resident pupils at in Borough schools  | 89%   | 89%   | 90%   |
| % Lewisham resident pupils at out Borough schools | 11%   | 11%   | 10%   |
| % pupils at Lewisham schools resident in Borough  | 92.5% | 92.4% | 92.5% |
| % pupils at Lewisham schools resident out Borough | 7.5%  | 7.6%  | 7.5%  |

DfE pupil numbers from January 2012 School Census



|  |   |
|--|---|
| 19,207 live in Lewisham  |   |
| + 1,560 live outside Lewisham  |   |
| <u>20,767</u> primary age pupils who attend Lewisham Primary Schools |   |
| 19207 / 20767 = 92.5%  | % of pupils at Lewisham primary schools who live in the Borough |

|   |  |
|---|--|
| 19,207 live in Lewisham                               |  |
| + 2,203 at school outside Lewisham                    |  |
| <u>21,410</u> primary age pupils who live in Lewisham |  |
| 19207 / 21410 = 90%                                   | % who live in Lewisham and go to school in the Borough |

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Fletcher  
of the Cabinet Member for Customer Services**

**Question**

How much publicity has been issued by Lewisham Council regarding the extension in the number of items that can now be recycled. Could the Council please provide a list of publicity issued.

**Reply**

The new recycling contract started in December 2011 and since its introduction there have been a variety of ways in which this has been communicated to residents. These include:

- New stickers on recycling bins;
- Recycling leaflet distribution to all kerbside properties;
- Estates recycling leaflet to all estate properties;
- Distribution of green estates recycling bags, detailing materials;
- New signage on five estates;
- New materials detailed on clear sacks used for recycling;
- Posters on JC Decaux sites;
- Truck livery;
- New contamination tags for bins reminding of what should / shouldn't be recycled;
- Lewisham Life Winter 2011 Edition;
- Lewisham Life Spring 2012 Edition;
- Attendance at numerous Community Events and Ward Assemblies;
- Pull-up banners situated in all the libraries across the borough;
- Back page advert in Council Tax Booklet;
- Downloadable poster from Councils recycling website pages;
- Website pages updated;
- Roadshows for National Recycle Week;

- Wrap-around on News Shopper March 2012;
- Various Media Activity Dec 2100 – June 2012, including for National Recycle Week;
- Media Releases;
- Twitter (@EnviroLewisham) and Blog ([www.recycleforlewisham.com](http://www.recycleforlewisham.com)) Stories, plus re-tweets;
- Monthly eZine to approximately 500 community groups and organisations;
- Direct mailing to various groups and blogs;
- Posters for an estates pilot project;
- Visits to MRF.

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Foreman  
of the Cabinet Member for Customer Services**

**Question**

How many complaints have the Council received about dog fouling over the past 12 months from local residents? Can the Council please detail the number of complaints that they have received by location?

**Reply**

From May 2011 – May 2012 the Council has received 25 complaints about dog fouling.

These are broken down by ward as follows:

|              |   |
|--------------|---|
| Rushey Green | 3 |
| Brockley     | 5 |
| Perry Vale   | 3 |
| Lee Green    | 2 |
| Downham      | 6 |
| Grove Park   | 5 |
| Sydenham     | 1 |

**QUESTION No. 50**

**Priority 5**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Feakes  
of the Deputy Mayor**

**Question**

What recent contacts or discussions have there been with London Ambulances about redesigning the road layout surrounding the Forest Hill ambulance station to better suit local need?

**Reply**

There have been no recent discussions with the Ambulance Service and as a result there are no proposals to alter the road layout surrounding the Station.

**QUESTION No. 51**

**Priority 5**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Bowen  
of the Cabinet Member for Customer Services**

**Question**

How does the Council promote Government initiatives to help people insulate their home?

**Reply**

The Council launched the Lewisham Insulation Partnership in September 2011 to help residents access funding for insulation and raise awareness of the benefits of energy efficiency.

The Partnership was established following a procurement exercise designed to offer residents the best possible deal on insulation by maximising Carbon Emissions Reduction Target (CERT) funding, the Government's obligation on energy suppliers.

The Lewisham Insulation Partnership has been active in all wards, engaging with residents on the doorstep, through local events and community organisations and has been promoted through GP surgeries, libraries, leisure centres, schools, estate and letting agents and a wide range of communication channels, blogs and other local media sources.

All residents can have a free no-obligation survey and homes with an uninsulated cavity wall or loft can have the work done for free. This offer of free insulation is regardless of households circumstances or the tenure of the property. In some circumstances there may be costs associated with access, for example scaffolding in high-rise buildings, and we will work with the landlord to find opportunities to cover or minimise these.

Since it launched the Lewisham Insulation Partnership has completed 1,347 loft insulation and 1,139 cavity wall insulation jobs drawing in over £480,000 of CERT funding.

We have been particularly keen to target those most affected by rising energy bills, working with Lewisham Homes and other social housing providers to ensure their residents can benefit and offering additional support to vulnerable residents to help clear lofts where this is a barrier to having the work done.

The Council is working with the Greater London Authority (GLA) who are developing a programme for other London boroughs that replicates the approach taken in Lewisham. We are also working with the GLA and others to develop our approach to the Green Deal and Energy Company Obligation, the Government's new carbon reduction and fuel poverty programme which has a particular focus on solid wall insulation.



**QUESTION No. 52**

**Priority 5**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Maines  
of the Cabinet Member for Strategy and Communications**

**Question**

In answer to my question on 29th February about the demise of REAL (Question 49) you stated that Initial discussions of the Steering Group have centred on the new organisation's structure and what functions it will have and how it will operate within Lewisham's overall equalities agenda. The steering group is also looking at the work being undertaken by other groups that affect race equality in Lewisham. How many times has the steering group met since February and what progress can you report?

**Reply**

Thank you for your question. I'm pleased to say there's a lot of progress to report and growing excitement about what this new organisation can achieve.

The steering group has met, with Lord Ouseley, on a further 2 occasions since February and will be meeting again in July.

A constitution has now been agreed and will be adopted at the inaugural meeting in the Autumn.

Policies and procedures for the organisation are currently being drafted and a mapping exercise of local equalities provision is currently underway – this will be used to help set the new group's priorities.

A number of organisations have also come forward to be part of the working group including representatives from Lewisham Disability Coalition, the Metro Centre, LEMP, Lewisham Multi Lingual Advice Service and Lewisham Refugee and Migrant Network.

The organisation is still on course to officially launch in the Autumn and it is hoped will move into its own premises.

I can give you another update in the Autumn when hopefully the group is up and running. In the meantime you're welcome to come to the next meeting.

**QUESTION No. 53**

**Priority 5**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Brooks  
of the Cabinet Member for Children & Young People**

**Question**

What is the predicted increase in demand for primary school places in each ward over the next seven years?

**Reply**

Lewisham keeps pupil places under close and frequent review. The most recent forecast (analysed below) projects that, in order to meet demand by 2019, the borough could need up to 26 additional forms of entry (780 permanent places) beyond the number of permanent places available in September 2012.

Lewisham is divided into 6 Primary Place Planning Localities for the purposes of planning primary school places. The Planning Localities were identified through an exercise using pupil post-codes to plot the schools children attended, which then enabled the six approximate geographical boundaries to be defined within which most parents wished to have their children travel to school. Planning Localities are therefore not coterminous with ward boundaries. It is not possible within any meaningful degree of accuracy to extrapolate demand by ward from the information relating to the 6 Primary Place Planning Localities. However, Table 2 below shows the how the schools in each ward relate to the Planning Localities.

Table 1 below shows the number of places in each locality and the 2019 projected low and high demand. The range of demand for places varies considerably between the low and high predictions. However, experience over the last 4 years has been that actual numbers have been in line with or above the high predictions.

The borough is currently consulting on proposals which will add 6 permanent forms of entry across the borough, and will consult on further proposals in the autumn 2012.

**Table1 Summary of projected demand across Lewisham to 2019**

| Primary Planning Locality                    | Permanent Places (September 2012) | Projected demand September 2019 ( Low) | Projected demand September 2019 ( High) | Additional places required                   |
|--|-----------------------------------|--|---|--|
| PPPL1 Forest Hill & Sydenham                 | 913                               | 966                                    | 1051                                    | 53 – 138 (additional 2 - 4.5 forms of entry) |
| PPPL 2 Lee Green                             | 315                               | 338                                    | 405                                     | 23-90 (additional 1 - 3 forms of entry)      |
| PPPL 3 Brockley, Lewisham and Telegraph Hill | 756                               | 878                                    | 995                                     | 122-239 (additional 4 – 8 forms of entry)    |
| PPPL4 Catford, Bellingham and Grove Park     | 570                               | 658                                    | 750                                     | 88 - 180 (additional 3-6 forms of entry)     |
| PPPL5 Deptford & New Cross                   | 450                               | 399                                    | 487                                     | -51 – 47 (1.5 forms of entry)                |
| PPPL5 Downham                                | 360                               | 364                                    | 450                                     | 4 – 90 (0.5 - 3 forms of entry)              |
| <b>BOROUGH TOTAL</b>                         | 3,364                             | 3,603                                  | 4,137                                   | 239-773 (8 – 26 forms of entry)              |

**Table 2 Analysis of schools and Planning Areas by Ward**

| Ward       | Primary Place Planning Locality           | School   |
|------------|---|--|
| Bellingham | PPPL1 Forest Hill & Sydenham              | Haseltine  |
|            | PPPL4 Catford, Bellingham and Grove Park  | Athelney<br>Elfrida<br>St Augustine's RC                           |
| Blackheath | PPPL2 Lee Green                           | All Saints<br>John Ball<br>St Margaret's Lee<br>St Matthew Academy |
| Brockley   | PPPL3 Brockley, Lewisham & Telegraph Hill | Ashmead<br>Lucas Vale<br>Myatt Garden<br>St Stephen's CE           |

|                  |   |   |
|------------------|---|---|
| Catford South    | PPPL4 Catford, Bellingham and Grove Park  | Rushey Green<br>Sandhurst Infant<br>Sandhurst Junior<br>Torridon Infant<br>Torridon Junior        |
| Crofton Park     | PPPL1 Forest Hill & Sydenham              | Dalmain<br>St William of York<br>Stillness Infant<br>Stillness Junior                             |
|                  | PPPL3 Brockley, Lewisham & Telegraph Hill | Beecroft Gardens<br>St Mary Magdalen RC<br>Turnham  |
| Downham          | PPPL6 Downham                             | Good Shepherd Catholic<br>Knight's Temple Grove<br>Launcelot<br>Rangefield<br>St John the Baptist |
| Evelyn           | PPPL5 Deptford & New Cross                | Deptford Park<br>Grinling Gibbons<br>Sir Francis Drake<br>St Joseph's Catholic<br>Tidemill        |
| Forest Hill      | PPPL1 Forest Hill & Sydenham              | Eliot Bank<br>Fairlawn<br>Holy Trinity<br>Horniman<br>Kelvin Grove                                |
| Grove Park       | PPPL4 Catford, Bellingham and Grove Park  | Baring<br>Coopers Lane<br>Marvels Lane  |
| Ladywell         | PPPL3 Brockley, Lewisham & Telegraph Hill | Gordonbrock   |
| Lee Green        | PPPL2 Lee Green                           | Brindishe Lee<br>Lee Manor<br>St Winifred's Catholic Infant<br>St Winifred Catholic Junior        |
| Lewisham Central | PPPL3 Brockley, Lewisham & Telegraph Hill | Brindishe Green<br>Prendergast Vale<br>St Mary's Lewisham CE<br>St Saviour's Catholic             |
| New Cross        | PPPL5 Deptford & New Cross                | Childeric<br>Haberdashers' Aske's Hatcham<br>Temple Grove<br>Kender<br>St James Hatcham CE        |
| Perry Vale       | PPPL1 Forest Hill & Sydenham              | Adamsrill<br>Christ Church<br>Kilmorie<br>Perrymount  |
| Rushey Green     | PPPL1 Forest Hill & Sydenham              | Rathfern  |
|                  | PPPL3 Brockley, Lewisham & Telegraph Hill | Holbeach  |
|                  | PPPL4 Catford, Bellingham and Grove Park  | Holy Cross  |
| Sydenham         | PPPL1 Forest Hill & Sydenham              | Our Lady & St Phillip Neri<br>St Bartholomew's CE<br>St Michael's                                 |
| Telegraph Hill   | PPPL3 Brockley, Lewisham & Telegraph Hill | Edmund Waller<br>John Stainer   |
| Whitefoot        | PPPL4 Catford, Bellingham and Grove Park  | Forster Park  |
|                  | PPPL6 Downham                             | Downderry   |

**QUESTION No. 54**

**Priority 6**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Fletcher  
of the Cabinet Member for Customer Services**

**Question**

A recent study carried out by the Environmental Research Group at King's College, London found that local waste management businesses in Lewisham contributed 27% of the mean PM10 daily concentration as measured at an Air Quality Site in Lewisham. What action will the Council be taking to address this?

**Reply**

As set out in CQ5 for Council Meeting dated 25 January 2012, LB Lewisham recently commissioned the Environmental Research Group at King's College London to carry out a study into source apportionment of PM10 in Mercury Way. This was based on data collected from the local authority run PM10 monitoring station which was located in Mercury Way following concerns raised by local residents and the Environmental Protection Team identifying the potential for fugitive PM emissions from the nearby waste transfer stations. Therefore, the monitoring and subsequent analysis of the data was the first step towards quantifying the problem and health risks.

While the monitoring data shows that the National Air Quality Objectives for PM10 are being achieved at this location, it does raise some issues about the sources of the PM emissions. The waste management industries in the vicinity are regulated by the Environment Agency. Therefore, the Senior Air Quality Officer has been in regular discussions with the Environment Agency who have now prepared a Draft Action Plan for reducing the emissions from the waste management sites. LB Lewisham will continue to work with the Environment Agency to try to ensure that the Action Plan is adopted and implemented.

In addition, the Senior Air Quality Officer has sought to identify other measures that can help to reduce exposure to particulate matter in the local area. This included lobbying Transport for London to use this location for targeting resources from its Clean Air Fund. This resulted in joint-working between LB Lewisham, Transport for London, the Environment Agency and the Environmental Research Group, King's College. This delivered a deep-clean of the road and participation in a dust suppressant trial both along the road and on the waste management sites.

**QUESTION No. 55**

**Priority 6**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Foreman  
of the Cabinet Member for Customer Services**

**Question**

Does the Council have any plans to initiate a special campaign drive to encourage dog owners to keep Lewisham's streets clean for the Olympics?

**Reply**

No, however the Council has an ongoing borough wide campaign to encourage dog owners to keep Lewisham's streets clean. This includes:

- Working with Battersea Cats & Dogs Home who talk to local schools about responsible dog ownership and this includes the issue of dog-fouling.
- Through our awareness raising campaign we also leaflet houses and work with local housing providers to place articles in their newsletters as well as placing articles on the blog and other social networking media.
- Through BARK (Borough Action for Responsible K9's), work with our partners - The Safer Neighbourhood Teams, RSPCA, housing providers, Battersea Cats & Dogs Homes and YOT - promotes responsible dog ownership through activities such as road-shows and Dog Activity Days.
- Pavement Stencils as a visual reminder to dog owners to pick up after their pets.
- Publicity through a variety of channels.

In the run up to the Olympics elements of campaign will target Blackheath ward. The Animal Welfare Service will be attending the Community Safety Day at Hillcrest Community Centre and the Blythe Hill Festival on July 7<sup>th</sup>.



**QUESTION No. 56**

**Priority 6**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Maines  
of the Cabinet Member for Community Safety**

**Question**

The percentage rise in "Homophobic" offences in Lewisham was 40.6% according to the latest Met Police figures. What action is being taken to address this unacceptable increase?

**Reply**

There are a number of factors which may contribute to the increase in figures over the past year.

In April 2011, Lewisham Police reintroduced their LGBT Liaison Unit. This is a team of Police Officers who specialise in dealing with reports of homophobic crime and provide support to victims. They also undertake a range of awareness raising work to build confidence and encourage reports of incidents, as well as develop dialogue between the police and the LGBT community in the borough. The Police were expecting an increase in homophobic reports because of the work undertaken over the past year.

Additionally, third party reporting has been increasingly used as a method of reporting hate crime in the borough over the past year. The Safer Lewisham Partnership Third Party Reporting Scheme has facilitated 4 homophobic reports of hate crime over the past year, as well as 10 racist, 2 racist / religious, and 6 disability hate crime reports.

Council officers have also been working on expanding the Third Party Reporting Scheme in recent months, and 4 new reporting sites have been signed up to the scheme, including the Metro Centre in Greenwich which provides advocacy support to the LGBT community. The Metro Centre also provides counselling for homophobic hate crime victims and it is hoped that

by encouraging victims to report incidents at the Metro Centre victims can be diverted in to the appropriate counselling and support service at the centre.

It is widely acknowledged that all hate crimes are under-reported to authorities across London, therefore any increase in reports should be welcomed as part of the long term work being undertaken by the Council and Police, as well as the many independent reporting sites in the borough, to encourage increased reporting of hate incidents and to build confidence of victims in the local authorities.

**QUESTION No. 57**

**Priority 6**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Brooks  
of the Cabinet Member for Children & Young People**

**Question**

What percentage of primary school applicants have achieved their first choice school, and what percentage, one of their six choices in each of the past five years?

Please can the Council provide the numbers on the waiting list for each primary school in Lewisham at the start of the last academic year.

**Reply**

The requirement for local authorities to co-ordinate all applications made by their residents was introduced nationally and started for the 2011-12 intake. Under this scheme parents are able to apply for up to 6 schools and these can be for maintained schools both in the borough and those maintained by other local authorities in England. Information given below compares the outcome of the 2011 and 2012 reception admissions round.

|      | <b>% offered first preference</b> | <b>% offered a preference</b> |
|------|-----------------------------------|-------------------------------|
| 2012 | 75%                               | 92%                           |
| 2011 | 75%                               | 93%                           |

Prior to 2011 applications were made to the maintaining authority which meant that parents could apply direct to more than one local authority. Under this scheme Lewisham enabled parents to apply for up to 4 maintained schools within the borough.

|      | <b>% offered first preference</b> | <b>% offered a preference</b> |
|------|-----------------------------------|-------------------------------|
| 2010 | 73.8%                             | 90%                           |
| 2009 | 76.5%                             | 92%                           |
| 2008 | 73%                               | 86%                           |

Applications for school places are recorded on a live database so it is not possible to provide the number of children on the waiting list for each primary school at the start of the academic year. In year applications are received on a daily basis and waiting lists do not remain static. In accordance with the requirements of the School Admissions Code children must be added to a waiting list in accordance with the admissions criteria. Therefore it is possible for waiting lists to contract and expand as children come into and leave the borough. Similarly children can go up and down the waiting list.

**QUESTION No. 58**

**Priority 7**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Fletcher  
of the Deputy Mayor**

**Question**

How many stations in Lewisham do not have disabled access? What discussions has the Council had with train operators and the GLA to ensure that all Lewisham stations are wheelchair and pushchair friendly?

**Reply**

Network Rail are undertaking a programme of accessibility improvements using "Access for All", a funding package from the Department for Transport. Two Stations in Lewisham will be benefiting from this programme, namely Brockley and New Cross Gate Stations. These works are due for completion January 2014 and November 2013, respectively. This programme concerns itself with accessibility between the street and the platform. This however does not take account of other important accessibility issues such as the often substantial gap between the platform and the train. For some stations, disabled access is provided to some platforms and not to others. Issues such as these make it difficult to state with certainty the number of stations that do not have disabled access. All the DLR stations in the Borough are fully accessible by any reasonable definition but the Network Rail stations and London Overground are much more problematic, as there is no full and complete definition of disabled access by which stations are monitored.

The Council works with TfL, Network Rail and station operators through the Public Transport Liaison Group and uses this quarterly meeting to raise issues of access and will continue to lobby on behalf of the public, to ensure that Network Rail make as many stations fully accessible, as funding will allow, each year.

**QUESTION No. 59**

**Priority 7**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Foreman  
of the Cabinet Member for Customer Services**

**Question**

How many fixed penalty notices have been issued over the past twelve months to dog owners whose animals have been in breach of Dog Control Orders? Could the Council please provide the total received through these fixed penalty notices and a breakdown of the number of Dog Control Orders issued by type of breach?

**Reply**

There has been one dog control order served this year for a lady not controlling her dog – There have been no FPNs for this order. It must be said that there has been much other works other than orders which have been pursued by the Police RSPCA and animal welfare teams which mitigate the need for order to be placed.

**QUESTION No. 60**

**Priority 7**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Maines  
of the Deputy Mayor**

**Question**

The Catford Dog Stadium closed in 2003, it has now become an eyesore. What actions have you taken since becoming Deputy Mayor responsible for regeneration to find a scheme that will provide the much needed new housing and revitalisation on this site? When will development of this site commence ?

**Reply**

The Council has been working closely with the Homes and Community Agency to ensure the implementation of the planning consent which was granted in January 2009. The original development partner of the HCA, a consortium of Hyde Housing and Countryside, withdrew from the site just after the consent was granted. The HCA is now looking for a new development partner for the redevelopment and Council officers have been involved in this process. It is projected that works will commence in 2013.

**QUESTION No. 61**

**Priority 7**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Brooks  
of the Mayor**

**Question**

Will the Mayor assure Council that the remaining 7 Council Libraries will remain Council owned and managed.

**Reply**

We can never assume that any Council service will remain in its current form of ownership or management as needs, priorities and resources constantly change and have to be revised. However, the provision of libraries remain the responsibility of local authorities and we will always seek to ensure that we continue to provide a comprehensive and efficient service.

There are at present no plans to modify the service.



**QUESTION No. 62**

**Written Reply**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Maines  
of the Cabinet Member for Community Services**

**Question**

Please provide the latest breakdown of adults in Lewisham suffering from:

- i) Mild Dementia
- ii) Moderate Dementia
- iii) Severe Dementia

How many people were assessed to be suffering from each of the 3 diagnosis during 2010/11.

Could you please provide a break down of where the people with Severe Dementia are cared for (e.g. at home, NHS funded beds, Private care homes, NHS provided beds).

**Reply**

In 2007 Lewisham was estimated to have a total of 1,781 people with Dementia\*. Of these:

- 55% (952) were estimated to have mild dementia.
- 32% (559) were estimated to have moderate dementia.
- 13% (222) were estimated to have severe dementia.
- 1.2% (48) were estimated to have early onset dementia (early onset are those aged 30+ to 64)

*\* Source: Derived from 'Dementia UK' prevalence rates and 2007 GLA populations.*

More recently, the GP Quality Outcome Framework registered population for dementia in 2011 was 950 people. There is a likely under-reporting from GPs, hence a difference in the predicted prevalence and reported data.

Whether people have mild, moderate or severe dementia does not dictate how we meet their needs and we do not make placements on the basis of the severity or mildness of the dementia. People have holistic assessments which also take into account their physical frailty and in particular the presence (or not) of accompanying challenging behaviours. Therefore a severely demented individual could live in any of the settings referred to in the question but it would be their other presenting needs which would dictate which of those settings was most appropriate.

The following table demonstrates the number of people with Dementia (not related to severity) placed in 2010/11 and 2011/12.

These figures differ from the projected number of people with Dementia in Lewisham as a number of people will be living independently in their own homes or with packages of care at home.

| Placement Type | Number of Placements |            |
|----------------|----------------------|------------|
|                | 2010/11              | 2011/12    |
| CAT 1 EMI      | 9                    | 15         |
| Nursing EMI    | 49                   | 69         |
| Residential    | 52                   | 74         |
| <b>Total</b>   | <b>110</b>           | <b>158</b> |

**QUESTION No. 63**

**Written Reply**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Johnson  
of the Cabinet Member for Customer Services**

**Question**

Can it be confirmed that Brockley PFI Leaseholders are liable to a maximum of £10,000 every five year period in costs for major works, outside the annual service charge?

**Reply**

I can confirm that the leaseholders under the Brockley PFI are subject to a maximum of £10,000 for every five year period in respect of major works costs and this would include the cyclical decorations programme. I can also confirm that this arrangement excludes the annual service charges.

**QUESTION No. 64**

**Written Reply**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Johnson  
of the Cabinet Member for Deputy Mayor**

**Question**

Following the announcement that privately-owned land at the St Norberts allotments site has been put up for sale, will the council do everything in its power to ensure this important community asset and designated Site of Importance for Nature Conservation is properly safeguarded for the future?

**Reply**

The St. Norbert Road allotments are designated as 'Urban Green Space' and are part of a wider designated 'Site of Nature Conservation Importance'. As such they are protected by adopted Core Strategy Policy 12 'Open Space and Environmental Assets'.

The core strategy policy sets out to protect the character and amenity of open space (part a) and maintain and improve publicly accessible open spaces, nature reserves and allotments (part c). The Core Strategy is part of the development plan for Lewisham and as Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes clear, the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. The intent of Core Strategy policy 12 will therefore be an important consideration when considering any future planning application for this site. In addition the evidence from the 'Lewisham Leisure and Open Space Study' published May 2010 shows that the St. Norbert Road allotments were the only allotments in Telegraph Hill Ward and that the borough had a shortage of allotments with a waiting list of those who wished to take up an allotment. These are material considerations and will be taken into account when and if a planning application for development is received.

**QUESTION No. 65**

**Written Reply**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Maines  
of the Cabinet Member for Customer Services**

**Question**

How many landlords have been prosecuted by Lewisham Council for failure to licence a HMO? How planning enforcement notices have been served on properties which have been converted into HMOs without prior planning permission ?

Do Lewisham inspect two storey HMO properties - Kingston Council have introduction with the support of the LFEPA such inspections?

Has the Council considered publishing a public register of licensed HMOs to protect private tenants?

What percentage of privately rented accommodation in Lewisham does not meet the decent homes standard? What discussions has the Council had with private landlords to address this?

**Reply**

Since the enactment of the relevant legislation in 2005 3 landlords have been prosecuted for failure to licence their HMOs. However 170 HMOs have been licensed through proactive, persuasive methods rather than prosecution as this is considered to be a more productive and less costly way to deliver the service and improve quality. Approximately 15 of the HMOs have been licensed as a result of contact from residents already living in HMOs which was not previously licensed. In these cases prosecution would not be necessary as the owner would have submitted a license application and rectified any deficiencies.

There have not been any planning enforcement notices served  
Two storey properties are only inspected if complaints are received from occupying tenants and occasionally if requested to advise on fire safety ( and other matters ) by landlords. Two storey properties are not required to be licensed.

A register is kept of all properties which have been licensed. This is available to anybody who requests it. As part of the Private Rented Sector Quality project this information will be made available via a link on the Council website. It is hoped this will be available by September this year.

The Private Sector Stock survey which was carried out in 2010 showed that 37.8% of properties in the Private Rented sector did not meet the Decent homes Standard. There is no legal requirement for private rented properties to meet this standard and the Council has no enforcement powers in this regard. However officers are regularly involved in discussions with Landlords to rectify problems to remove category 1 health and safety hazards and will advise on measures to achieve decent homes at the same time. This can result in properties meeting the decent homes standard.

Grants are available to bring either HMOs or single family occupied dwellings up to Decent Homes Standard. This grant covers 50% of the cost of works.

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Maines  
of the Cabinet Member for Customer Services**

**Question**

Following the pressure from the Minister for Housing to encourage Right To Buy has the Council received an increase in enquiries and expressions of interest?

Will the Council use receipts from sales for like for like replacements or a one for one replacement of lost units?

Will the Council ensure that any leaseholder exercising their Right to Buy will be made fully aware of the on-going costs that can be incurred from service charges and contributions to maintenance and repairs?

**Reply**

Since the 1<sup>st</sup> April 2012 when the RTB discount increased 136 application packs have been sent out to enquirers. Approximately 48 existing applicants have had their discount reassessed under the new scheme and around 60 new applications have been completed and returned to the Council. This is a large increase from the same period last year when only around 5 applications were received.

At Mayor & Cabinet on the 30<sup>th</sup> May, the Mayor agreed to sign up to the principle of using receipts for the provision of new homes to replace properties sold under the RTB scheme. Although the Council has committed to replacing the sold units one for one, this is unlikely to be on a like for like basis. Values in Lewisham are relatively high compared with the rest of the Country and the funding criteria set by the Government only allows the local authority to provide 30% of the cost of each replacement property from RTB

proceeds. Hence the new homes may be smaller and /or at higher than social rents.

The process for the use of receipts under this new scheme involves the Council signing up to a Retention Agreement with the Department for Communities and Local Government. However if the money is not used it can be returned to the DCLG, although an interest payment may be required for any late return. Signing up to the Agreement requires the Council to use the receipts for new home provision within three years of receiving the receipt. Sites for development in general have been identified in Lewisham but no firm decision on expenditure has been made at this time. Mayor & Cabinet agreed to signing the Agreement as this does not commit the Council at this point but allows participation within the 3 year period.

Lewisham Homes administer the RTB scheme on behalf of Lewisham Council. A new team has been recruited to deal with the increased interest and it is the intention of the team to interview all applicants on a one to one basis to discuss in detail all of the implications of purchasing a home. As well as making sure that the applicant is fully informed, it will also prevent abortive work assessing claims that are withdrawn at the last moment. Lewisham Homes website has a RTB page which outlines how to apply along with some warnings – some of which are listed below:

- If you sell your home within five years of buying it you will need to repay some of the discount, we can explain how this is calculated.
- There are a number of advantages in becoming a homeowner but it's not right for everyone. In particular you should bear in mind that you will need to arrange and pay for all repairs inside your home, including repairs to your central heating.
- If you buy a leasehold property (a flat or maisonette) you will pay service charges to cover the cost of services and works to communal areas of the block and estate. Major works can be expensive. If you decide to buy your flat we will explain all of these charges to you.
- Most people need to borrow money to buy their homes; this is usually a mortgage from a bank or building society. The monthly amount you pay on your mortgage includes interest on the amount you have borrowed. The interest rate is low at the moment, which is good, but as mortgages are paid back over a number of years you should also consider how much your monthly payment may increase to if the interest rate rises.
- If you do not pay your mortgage your home may be repossessed.
- Once you are a homeowner you cannot claim housing benefit. Department of Work and Pensions (DWP) does provide some help with mortgage payments if you run into financial difficulty, but this may not cover all of the monthly mortgage payment.

Lewisham Homes published details of the new scheme in their April 2012 Residents Newsletter which included some of the concerns raised above.



**QUESTION No. 67**

**Written Reply**

**LONDON BOROUGH OF LEWISHAM**

**COUNCIL MEETING**

**28 JUNE 2012**

**Question by Councillor Maines  
of the Cabinet Member for Customer Services**

**Question**

There are currently three separate decant processes being undertaken in the borough – Milford Towers, Heathside & Lethbridge and Excalibur. What impact assessment has the Council undertaken on the effect of these concurrent decant processes on families on the housing waiting list? Will the Council please detail how these decants are progressing ?

**Reply**

Assessment of all the Council's housing priorities is undertaken through the annual Lettings Plan which is agreed by Mayor and Cabinet. During this process and during the recent review of the housing allocations scheme equalities assessments were carried out. The Lettings Plan was agreed by Mayor and Cabinet on 11<sup>th</sup> April 2012. The Review of Lewisham's Housing Allocations Scheme is going to be considered by Mayor and Cabinet on 20<sup>th</sup> June 2012. Whilst the increase in decanting is creating some pressure on other categories of need in the short term, in general these decant schemes have a positive impact on the housing register because they produce a longer term net increase in housing supply and that supply is of good quality and 'decent'.

The three decant schemes are progressing successfully.

Heathside and Lethbridge: Since April 2011, 27 secure tenants have moved away from the estate as this was their preference. 64 tenants have been pre allocated new build properties in the development currently under construction by Family Mosaic. These residents will move during phased handovers that began in May 2012 and will be ongoing until October 2012.

Excalibur: 19 tenants have been re-housed from Phases 1 and 2 since April 2011. 10 remain and the Council continues to work with partner L&Q on their re-housing options.

Milford Towers: The decanting of tenants began at the end of April 2012 and 16 tenants have moved away from the estate. In the region of a further 60 tenants have been successful in their bids on Homesearch and are going through the process of viewing the property and meeting housing providers to decide if they would like to take up their offer.

| COUNCIL             |                       |                    |
|---------------------|-----------------------|--------------------|
| <b>Report Title</b> | New Ethical Framework |                    |
| <b>Key Decision</b> | n/a                   | Item No.           |
| <b>Ward</b>         | All                   |                    |
| <b>Contributors</b> | Head of Law           |                    |
| <b>Class</b>        | Part 1                | Date: June 28 2012 |

## 1. Summary

This report makes proposals to comply with the requirements of the Localism Act 2011 in relation to the Council's ethical framework. In particular, it seeks approval of a new Code of Conduct, the retention of a Standards Committee, approval of its composition and terms of reference, approval of a procedure for the investigation of complaints of breach of the Code of Conduct and the appointment of an independent person to be involved in the investigation of such complaints.

## 2. Purpose

The recommendations in this report are designed not only to ensure compliance with the new law but to maintain the Council's long held commitment to the highest standards of behaviour in local government. The measures set out in this report are intended both to promote public confidence in local governance, to simplify the requirements of the ethical framework and to reduce the bureaucracy involved in handling complaints of breach of the member code of conduct.

## 4 Background

As requested by the Standards Committee and the Constitution Working Party (CWP) proposals were presented to both of those bodies on 6<sup>th</sup> June 2012 to give effect to the Localism Act 2011 in relation to the new ethical framework. The Standards Committee had, on earlier consideration of anticipated legislation, resolved that proposals should maintain existing code provisions unless there is good reason to omit them, but that the investigation procedure should be simplified to reduce bureaucracy.

The report considered by Standards Committee and CWP now appears in full at Appendix 1. The recommendations in that report were approved in full by Standards Committee subject to the amendment of

text in paragraph 2.2 (2) of the draft member code of conduct appended to that report to insert the word “reasonably” before the word “questioned”. The CWP however approved the report subject to the deletion of paragraph 2.2(2) completely. All other recommendations were approved by both CWP and Standards Committee without amendment.

## **5. Update since 6<sup>th</sup> June 2012**

### *Commencement Order*

- 5.1 As was anticipated in Appendix 1, the Localism Act (Commencement No 6 Transitional Savings and Transitory Provisions) Order 2012 was made bringing all the provisions relating to the new ethical framework into effect from 1<sup>st</sup> July 2012. The Order allows for a person who is currently an independent member of the Standards Committee to be appointed as the independent person who has a statutory role in the investigation of complaints of breach of the new Code, provided that they do not continue as a member of the Standards Committee. Without this Order that would not have been allowed. The Order also provides for existing complaints to be dealt with under the old regime until 1<sup>st</sup> July but if they are not resolved by then for them to be handled under the new regime.

### *Regulations*

- 5.2 The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 have also been laid and become effective on 1<sup>st</sup> July. The Regulations provide for members to register their disclosable pecuniary interests. Failure to do so can lead to prosecution and a fine of up to £5000. A new registration form is being devised, and subject to the approval of full Council will be available to all members at the Council meeting alongside an undertaking to abide by the newly adopted Code.

### *Independent person*

- 5.3 As was reported to the Standards Committee and the CWP, the position of independent person was advertised. Interviews took place on 19<sup>th</sup> June and it is recommended that Sally Hawkins be appointed to serve as the Council’s independent person for the remainder of the current municipal year for an annual retainer of £1000 and a day rate of £300 in the event of her services being required. A brief summary of her relevant experience appears at Appendix 2.

### *Member Code of Conduct protocols*

- 5.4 There are no changes proposed to the protocols pertaining to the member code of conduct at this stage save in respect of the planning and lobbying protocol. Change is required here for two reasons. First there is now more clarity in the statute about predetermination and

predisposition and so the wording in the proposed amended protocol is softened to reflect this. It is also necessary because of the abolition of an existing statutory exception which to date has allowed members with prejudicial interests nonetheless to address committee provided a member of the public would be allowed to do so, and the member leaves the room immediately after making representations. There is to be no such exemption in relation to disclosable pecuniary interests. A draft amended protocol was circulated to the Standards Committee and to CWP. It was supported by both. It appears at Appendix 3.

- 5.5 However, the Head of Law is of the view that the amended protocol as approved does not reflect the maximum latitude that could be afforded members to enable them to make representations (for example on behalf of their constituents) even though they may have a personal interest that falls short of a disclosable pecuniary interest. She therefore proposes that para 10 of Appendix 3 be amended to read as set out in Appendix 4. This reflects statements made at CWP and Standards Committee that members would not want this right eroded more than absolutely necessary to comply with the law. The impact of this amendment would be to prevent only those members with a disclosable pecuniary interest from making representations.

#### *Membership of the Standards Committee*

- 5.6 The Standards Committee and the CWP recognised that the membership of the existing Standards Committee (6 councillors and 6 independent members) may create problems with the quorum especially as smaller sub committees may need to be appointed to carry out various different roles. This problem is exacerbated because the independent members will be unable to vote. To avoid this, CWP advised that the Council give consideration to increasing the number of councillors on the Committee to 10 in accordance with current practice for existing committees whilst retaining 6 independent members. CWP also resolved that the Council consider whether the Chair of the Standards Committee should be exempt from the provision that members may only be Chair of one Committee. This would accord with current practice in relation to the Audit Committee and the CWP.

## **6. Training**

So that members can be aware of the new requirements of the member code of conduct, the implications for them and the procedure for the investigation of complaints, a training session has been arranged for 7.30 pm on Monday 16<sup>th</sup> July at, a date fixed in the members' calendar for all party briefing.

## **7. Financial implications**

There are no specific implications. The recommendation to appoint an independent person for an annual retainer of £1000 and a day rate of

£300 in the event of an investigation arising can be contained within existing budgets.

## **8. Crime and Disorder Implications**

The new regime brings into effect new criminal offences as set out in this report.

## **9. Equalities Implications**

9.1 The Equality Act 2010 (the Act) brings together all previous equality legislation in England, Scotland and Wales. The Act includes a new public sector equality duty (the equality duty or the duty), replacing the separate duties relating to race, disability and gender equality. The duty came into force on 6 April 2011. The new duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

9.2 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

9.3 As was the case for the original separate duties, the new duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

9.4 The Equality and Human Rights Commission issued guides in January 2011 providing an overview of the new equality duty, including the general equality duty, the specific duties and who they apply to. The guides cover what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guides were based on the then draft specific duties so are no longer fully up-to-date, although regard may still be had to them until the revised guides are produced. The guides do not have legal standing unlike the statutory Code of Practice on the public sector equality duty, However, that Code is not due to be published until April 2012. The guides can be found at:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-duties/new-public-sector-equality-duty-guidance/>

- 9.5 The proposed new Member Code of Conduct makes explicit reference to the duty to promote equality and therefore goes further than the statutory minimum. If this is adopted it will reflect the Council's commitment to fulfil its equalities duties.

## **10. Environmental Implications**

None Arising

## **11. Human Rights Implications**

The European Convention on Human Rights was incorporated into domestic law by the Human Rights Act. Article 6 of the Convention provides the right to a fair hearing, and the suggested procedure for handling complaints of breach complies with this right.

## **12. Legal implications**

- 12.1 Legal implications are set out in the body of the report and those legal implications set out in Appendix 1 remain pertinent save to the extent that draft secondary legislation referred to in that report has been made since the report was drafted.
- 12.2 There are some additional legal implications. They relate to the composition and terms of reference of the Standards Committee. Because the specific statutory requirements relating to the Standards Committee are being abolished, generally the Council is free to adopt whatever arrangements it sees fit for the Standards Committee, subject to general administrative law. The number of members on it and the number of co-opted independent members are a matter for the Council to decide. As a committee of the authority without any exemption from the provisions of the Local Government & Housing Act 1989, it will be necessary for the committee to be politically balanced.
- 12.3 Under the Council's Constitution, subject to certain exceptions, Members may only be a chair of one committee. Members may want to consider whether the Chair of the Standards Committee ought to be one of these exceptions.
- 12.4 By virtue of Section 28 (8)(c) Localism Act 2011, the appointment of the independent person must be approved by a majority of the members of the Council.

## **13. Recommendations**

That the Council:-

- 13.1 Decide whether to approve the draft Member Code of Conduct appearing in Appendix 1 with effect from 1 July 2012 with the

amendment proposed by the Standards Committee or Constitution Working Party or otherwise.

- 13.2 Approve the draft procedure for handling complaints of breach of the Code of Conduct, also appearing in Appendix 1.
- 13.3 Agree that the Council:-
  - (a) retain a Standards Committee consisting of 10 councillors and 6 independent members, and that the places on this committee be allocated 7 to the Labour Group, 2 to the Liberal Democrat Group and 1 to the Conservative Group;
  - (b) approve its terms of reference as appearing in Appendix 1 (subject to the deletion of paragraph 9 which function passes by law to the Chief Executive);
  - (c) appoint councillors and the existing co-opted members and/or others to it ;
  - (d) decide whether, as advised by CWP, the Constitution should be amended to provide that the Chair of the Standards Committee may be held by a member who is also the Chair of another committee.
- 13.4 Appoint Sally Hawkins to be the Independent Person for the remainder of the municipal year.
- 13.5 Agree that the Council's Constitution be amended to reflect the Council's decisions in relation to the new ethical framework.
- 13.6 Approve the amendments to the planning protocol appearing at Appendix 3, subject to those set out at Appendix 4 in relation to paragraph 10 of that protocol.
- 13.7 Note that at the September Council meeting an item will appear on the agenda relating to constitutional changes required by the Localism Act and other new legislation.

Contact Kath Nicholson: 020 8314 7648



**APPENDIX 1**

**REPORT & APPENDICES  
SUBMITTED TO CWP & STANDARDS COMMITTEE  
ON 06 JUNE 2012**

| STANDARDS COMMITTEE |  |                  |
|---------------------|--|------------------|
| <b>Report Title</b> | <b>THE NEW ETHICAL FRAMEWORK UNDER THE LOCALISM ACT 2011</b> |                  |
| <b>Key Decision</b> | N/A  | Item No 5        |
| <b>Ward</b>         | All  |                  |
| <b>Contributors</b> | Head of Law  |                  |
| <b>Class</b>        | Part 1   | Date 6 June 2012 |

**1. Summary**

This report proposes a new Member Code of Conduct for the Council to comply with the requirements of the Localism Act 2011 as well a procedure for dealing with complaints of breach of that Code. Finally the report proposes that the Council retain a Standards Committee and suggests terms of reference for it:

**2. Purpose**

The purpose of the report is to seek the comments of the Standards Committee and Constitution Working Party (CWP) respectively to provisions designed to implement the provisions relating to Standards in the Localism Act 2011.

**3. Recommendations**

It is recommended that the Standards Committee:

- 3.1 approve the draft Member Code of Conduct attached at Appendix 1 for referral to full Council at its June 2012 meeting
- 3.2 approve the draft procedure for handling complaints of breach of the Code of Conduct attached at Appendix 2, for referral to full Council
- 3.3 to refer a proposal to full Council that the Council retain a Standards Committee with the composition and terms of reference appearing at Appendix 3.
- 3.4 note that an advertisement has been placed on the Council's website seeking the services of an Independent Person who must be consulted

prior to any decision being made following investigation of a complaint under the procedure for handling allegations of breach of the Member Code of Conduct

#### 4 Background

- 4.1 Under the Local Government Act 2000 an ethical framework for local authorities is in place until 30<sup>th</sup> June 2012. That framework includes, amongst other things,
- (a) a statutory Code of Conduct
  - (b) a legal requirement for authorities to have standards committees to promote high standards of ethical behaviour and to investigate complaints of breach of the Code of Conduct
  - (c) a statutory basis for membership of and voting by independent members of the Standards Committee
  - (d) a statutory process for investigation of allegations of breach of the Member Code of Conduct.
  - (e) the ability of local Standards Committees to impose sanctions for proven cases of breach of the Member Code
- 4.2 Until the beginning of this year there was a statutory role for the independent body, Standards for England in promoting ethical standards, monitoring local authority performance in this area and investigating the most serious allegations of breach.
- 4.3 The Localism Act 2011 abolishes the old regime totally from 30<sup>th</sup> June 2012 and requires authorities to put in place new provisions with effect from 1<sup>st</sup> July 2012.
- 4.4 The differences between the old and new provisions were most recently the subject of a full briefing to the Standards Committee on 1<sup>st</sup> March 2012, but the key features of the new legal requirements can be summarised as follows:-
- (a) the abolition of the national Member Code of Conduct and the introduction of statutory elements which must be incorporated in a local Code of Conduct. Those statutory elements relate to the Nolan principles which must be followed and the declaration of interests
  - (b) discretion locally to build on the statutory elements which must be reflected in the Code of Conduct should the local authority see fit to do so

- (c) the abolition of the requirement for all members to undertake in writing to comply with the Member Code of Conduct
  - (d) there is no longer a statutory requirement for a Standards Committee, and if one is appointed there are no special legal provisions enabling independent members to vote or chair meetings
  - (e) The only sanctions which can be imposed on members breaching the Code are criminal sanctions for breach of the provisions relating to the declaration of interests and withdrawal from consideration of matters in which members have disclosable interests.
  - (f) the abolition of the legal requirement to declare the member's interests at meetings if the member has already disclosed the interest in the Register of Members' Interests
  - (g) the procedure for investigation of allegations of complaints of breach of the Code of Conduct is a matter for local discretion. However, before making any decision in relation to a breach of the Code of Conduct, an Independent Person must first express their views on the matter. The member concerned may also refer to the Independent Person.
- 4.5 On 7<sup>th</sup> December 2011, the Standards Committee agreed that the Council keep the existing Member Code of Conduct unless there is good reason for departure from it and adopt an investigations procedure that promotes confidence and embodies flexibility and that officers bring a further report back on this at the appropriate time.
- 4.6 On 15 November 2011, the Constitution Working Party resolved to recommend to the Council that it retain a Standards Committee with support for independent membership when it adopts new ethical framework arrangements.
- 5. A draft Member Code of Conduct**
- 5.1 Attached at Appendix 1 is a draft Member Code of Conduct, which members will see highlights those elements which are statutory and those which are recommended for adoption locally. Officers are of the view that the inclusion of the local elements shown in text boxes strikes a balance between a code that is on the one hand clear and robust and on the other not overly onerous on members. Officers believe that the adoption of the code attached at Appendix 1 should still inspire public confidence as well as being realistic and not overly complicated or bureaucratic.
- 5.2 Members will note that the draft Code is not explicit on what is a disclosable pecuniary interest and what is not. That is because the

regulations have not yet been received, though CLG have confirmed that they are expected any day and the implementation date is still to be 1<sup>st</sup> July. If they are not received prior to the CWP meeting, officers propose that the definition of disclosable pecuniary interests be inserted as set out in the regulations when published, and that those other interests to be disclosed in the Register of Members' Interests be those which would now be disclosable under our existing Code. If that is agreed, the Monitoring Officer would propose that authority be delegated to her to amend the draft Code to give that effect prior to the Council meeting.

6. **A draft procedure for the investigation of complaints of breach of the Code**

A draft procedure now attached at Appendix 2. It is a much simpler procedure than that which has been previously in place as a matter of law which was widely recognised as lengthy, rather complicated, costly and could not be adapted to the particular circumstances of the allegation. The new draft procedure has as its key elements:-

- (a) that complaints be referred to the Monitoring Officer in writing.
- (b) that where the Monitoring Officer thinks it appropriate, she may try to resolve the matter informally by discussion with both the complainant and the member concerned or otherwise.
- (c) where this cannot be achieved or where the Monitoring Officer thinks it appropriate that a formal investigation take place, the Monitoring Officer may investigate the complaint personally or appoint another person to do so on her behalf.
- (d) the Monitoring Officer or the person appointed by her to investigate the complaint will produce a report of their investigation
- (e) Once the Monitoring Officer or the person appointed by her to investigate the complaint has completed their investigation whether or not they are of the view that a breach of the Member Code of Conduct has occurred, they will send a copy of their report and all supporting documentation to the Independent Person .
- (f) the Independent Person will review the documentation sent by the Monitoring Officer and any further documentation received from the member concerned and produce a report for the Standards Committee.
- (g) A sub committee of the Standards Committee will consider the Monitoring Officer report, the report of the Independent Person

and any written representations made by the member concerned.

- (h) At their own discretion the sub committee of the Standards Committee may call the member concerned, the Monitoring Officer and/or the person appointed by her to investigate the complaint, and the Independent Person and any other person they deem necessary to answer their questions should they choose to do so.
- (i) The sub committee of the Standards Committee will make a decision as to whether the Code of Conduct has been breached and if so what action to take in respect of that breach.
- (j) If the allegation is proven, the member will have a right of appeal to another sub committee of the Standards Committee. Their decision will be final.
- (k) if the allegation appears to relate to failure to register or declare disclosable pecuniary interests, or to participation in the consideration of a matter where the member's interest precludes such participation, such breaches may result in prosecution. In appropriate circumstances such matters may be referred to the police at any time, at which point the Council's investigation may cease until the police investigation is complete.

## 7. A Standards Committee

- 7.1 The proposed composition and terms of reference of a Standards Committee are set out at Appendix 3. In accordance with the express wishes of the CWP, it is proposed that the Standards Committee continue and still consist of 6 councillors and 6 independent members. However it is noteworthy that with the abolition of the special legislative provisions allowing the independent members to vote, it will not be possible for the Committee to be independently chaired and only those members who are elected members of the Council will be allowed to vote on matters before it. The independent members will not have voting rights.
- 7.2 Officers suggest that the terms of reference of the existing Standards Committee be amended only to the extent that they reflect the new legislation and this is incorporated in the proposals at Appendix 3. Officers recommend that these terms of reference and the proposed composition of the Standards Committee are referred to full Council for approval.

## 8. **An independent person**

An advertisement calling for applications for the post of Independent Person to be involved in the procedure for handling allegations of breach of the Member Code of Conduct has been placed on the Council's website. Interviews are to take place in June and the outcome reported to the full Council with a recommendation for appointment at the next Council meeting.

## 9 **Legal implications**

9.1 The changes to the law are broadly reflected in the body of the report. However there are a number of points to highlight.

- a) The Localism Act abolishes the old regime and a Commencement Order is to be laid imminently which will create a statutory duty under part 1 Chapter 7 Localism Act 2011 to have the new arrangements in place by 1<sup>st</sup> July 2012.
- b) Second, though the Localism Act 2011 requires that a person who has been a member or officer of the authority within the last 5 years will be precluded from being the Independent Person, DCLG have confirmed that there are to be transitional provisions for one year that those who have been members of the Standards Committee within that period may be so appointed provided that they are not members of the Standards Committee and Independent person at the same time. It is also DCLG's intention to make this transitional arrangement a permanent one. These measures are to be introduced by regulation yet to be seen, The advert has been placed on the assumption that the changes will be made to the law, but no appointment may be made of anyone who has acted in the role of member or officer in the last 5 years unless that regulation is forthcoming.
- c) It is noteworthy that for breaches of the Code of Conduct which do not relate to those for which prosecution is the sanction, there are no special sanctions available to the Council or its Standards Committee. They will be limited to censure, publicity, and in very limited circumstances certain other actions.

## 10. **Human Rights Implications**

Article 6 of the European Convention on Human Rights incorporated into national law by the Human Rights Act 1998 enshrines the right to a fair hearing. Officers advise that this requirement is met by the proposed procedure for handling allegations of breach which also fulfils the requirement for any hearing to comply with the rules of natural justice.



**11 Financial implications**

There are no specific financial implications arising from this report

**12 Equalities implications**

Members are reminded of their duty under the public sector equality duty set out in Section 149 of the Equality Act 2010 to have regard to the need to eliminate discrimination and promote good relations between those with protected characteristics and those without such characteristics. Officers have not identified any specific equalities implications arising from this report.

**13 Crime and Disorder Implications**

13.1 There are no specific crime and disorder implications, save to note that the new legislation renders it a criminal offence not to declare disclosable interests in the Register of Members' Interests. Participation in consideration of a matter in which a member has a disclosable interest is also liable to prosecution.

13.2 The entire Code is designed to promote ethical behaviour of the highest standard to promote public confidence and reduce the prospect of improper behaviour.

**14. Environmental implications**

There are no specific implications arising.

**Background Papers**  
None reported

If you would like more information on this report please contact Kath Nicholson: Head of Law on 0208 314 7648



**Proposed LBL Member Code of Conduct**

**1. Introduction**

- 1.1 This Code sets out the principles and standards of behaviour for all members of the London Borough of Lewisham, both elected and co-opted members. It is designed to demonstrate the Council's commitment to the highest standards of ethical behaviour. Certain minimum requirements are set out in law and these are all included in this Code. However, the Council has put in place some elements of this Code by exercising its own local discretion to do so. Those elements which the Council has included under this discretionary power are contained within text boxes below.
- 1.2 For the avoidance of doubt, when the term "members" is used in this Code, or any appendices or protocols under it, it means the Mayor, elected and co-opted members.

**2 Principles**

- 2.1 Members are required to comply with the following principles in their capacity as a member:-

- SELFLESSNESS
  - INTEGRITY
  - OBJECTIVITY
  - ACCOUNTABILITY
  - OPENNESS
  - HONESTY
  - LEADERSHIP
- |   |
|---|
| <ul style="list-style-type: none"><li>• INDEPENDENT JUDGEMENT</li><li>• RESPECT</li><li>• STEWARDSHIP</li></ul> |
|---|

- 2.2 Accordingly the following requirements apply:-

- 1) Members must act solely in the public interest. They must never improperly confer an advantage or disadvantage on any person nor seek to do so. They must not act to gain financial or other benefit for themselves, their family, friends or close associates.
  
- 2) Members must not place themselves under a financial or other obligation to any individual or organisation that might seek to influence the performance of their duties as a member.

LBL requires that members must not act to place themselves in a position where their integrity might reasonably be questioned and should on all occasions avoid situations which may create the impression of improper behaviour

- 3) Members should make decisions on merit, including when awarding contracts, making appointments, or recommending individuals for rewards or benefits.
- 4) Members are accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their office.
- 5) Members should be as open as possible about their decisions and actions and those of the Council. They should be prepared to give reasons for those decisions and have regard to the advice of the Council's statutory officers before making any decision.
- 6) Members must act to ensure Council resources are used prudently. When using or authorising the use by others of Council resources, members must ensure that they are used only for legitimate Council purposes and not for any other purpose. In particular they must not be used improperly for political purposes (including party political purposes). Members must have regard to any applicable Local Authority Code on Publicity under the Local Government Act 1986.
- 7) Members must take account of the views of others, including their political groups, but must reach their own conclusions and act in accordance with those conclusions.
- 8) Members should promote equality and not discriminate unlawfully against any person, and treat all people with respect. Whilst it is acknowledged that political debate may at times be robust and forthright, and that the right of freedom of expression is essential to vibrant political discourse, members should ensure that their comments and behaviour do not overstep the line of acceptability. They should not bully any person. They should respect the impartiality and integrity of the Council's officers
- 9) Members should promote and support high standards of conduct in particular as characterised by the above requirements by leadership and example.

### **3 When does this Code apply?**

- 3.1 This Code applies at all times when members act in their capacity as member or claim to do so.

3.2 In addition LB Lewisham has agreed that members must not act at any time in a way that could reasonably be regarded as likely to bring the Council or their office into disrepute.

#### 4 Personal interests

4.1 There are three categories of personal interest.

- Disclosable pecuniary interest
- Other registerable interest
- Non registerable interest

##### *Disclosable pecuniary interest*

4.2 The definition of disclosable pecuniary interest is set out in regulation. It is as follows:-

**1 Employment, office, trade, profession or vacation**

*Any employment, office, trade, profession or vocation carried on by a relevant person\* for profit or gain.*

**2 Sponsorship**

*Any payment or provision of any other financial benefit (other than from the Council) made or provided within the 12 months prior to the date of giving notice of interest for inclusion in the register in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.*

*This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.*

**3 Contracts**

*Any contract which is made between a relevant person\* (or a firm in which they are a partner, or a body corporate in which they are a director or in the securities\*\* of which body corporate they have a beneficial interest) and the relevant authority—*

- (a) *under which goods or services are to be provided or works are to be executed; and*
- (b) *which has not been fully discharged.*

**4 Land**

*Any beneficial interest in land which is within the borough.*

**5 Licences**

*Any licence (alone or jointly with others) to occupy land in the borough for a month or longer.*

**6 Corporate tenancies**

*Any tenancy where (to the Member's knowledge)—*

- (a) *the landlord is the Council; and*
- (b) *the tenant is a body in which the relevant person\* is a firm in which they are a partner, or a body corporate in which they are a director or in the securities\*\* of which body corporate they have a beneficial interest.*

**7 Securities**

*Any beneficial interest in securities of a body where—*

- (a) *that body (to the Member's knowledge) has a place of business or land in the borough; and*
- (b) *either—*
  - (i) *the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or*
  - (ii) *if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person\* has a beneficial interest exceeds one hundredth of the total issued share capital of that class.*

*\* For the purposes of this paragraph 4.2, a "relevant person" is:-*

- (i) *the Member, their spouse, or civil partner;*
- (ii) *a person with whom the member is living as husband and wife;*  
*or*
- (iii) *a person with whom the member is living as if they were civil partners.*

*\*\* For the purposes of this paragraph 4.2, "securities" means shares, debentures, debenture stock, loan stock, units of a collective investment scheme within the meaning of the Financial Services and markets Act 2000 and other securities of any description other than money deposited with a building society*

- 4.3 Members must within 28 days of taking office as a member, notify the Monitoring Officer of any disclosable pecuniary interest where the pecuniary interest is the interest of themselves, their spouse or civil partner (or is the interest of someone with whom the member lives as spouse or civil partner) for inclusion in the Register of Members' Interests.

*Other registerable interest*

- 4.4 Members must also within 28 days of taking office as a member, notify the Monitoring Officer of such further interests as LB Lewisham has decided should be included in the register

*Membership or position of control or management in:-*

- *Any body to which you were appointed or nominated by the Council*
- *Any body exercising functions of a public nature (described below) or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party*

*Any person from whom you have received a gift or hospitality with an estimated value of at least £25*

*There is no definitive list of bodies exercising functions of a public nature, but those bodies which:-*

- *carry out a public service, or*
- *take the place of local/central government (including through outsourcing); or*
- *carry out a function under legislation or in pursuit of a statutory power; or*
- *can be judicially reviewed,*

*are likely to be bodies carrying out functions of a public nature. They include bodies such as government agencies, other councils, health bodies, council owned companies, ALMOs, school governing bodies.*

- 4.5 LBL requires all members to ensure that their entries on the Register of Members' Interests are kept up to date annually and that they notify the Monitoring Officer of any change to their interests within 28 days of the change arising

**5. Declaration of interests**



### *Disclosable pecuniary interest*

5.1 By law, Members with a disclosable pecuniary interest may not participate in any discussion of, vote on, or discharge any function relating to any matter in which the member has such an interest, unless a dispensation has been granted under Section 33 Localism Act 2011.

5.2 In Lewisham decisions relating to dispensation may only be taken by the Standards Committee which will decide each case on its merits.

5.3 The law requires that if a member has a disclosable pecuniary interest which is not entered on the Register of Members' Interests, then the member must disclose the interest to any meeting of the Council at which they are present where they have a disclosable interest in any matter being considered at that meeting. However this shall not apply if the interest is a 'sensitive interest' (see para 5.4 below.) Following any such disclosure the law requires that members update their entry in the Register of Members' Interests within 28 days of the date of disclosure. In this context the law defines a meeting as a meeting of the Council, or any committee, sub-committee or joint committee of it.

5.4 A 'sensitive interest' is an interest the disclosure of which the member and Monitoring Officer have agreed could lead to the member or a person connected with them being subject to violence or intimidation

### *Other registerable interests*

5.5 Members must also comply with such other provisions as the Council may require in relation to declarations of interest. The provisions which the Council has decided to include in this Code in relation to the declaration of interests are set out in paragraphs 5.6 to 5.11 below.

5.6 LBL requires that whenever a member has a registerable interest (pecuniary or otherwise) in any matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not improperly seek to influence the decision in any way.

5.7 Where the member has a registerable interest which falls short of a disclosable pecuniary interest, the member must still declare the nature of that interest to the meeting at the earliest opportunity and in any event before the matter is considered, but unless paragraph 5.8 below applies, provided the member does so, they may stay in the room and participate in consideration of the matter and vote on it.

5.8 Where a member has an interest which under this Code would not be a disclosable pecuniary interest but would be registerable (and therefore would not generally by law prevent participation in consideration of a matter in which the member has that interest,) the member must consider whether a reasonable member of the public in possession of all the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.

*Non-registerable interests*

5.9 Occasions may arise where a matter under consideration would, or would be likely to, affect the wellbeing of the member, their family, friend or close associate(s) more than it would affect those in the local area generally, but which is not required to be included in the Register of Members' Interests (for example, a decision in relation to a school closure, where a member has a child at the school). In such matters, members must comply with paragraph 5 in its entirety as if the interest were a registerable one.

5.10 Decisions in relation to the declaration of interests are for the member's personal judgement. However members must consider not only whether they have an actual interest in a matter under discussion but should at all times seek to avoid the impression being created that their judgement of the public interest is or is likely to be impaired by their personal interests.

5.11 The provisions of this paragraph 5 apply not only to meetings but to circumstances where a member makes a decision alone.

## **6. ACCESS TO INFORMATION**

6.1 Members must not disclose confidential information given to them in the course of their duties without the consent of the person entitled to give it unless:-

- (a) there is a legal requirement to disclose the information, or
- (b) the disclosure is to a third person for the purpose of obtaining professional advice and the third party agrees not to disclose it, or
- (c) the disclosure is reasonable, in the public interest, made in good faith and made in accordance with the Council's reasonable requirements.

6.2 Conversely, members must not prevent access to information to which another is entitled by law.

## **7. GIFTS AND HOSPITALITY**

The Council maintains a Register of Gifts and Hospitality in which all members must register gifts and hospitality received from any party of £25 or over. Members must also register the identity of the party whom they believe to be the source of the hospitality or gift. Members must also record in this register any gift or hospitality offered to them but not accepted if it exceeds £25. This register will be publicly available on the Council's website.

## **8 PROTOCOLS**

From time to time, the Council may put in place protocols which clarify this Code of Conduct and will be used to interpret it. Members must comply with any such protocols in place from time to time. There are attached to this Code 5 such protocols:-

- (1) Member and Officer relations
- (2) Member Use of IT
- (3) Planning and Lobbying
- (4) Local Authority Code on Publicity
- (5) Guidance Code for Members on Outside Bodies

## **9 UNDERTAKING TO COMPLY**

LBL requires that all members sign an undertaking within two months of being elected to abide by this Code of Conduct. Failure to do so will itself amount to a breach.

## **10 SANCTIONS**

Members are reminded that breach of any of the statutory requirements relating to the registration and declaration of interests may result in prosecution. Breach of the provisions introduced locally by the Council will be dealt with in accordance with the Council's procedure for handling allegations of breach of this Code

*Members in need of advice about the application of this Code should contact the Head of Law and Monitoring Officer, Kath Nicholson on extension 47648*



## Procedure for handling complaints of breach of the Member Code of Conduct

### Introduction

- 1) This booklet describes the procedure that the London Borough of Lewisham will use to deal with complaints of breach of its Member Code of Conduct.

### Making a complaint

- 2) Complaints should be made in writing (including by fax or email) to the Monitoring Officer, LB Lewisham, Town Hall, Catford, London SE6 4RU (fax no 0209 314 3107); email [monitoring.officer@lewisham.gov.uk](mailto:monitoring.officer@lewisham.gov.uk). Complaints may be made using the Ethics Complaint Form available on the Council's website [insert link] and from the Monitoring Officer. If a complainant find it hard to put their complaint in writing, Council staff will help them to do so. The Council will make reasonable adjustments to help a disabled complainant.

### Notice of complaint

- 3) The Monitoring Officer will normally write to the complainant to acknowledge their complaint and write to the member concerned to tell them that an allegation has been received. The Monitoring Officer may decide that it is not appropriate to inform the member if s/he thinks it is not appropriate to do so, for example if by doing so any investigation would be affected, or there might be a risk that evidence could be destroyed.
- 4) Unless the Monitoring Officer decides that it would not be appropriate to inform the member of the complaint, s/he will also tell the member the paragraphs of the Member Code of Conduct that may have been breached.
- 5) The Monitoring Officer will normally tell the member concerned the name of the complainant, unless the Monitoring Officer thinks in all the circumstances it is appropriate not to do so.

### Informal resolution

- 6) In some circumstances it may be possible to resolve the complaint informally without considering whether it is necessary to proceed to investigation. If the complainant and the member concerned agree to this and it appears to the Monitoring Officer that informal resolution is appropriate, s/he will seek to achieve an informal resolution at that stage. It may be for example, in less serious allegations that an apology or a meeting between the parties may resolve the issue. However informal resolution is unlikely to be appropriate if the allegation is serious or the parties do not agree.

## Initial assessment

7) If informal resolution is not appropriate or possible, the Monitoring Officer will make initial enquiries so that s/he may reach a decision about whether the matter should be investigated in detail. If the Monitoring Officer is not satisfied that:-

- the complaint is against a member of the Council,
- the member was in office at the time of the alleged complaint, and
- the complaint, if proven would amount to a breach of the Member Code of Conduct in place at the time of the alleged breach

then the complaint cannot be investigated.

8) In making an initial assessment, the Monitoring Officer will apply assessment criteria in deciding whether to investigate further. These assessment criteria are designed to promote confidence that complaints will be taken seriously and dealt with properly. They also reflect the fact that any decision to investigate a complaint will cost public money and both officer and member time. The criteria are designed to balance the need to promote confidence in local governance and to make sure that public resources are applied appropriately.

*Public interest* – The Monitoring Officer must be satisfied that an investigation would be in the public interest, taking into account the time and cost involved. If the Monitoring Officer is not so satisfied s/he will decide not to investigate.

*Sufficient information* – The complainant must provide sufficient information to warrant an investigation. If not the Monitoring Officer will take no further action unless additional information is provided by the complainant.

*Previous action* – If there has already been an investigation or some other action under the Code of Conduct or by another regulatory body, in relation to the complaint, the Monitoring Officer will not normally decide to investigate, though s/he may do so if circumstances dictate (e.g. if a criminal charge was dropped)

*Repeated complaints* – If the complaint is the same or substantially the same as one previously dealt with, the Monitoring Officer will normally decide not to investigate.

*Timing* – If there has been a significant delay between the incident complained of and the submission of the complaint, the matter will not normally be investigated.

*Trivial matters* – If the Monitoring Officer takes the view that the matter is not sufficiently serious to warrant further action, no further action will be taken, unless there are compelling reasons to do so.

*Ulterior motive* – No further action will be taken if it appears to the Monitoring Officer that the complaint is motivated by malice or retaliation unless it involves a serious allegation.

*Special circumstances* – There may be circumstances where the Monitoring Officer takes the view that an investigation should occur even though the application of these criteria would suggest otherwise. For example, were a very serious allegation to be made after a long delay, it may be appropriate to investigate notwithstanding the delay.

These criteria are for general guidance, but they have to be applied in the light of any particular circumstances of each case.

### **Police involvement**

- 9) If it appears to the Monitoring Officer at any time that if proven the breach might amount to a breach of the criminal law and a referral to the police is appropriate, s/he may, if appropriate, defer any decision about investigation until the police investigation is complete.

### **Investigation**

- 10) If the Monitoring Officer decides that an investigation is appropriate, s/he will investigate the complaint or appoint another person to do so on her behalf. The investigation will be conducted thoroughly and both members and staff are required to co-operate with such investigation. Once the investigation is complete the Monitoring Officer, or person appointed to investigate on her/his behalf, will prepare a report for a sub committee of the Standards Committee. A copy of that report will be sent to the member concerned at least 4 weeks before the meeting of the sub committee. The member concerned will be entitled to make a written submission to the Standards Committee, but if s/he does so it must be delivered to the Monitoring Officer at least 2 weeks before the Sub Committee meeting.

### **Independent Person**

- 11) The Council [has appointed] an Independent Person whose views are to be sought prior to the Standards Sub Committee making any decision on an allegation that has been investigated. The Monitoring Officer will therefore send her/his report to the Independent Person at the same time as s/he sends it to the member concerned. Should the member make any written representations in response, the member may also send these to the Independent Person, but should they fail to do so, the Monitoring Officer will do so.
- 12) The comments of the Independent Person will be made in writing and presented to the Standards Sub Committee for consideration.

- 13) The member concerned is also entitled to approach the Independent Person directly for their views.

#### **Standards Sub Committee meeting**

- 14) The Standards Sub Committee will meet to consider the report of the Monitoring Officer and any written representations made by the member concerned as well as any views received from the Independent Person. The member will be entitled to attend the meeting, which will normally be held in public unless the Sub Committee takes the view that there are compelling reasons to the contrary. The Sub Committee will not normally take oral evidence at the meeting (but may decide to do so in appropriate cases). However it may require the member concerned, the Monitoring Officer (and/or person appointed on her/his behalf to investigate), the Independent Person and/or any other person to attend to answer their questions. The conduct of the meeting will be a matter for the Chair so long as the process used accords with the principles of fairness and natural justice. Legal advice will be available to the meeting.

#### **Findings**

- 15) The Standards Sub Committee will decide whether there has been a breach of the Member Code of Conduct. Both the complainant and the member concerned will be notified in writing of the decision.

#### **Appeal**

- 16) If there is a finding of breach, the Member concerned may appeal to a different sub committee of the Standards Committee within 21 days of the date of notification. The decision of that sub-committee will be final.

#### **Sanctions**

- 17) If there is a finding of breach of the Member Code of Conduct, the Standards Sub Committee will decide whether it is appropriate to require action to be taken in respect of it. That may be a sanction, such as censure or in certain circumstances the withdrawal of access to Council facilities provided that is proportionate and does not interfere unduly with the members' ability to carry out their duties as a member. It may also report any finding of breach to the full Council and/or publicise them on the website and/or in a local newspaper. It may also recommend that a member in breach undergo training, or that Council processes be amended.

**TERMS OF REFERENCE FOR STANDARDS COMMITTEE**

To deal with all matters relating to the ethical framework affecting members of the Council under Part I Chapter 7 Localism Act 2011 as amended and all other relevant legislation including regulations, directions and guidance. This shall include but not be limited to:-

- 1) the promotion of the highest standards of behaviour by members of the Council, including the Mayor, councillors, independent members and co-optees.
- 2) advising the Council on the introduction and operation of the Member Code of Conduct, making recommendations for change as the Committee sees fit
- 3) Training all members in the operation of the Member Code of Conduct and ensuring that it is well publicised both within and outside the Council
- 4) The introduction, implementation and maintenance of a procedure for dealing with allegations of breach of the Member Code of Conduct; including monitoring and review and amending it from time to time as the Committee sees fit
- 5) Dealing with allegations of breach of the Member Code of Conduct, referred to them by the Monitoring Officer and the imposition of sanctions as appropriate in accordance with the law, the Council's Constitution and relevant procedures adopted by the Council
- 6) Monitoring and review of the Council's whistleblowing procedures and cases referred to the whistleblowing officer under it, making recommendations to the Council as the Committee considers appropriate
- 7) Consideration of applications for dispensation to allow members to participate in consideration of matters in which they would, but for a dispensation, not be able to participate, in circumstances permitted by law.
- 8) Annual monitoring and review of the Council's Code of Corporate Governance, including an assessment of the degree of compliance, submitting a report in this respect to full Council on an annual basis.
- 9) To consider applications for exemption from political restrictions as defined by the Local Government and Housing Act 1989 as amended and any amendment thereto from time to time.

- 10) To adjudicate on any dispute relating to the payment of Members' Allowances or expenses under the Members' Allowances scheme in force from time to time.
- 11) To review the Council's use of the powers available to it under the Regulation of Investigatory Powers Act 2000.
- 12) All things necessary or in the opinion of the Committee appropriate to fulfill the role and remit of a Standards Committee as defined by law or the Council's constitution.

### **Composition**

6 elected members of the Council and 6 co-opted members



**SALLY HAWKINS**

**A Brief Summary of her Relevant Experience**

Sally Hawkins has significant experience of working with organisations on ethical matters. Since 2006 she has been a lay member on the GMC serving on its Education, Standards and Ethics Committee, and has chaired the Bar Standards Equality Board. She has been a lay member of the Legal Complaints Service Board, and served for 3 years as a member of the Police Complaints Authority. She has been a non-executive director of Lewisham Hospital & Community NHS Trust. She has been the independent chair of Lewisham's Standards Committee since its inception.

She has broad experience as a consultant trainer on equalities issues and was Internal Ombudsman for Cambridge City Council. Her employment experience includes 17 years as a CAB adviser, 2 years as a Director of Policy & Public Affairs, and 12 years as a freelance broadcaster.

Sally lives locally

**APPENDIX 3**

**PROTOCOL ON PLANNING  
AND LOBBYING**

**DRAFT**



## APPENDIX 3

# PROTOCOL ON PLANNING AND LOBBYING

### Introduction

1. The planning system involves taking decisions about the use and development of land in the wider public interest having regard, in particular, to the Development Plan. When such decisions are made the requirements of individuals (be they applicant or neighbour) must be balanced against the broader public interest. It is of fundamental importance that the planning system should not only be fair, but should be seen to be fair.

### Elected Members

2. Elected members set the Council's planning policy and determine planning applications and enforcement issues within the context of that policy. When elected members come to make a decision on a planning matter, they must:
  - act fairly and openly
  - approach each application with an open mind
  - carefully weigh up all relevant issues
  - determine each application on its own merits
  - avoid contacts with interested parties which might be taken to indicate that they were unduly influenced by one party or another
  - ensure that there are clear and substantial reasons for their decisions, and that those reasons are clearly stated.
3. Elected members may delegate certain planning decisions to officers and where this is the case, officers will be bound to act in accordance with the principles set out in this paragraph.

### Role of Officers

4. The function of officers is to advise and assist members in matters of planning policy and in their determination of planning applications and enforcement issues by:-
  - providing impartial and professional advice

- making sure that all the information necessary for the decision to be made is given
- providing a clear and accurate analysis of the issues
- setting applications and enforcement issues against the broader Development Plan policies , and all other material considerations
- giving a clear recommendation
- carrying out the decisions of councillors in committee or sub-committee.

### Lobbying

5. There are two issues which may arise when a member has been lobbied. They are the issues of pre-determination and personal interest.

### Pre-determination

6. Members are under an obligation to determine matters on their merits. That means that they must not make up their minds before receiving and reading any officer report, or before hearing any debate on the matter out of which new information may arise. The important issue is that the member's mind must not be closed to consideration at the point of deliberation on a matter. Whilst a pre-disposition to a particular view may be legitimate, a closed mind at the point of considering a planning application would not be so. The member must be open to persuasion.
7. Whilst a predisposition to a particular point of view is acceptable, a pre-termination is unacceptable. To avoid compromising their position before they have received all the relevant information, members must:
  - avoid, as far as possible, meeting an applicant or potential applicant alone;
  - avoid making categorical statements in advance about whether they support or oppose the proposal;
  - not pressurise officers to make a particular recommendation in their report;
  - direct lobbyists or objectors to planning officers, who will include reference to their opinions, where relevant, in their report;
  - advise the Head of Planning and the Chair of the appropriate Planning Committee of the existence of any lobbying interest.

8. Where a member has been lobbied he/she should report to the relevant committee that he/she has been lobbied and by whom. However, members must act in the public interest and not at the behest of any individual or interest. If the member feels that he/she no longer retains an open mind on the matter but that his/her impartiality has been compromised, he/she will need to decide whether to withdraw from the meeting.
9. Where a member decides that he/she wants to act as a representative of their community, reporting and advocating the views of their constituents, it follows that they will no longer be acting impartially. In those circumstances, they should not seek to participate in any consideration of, or vote on the matter.

### **Interests**

10. If a member has a disclosable interest in any planning matter, they should declare the nature and extent of it as soon as it becomes apparent. This applies to all councillors, whether they attend a Planning Committee in their capacity as member of that Committee or otherwise. If it is an interest which is a disclosable pecuniary interest, or one which a reasonable member of the public in possession of all the relevant facts would think likely to prejudice the Members' judgement of the public interest, they should then leave the room when the matter is under consideration and not participate in any debate or vote on it. Whether such an interest arises will depend upon the factors set out in paragraph 5 of the Member Code of Conduct. Any other personal interest must be disclosed to the meeting at the earliest opportunity but does not prevent the member participating in the debate, voting or if the member is not a member of the committee, from attending to represent the views of constituents or others.
11. Members with an interest that would preclude their attendance at a meeting during consideration of a matter, can still present views to the meeting, through other means:
  - written representations in a private capacity. Such representations should disclose the existence and nature of the interest. Members must not seek preferential treatment and representatives should be addressed to the officers not members
  - the use of a professional representative to make representations;
  - arranging for another member to represent the views of constituents on matters in which a member has a prejudicial interest.

The advice of the Monitoring Officer should be sought as to whether an interest ought to be declared in cases of doubt.

12. Where a member receives relevant information in respect of an application which is not contained in the Head of Planning's report on the application, the member should secure that that information is made available to other members of the Committee, by advising the Head of Planning directly so that the information can be confirmed, rather than run the risk that the Committee might take a decision on the basis of information which subsequently proves to be incorrect.

### **Discussions with Potential Applicants**

13. Members should note that breach of the requirements in relation to personal interest and for pre-determination may mean that the decision is rendered invalid if challenged in the courts.
14. Pre-Application meetings with potential Applicants are encouraged to ensure beneficial development and to resolve matters which might otherwise lead to the refusal of planning permission. However, to avoid such meetings being misunderstood, they should normally be at officer level and:
  - where meetings are to involve elected members, they will be arranged by and attended by officers and will include the Chair of the relevant Planning Committee or his/her representative
  - potentially contentious meetings will be attended by at least two officers, including the Head of Planning or his/her representative
  - a note of the discussion will be taken and placed on file and made available for public inspection at the appropriate time
  - it will be made clear at such meetings that only personal and provisional views based upon the policies in the Development Plan documents and any other relevant documents forming the local development framework can be given and no commitments can be made which would bind or otherwise compromise the relevant Planning Committee or any member of it.

### **The Party Whip**

15. Members cannot accept an instruction from anyone to determine an application in a particular way, as they must determine the issue on its merits. So, while they may give appropriate weight to the views of other members whether expressed in the committee meeting or in prior discussions, they must determine the application on its merits and should not take into account any factor, which they are not prepared to state in open Committee. As a result it is not appropriate for any party group to instruct its members to vote in a particular

manner on an application or to apply or threaten to apply any sanction to any member who voted contrary to the Group's collective view. Where such a whip has been applied, members should declare it in exactly the same manner as they would declare any other attempt at lobbying.

### **Decisions Contrary to Officer Recommendation**

16. From time to time, members of the relevant Planning Committee will disagree with the professional advice given by the Head of Planning. Development Control is not an absolute science and there can be genuine disagreement about the implications of a particular proposal. The Head of Law or his/her representative will be present at the Committee making the decision and will be able to advise if the facts simply cannot support the conclusion which the members have drawn and the Committee is in danger of acting unreasonably.
17. In cases where the Planning Committee decides for good and valid reason to depart from the Head of Planning's recommendation, the Committee must define the reasons for rejecting the officer's recommendation and those reasons must be recorded in the minutes of the meeting. Where it is not possible for the Committee to define those reasons with sufficient precision at that initial meeting, the Committee should adjourn the determination of the application to permit the appropriate officers to present to a subsequent meeting a Statement of Draft Reasons for Refusal for its approval. Where an appeal arises against such a decision, officers will give support to the relevant Committee members in preparing evidence for the appeal, but it will be for members of the Planning Committee making the decision, to appear at any appeal hearing and give evidence of the reasons for the Committee's decision.

### **Site Visits**

18. Site visits can be useful to identify features of a proposal, which may be difficult to convey in a written report, but site visits do delay the decision on an application. When a member feels that a site visit is essential he/she can either make a request to the Head of Planning or request the relevant Planning Committee to defer the determination of the matter until a site visit has been held.
19. Site visits are:
  - fact finding exercises
  - not part of the formal consideration of the application and therefore public rights of attendance do not apply
  - to enable officers to point out relevant features



- to enable questions to be asked on site for clarification.

However, discussion on the application will only take place at the subsequent Committee, as all relevant parties may not be in attendance on site.

### **Gifts and Hospitality**

20. Gifts and hospitality give rise to particular problems in respect of the credibility of the planning process and acceptance of gifts or hospitality by members or officers can be a very serious criminal offence. Members should have particular regard to the provisions of the Council's Member Code of Conduct. In particular they must immediately report to the Monitoring Officer any offer of gifts or hospitality and they should avoid any behaviour which might be taken as indicating that they are open to such offers.

### **Planning Application by Members or Officers**

21. The impartiality of the planning process requires particular care when dealing with an application by anyone who might ordinarily be involved in the planning process. So, whenever any member or any officer who might be involved in the planning process submits an application to the Authority for himself/herself or on behalf of any other person, they will:
- inform both the Head of Planning and the Council's Monitoring Officer
  - take no part in processing or determining the application.

The Head of Planning will ensure that all such applications are determined at the appropriate committee meeting and not under any delegated powers.

### **Planning Applications by the Council**

22. The Council itself requires planning permission to carry out or authorise development on land it owns. These applications will be treated in the same way as those from private applicants.

### **Applicant and Public Representations at Planning Committee**

23. The Planning Committee will approve procedures to ensure that where they receive representations from or on behalf of the applicant or from members of the public on a particular application, there is an opportunity for advocates both for and against the proposal to be heard in a balanced manner.

## Complaints

24. Any issues or concerns arising from this protocol can be raised with the Chair of the appropriate Planning Committee or the Head of Planning. The Council also has a formal complaints system in operation, which can be used if necessary.

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Interests

Whether or not a Member may participate and vote on a planning matter depends on the nature of the interest that they hold. The situation may be summarised as follows:-

- 1 Disclosable pecuniary interests
  - 1.1 Where a Member of the Planning Committee has a disclosable pecuniary interest then that Member cannot participate in any discussion or vote in respect of that matter at Planning Committee or otherwise. They must declare the interest and withdraw.
  - 1.2 Members who are not members of the Planning Committee are similarly bound by the provisions relating to disclosable pecuniary interests, and may not make any representations to the Committee on their own behalf or those of their constituents or others. They similarly must not attend during consideration of that item.
- 2 Other registerable interests and non registerable interests
  - 2.1 If a Member of the Planning Committee has an interest, other than a disclosable pecuniary interest, in a matter which is under consideration by Planning Committee, which would either:-
    - a) constitute an interest that would need to be registered under the Council's Code of Conduct or
    - b) which whilst not requiring registration would, but would be likely to affect the wellbeing of a member, their family, friend or close associate(s) more than it would affect those in the local area generallythen the Member should declare the interest but may stay and participate in the consideration of the matter and may vote unless the following paragraph 2.2 applies.
  - 2.2 If the interest is such that a reasonable member of the public in possession of all the facts would think that the member's interest is so significant that it would be likely to impair their judgement of the public interest the member, should not participate in the decision making process and should withdraw.
  - 2.3 Members who are not members of the Planning Committee with such an interest may still attend to make representations to the Committee on their own behalf or on behalf of their constituents or others, provided a declaration of interest is recorded and as long as the Member leaves immediately after doing so.



| COUNCIL             |  |                    |
|---------------------|--|--------------------|
| <b>Report Title</b> | Carers Allowance                               |                    |
| <b>Key Decision</b> | No   | Item No.           |
| <b>Ward</b>         |  |                    |
| <b>Contributors</b> | Chief Executive (Head of Business & Committee) |                    |
| <b>Class</b>        | Part 1   | Date: June 28 2012 |

## Carers Allowance

### 1. Summary and Purpose

The purpose of this report is to ask members to review the payment of Carers Allowance which has remained unaltered since the 2006/07 municipal year, taking into account the Scheme of Allowances prepared by London Councils' remuneration panel and the recommendations of Sir Rodney Brooke made in June 2010 as to its fit with the local circumstances in Lewisham.

### 2. Background

- 2.1 Under Section 18 of the Local Government and Housing Act 1989, the Council is required to have and to publish a Scheme of Members' Allowances, and payments to members of the Council may only be made in accordance with this scheme.
- 2.2 From 2001 to 2009, the Council maintained an independent remuneration panel to advise it on members' allowances. This met periodically to prepare recommendations to Council to consider in relation to the members' scheme of allowances and pensions. The convention in Lewisham during that period was to accept the recommendations of the independent remuneration panel without demur in so far as its recommendations related to the allowances scheme. The one exception to this occurred in April 2009, when the Council decided in the light of the difficult economic climate not to agree to the automatic upgrade of their allowances by reference to inflation.
- 2.3 On 27 January 2010, the Council agreed to change its arrangements so that it no longer maintained its own independent remuneration panel but instead had regard to the recommendations of the panel established by London Councils. It was also agreed that the Council would engage the services of Sir Rodney Brooke, the Chair of the London Councils remuneration panel after the election in May 2010 to prepare a report advising the Council about the extent to which the recommendations in the London wide report would be appropriate in the local Lewisham circumstances.
- 2.4 The Council considered Sir Rodney Brooke's report on 30 June 2012 and agreed the Scheme of Allowances which is currently reflected in the Council's Constitution.

Among Sir Rodney Brookes recommendations was one saying 'the Council should reimburse a higher rate of dependant's carers' allowance where this can be justified'.

- 2.5 Carers Allowance is currently set at the rate of £5.35p per hour which was the level of the National Minimum Wage in 2006/07. Subsequent to then, the Council has made commitments to adopting the London Living Wage. The current London Living Wage is £8.30p per hour and is subject to review in November 2012. In order that payments for caring responsibilities achieve parity with basic wage levels, it is suggested members consider permanently fixing carers allowance payments to the prevailing hourly rate of the London Living Wage.

### **3 Recommendations**

(1) That Carers Allowance be set at £8.30 per hour with immediate effect.

(2) That Carers Allowance be tied to the prevailing London Living Wage hourly rate and altered automatically whenever the London Living Wage is reviewed.

### **4 Legal Implications**

- 4.1 The Council is under a duty to adopt a scheme of members' allowances by virtue of section 18 Local Government and Housing Act 1989. It may only pay allowances in accordance with such a scheme.

- 4.2 Section 100 of the LGA 2000 entitles the Secretary of State to make regulations about members' allowances.

- 4.3 Members are reminded of the need to have regard to the guidance issued under the Local Government Act 2000 in relation to Members' Allowances

- 4.4 The provisions which govern members' allowances are:-

(a) the Local Authority (Members Allowance)(England) Regulations 2003 – referred to in this report as the 2003 Regulations.

(b) the Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations

- 4.5 There is a general rule that members may not usually vote on matters in which they have a prejudicial interest. However decisions relating to the scheme of members' allowances are an exception to this general principle, and members may vote on this issue, which in accordance with the law is being published in a newspaper circulating in the area. Any modification to the Scheme once agreed will also be published.

### **5. Financial Implications**

Any increases agreed to Carers Allowances can be met from within existing budgets.

## **6. Crime and Disorder and Environmental Implications**

There are no specific implications.

## **7. Equalities Implications**

Payment of dependent carers' allowance as proposed should go some way to encouraging those with children or caring responsibilities to be able to participate in the democratic process as far as possible.

### BACKGROUND PAPERS

1. Council Constitution
2. Council Agenda 30 June 2012

These papers are available on the Council website <http://www.lewisham.gov.uk> or from the report author, Kevin Flaherty (Telephone 0208 3149327)

# Agenda Item 9

| <b>COUNCIL</b>      |   |                    |
|---------------------|---|--------------------|
| <b>Report Title</b> | Appointment of Council Representative to the Brent Knoll and Watergate Co-operative Trust |                    |
| <b>Key Decision</b> | No  | Item No.           |
| <b>Ward</b>         |   |                    |
| <b>Contributors</b> | Executive Director for Children & Young People, Head of Law, Head of Committee            |                    |
| <b>Class</b>        | Part 1  | Date: June 28 2012 |

## 1. Purpose

- 1.1 To obtain the agreement of Council to the appointment of a representative to the Brent Knoll and Watergate Co-operative Trust.

## 2. Policy Context

- 2.1 The report is consistent with the Council's policy framework. The Council's priorities include a commitment to "*young people's achievement and involvement: raising educational attainment and improving facilities for young people through partnership working*".
- 2.2 Lewisham's Children and Young People's Plan (CYPP) sets out the Council's vision for improving outcomes for all children. It articulates the need to improve outcomes for children with SEN and disabilities by ensuring that their needs are met.
- 2.3 The CYPP describes how partnership agencies working with children, young people and their families will support the delivery of the borough's priorities for the wider community which are set out in Lewisham's Sustainable Community Strategy 2008-2020, and, in particular in relation to this report, its priority *Ambitious and Achieving* – where people are inspired and supported to achieve their potential.

## 3. Recommendation

- 3.1 That the Council appoints one representative to the Brent Knoll and Watergate Co-operative Trust for a five year term of office.

## 4. Background

- 4.1 On 15 December 2011, following consultation which resulted in 80 per cent approval for the proposal, the governing bodies of Brent Knoll School and Watergate School agreed formally to a change of status to

become foundation schools and to proceed together to form a co-operative trust. Subsequently, following the end of the statutory notice period on 6 March 2012, the governing bodies approved the change, and agreed the composition of their governing bodies.

4.2 At the Mayor and Cabinet meeting of 11th April 2012, the Mayor noted the formal agreement of the governing bodies of Brent Knoll and Watergate Schools to become foundation schools (trust schools) with an implementation date of 2 April 2012. On the same agenda, the Mayor also agreed to the reconstitution of the governing bodies of Brent Knoll and Watergate Schools as foundation school governing bodies.

4.3 The 1986 Education Act allows local authority maintained schools to change their category to become a foundation school. On becoming a foundation school the governing body takes on extra responsibilities:

- building and land are transferred to the governing body;
- the governing body replaces the local authority as the employer;
- the governing body becomes responsible for its admissions arrangements.

4.4 A foundation school may be allied to a foundation, in which instance it is also referred to as a Trust school. Trust schools establish long term relationships with external partners and involve them in the school's governance and leadership, and the Trust holds the school's land and buildings 'in trust' for the school.

4.5 The partners of the Brent Knoll and Watergate Co-operative Trust are Lewisham Healthcare NHS Trust, Wide Horizons Trust, Greenwich University, Lewisham Local Authority and the Co-operative Movement.

4.6 The Articles of Association of the Brent Knoll and Watergate Co-operative Trust are attached to this report at Appendix 1.

4.7 The objectives of the Trust are to advance the education of the pupils at the schools, to advance the education of other members of the community, and otherwise to benefit the community, having regard to its obligation to promote community cohesion under the relevant Education Acts.

4.8 The two schools continue to be run and managed by their individual governing bodies as before, with the additional benefits of Trust partners and 3 Trust nominated Governors to assist them in their future developments.

## **5. Trustees**

5.1 Council is asked to agree the nomination of a Lewisham Local Authority representative to the Trust.

- 5.2 The Articles of Association of the Brent Knoll and Watergate Co-operative Trust state that its trustee membership is as follows.
- 5.2.1 Trustees appointed by partnership organisations as decided by the majority of Trustees from time to time;
  - 5.2.2 3 Trustees appointed by the Forum from amongst their number;
  - 5.2.3 1 Trustee appointed by the Co-operative movement.
  - 5.2.4 2 Trustees appointed by Brent Knoll School;
  - 5.2.5 2 Trustees appointed by Watergate School;
  - 5.2.6 1 Trustee appointed by Lewisham Local Authority
- 5.3 In relation to terms of office for Trustees:
- 5.3.1 Subject to Article 20.3, the normal term of office for a Trustee is five years, at the end of which a Trustee shall retire and may stand for reappointment, if otherwise eligible;
  - 5.3.2 Terms of office shall begin (or be deemed to begin) and end at the conclusion of the Annual General Meeting each year.
  - 5.3.3 No Trustee may serve for more than two consecutive terms of office (whether or not any such term was less than five full years), after which they must stand down for a year. Any time served by a Trustee before the Trust's first AGM shall not be counted as a term of office or part of a term of office.

## **6. Financial Implications**

- 6.1 As Trust / Foundation Schools, Brent Knoll and Watergate governing bodies take on additional responsibilities as employers and as custodians of the land which transfers to them on change of status, however, funding arrangements remain unchanged. The schools will continue to be funded from the Dedicated Schools Grant and will be subject to the funding decisions of the Schools' Forum.

## **7. Legal Implications**

- 7.1 The Education and Inspection Act 2006 (sections 7, 15 and 18, and Schedule 2 ) grants schools the freedom to change their existing category of school to become Trust / Foundation schools. Regulations outline the necessary processes involved in becoming a foundation school. In becoming a Trust the schools followed these processes in line with Regulations.

## **8. Crime and Disorder Implications**

8.1 There are no crime and disorder implications.

## **9. Equalities Implications**

9.1 The formation of the Trust is seen by the schools as providing the following benefits:

- Partnerships with external organisations will help the schools to develop more creative teaching and learning experiences at all levels and give access to wider learning opportunities for pupils.
- The schools will work with post-16 providers to offer a diverse post-16 education programme with strong transition links to adult services.
- The development of extended schools and schools services throughout the year will provide support to the families of children with learning difficulties.

## **10. Environmental Implications**

10.1 There are no environmental implications.

## **11. Conclusion**

11.1 It is recommended that the Council appoints a representative to the Brent Knoll and Watergate Co-operative Trust.

**BACKGROUND PAPER:** Articles of Association, Brent Knoll and Watergate Co-operative Trust

For further information on this report, please contact Chris Threlfall, Head of Education Development, on 0208 3149971

# **ARTICLES OF ASSOCIATION**

**BRENT KNOLL AND WATERGATE CO-OPERATIVE TRUST**



**COMPANIES ACT 2006**  
**COMPANY LIMITED BY GUARANTEE**

**ARTICLES OF ASSOCIATION**  
**OF**  
**BRENT KNOLL AND WATERGATE CO-OPERATIVE TRUST**

**1 Name**

The name of the Trust is Brent Knoll and Watergate Cooperative Trust ("the Trust").

**2 Registered Office**

The registered office of the Trust is to be in England and Wales.

**3 Objects**

The Objects of the Trust are to advance the education of the pupils at the Schools, to advance the education of other members of the community, and otherwise to benefit the community, it being acknowledged that in carrying out the Objects the Trust must (where applicable) have regard to its obligation to promote community cohesion under the Education Acts.

4 It is intended that the curriculum and ethos of the Schools will place an emphasis on, and include a commitment to students learning about, the Co-operative values of self-help, self responsibility, democracy, equality, equity, solidarity, honesty, openness, social responsibility and caring for others with the aim of encouraging all students to become better citizens, not only while they are students but during the rest of their lives.

**5 Powers**

The Trust has the following powers, which may be exercised only in promoting the Objects:

- 5.1 To act as the foundation of the Schools for the purpose of the School Standards and Framework Act 1998;
- 5.2 to acquire or hire and hold property of any kind, including the acquisition of freehold or leasehold property to be held by the Trust (either alone or jointly with any other person) in trust for the purpose of Schools;
- 5.3 to develop, improve, let or dispose of property of any kind (but only in accordance with the restrictions imposed by the Charities Act and any restrictions imposed by the Education Acts);
- 5.4 in relation to the Schools, to appoint and remove foundation governors in compliance with the provisions of the Education Acts;
- 5.5 to act as the trustee of any trust relating any of the Schools;

- 5.6 to nominate one or more governors for appointment to the governing body of any other school;
- 5.7 to exercise its rights as the foundation of any of the Schools under the Education Acts;
- 5.8 to raise funds (but not by means of taxable trading);
- 5.9 to borrow money and give security for loans (but only in accordance with the restrictions imposed by the Charities Act and any restrictions imposed by the Education Acts);
- 5.10 to employ staff;
- 5.11 to pay remuneration and allowances to any person, and to make arrangements for providing, or securing the provision of pensions or gratuities (including those payable by way of compensation for loss of employment or loss or reduction of pay);
- 5.12 to promote or carry out research;
- 5.13 to provide advice;
- 5.14 to publish or distribute information;
- 5.15 to co-operate with other bodies;
- 5.16 to support, administer or set up other charities;
- 5.17 to make grants or loans of money and to give guarantees;
- 5.18 to set aside funds for special purposes or as reserves against future expenditure;
- 5.19 to pay for indemnity insurance for the Trustees;
- 5.20 subject to Article 6, to employ paid or unpaid agents, staff or advisers;
- 5.21 to enter into contracts to provide services to or on behalf of other bodies;
- 5.22 to establish or acquire subsidiary companies to assist or act as agents for the Trust;
- 5.23 to pay the costs of forming the Trust; and
- 5.24 to do anything else within the law which promotes or helps to promote the Objects.

## 6 **Benefits to Members and Trustees**

- 6.1 The property and funds of the Trust must be used only for promoting the Objects and cannot be distributed to the members but:
  - 6.1.1 members who are not Trustees may be employed by or enter into contracts with the Trust and receive reasonable payment for goods or services supplied;
  - 6.1.2 members (including Trustees) may be paid interest at a reasonable rate on money lent to the Trust; and

- 6.1.3 members (including Trustees) may be paid a reasonable rent or hiring fee for property or equipment let or hired to the Trust.
- 6.2 A Trustee must not receive any payment of money or other material benefit (whether directly or indirectly) from the Trust except:
  - 6.2.1 as mentioned in Articles 5.19 (indemnity insurance), 6.1.2 (interest), 6.1.3 (rent) or 6.3 (contractual payments);
  - 6.2.2 reimbursement of reasonable out-of-pocket expenses (including hotel and travel costs) actually incurred in the administration of the Trust;
  - 6.2.3 an indemnity permitted by sections 232 to 234 inclusive of the Companies Act;
  - 6.2.4 the benefit of any payment to any Trust in which a Trustee has no more than a 1 per cent shareholding; and
  - 6.2.5 in exceptional cases, other payments or benefits (but only with the written approval of the Commission in advance).
- 6.3 A Trustee, other than the head teacher of any of the schools, may not be an employee of the Trust, but a Trustee or a connected person may enter into a contract with the Trust to supply goods or services in return for a payment or other material benefit if:
  - 6.3.1 the goods or services are actually required by the Trust;
  - 6.3.2 the nature and level of the benefit is no more than reasonable in relation to the value of the goods or services and is set at a meeting of the Trustees in accordance with the procedure in Article 6.4; and
  - 6.3.3 provided that the Trust may not enter into such a contract at any time when the effect of such contract would be that more than one third of the Trustees are or have been interested in such a contract in that financial year.
- 6.4 Whenever a Trustee has a personal interest in a matter to be discussed at a meeting of the Trustees or a committee, they must:
  - 6.4.1 declare an interest before the meeting or at the meeting before discussion begins on the matter;
  - 6.4.2 be absent from the meeting for that item unless expressly invited to remain in order to provide information;
  - 6.4.3 not be counted in the quorum for that part of the meeting; and
  - 6.4.4 be absent during the vote and have no vote on the matter.

## 7 **Limited Liability**

The liability of members is limited.

8 **Guarantee**

Every member promises, if the Trust is wound up while they remain a member, or within 12 months afterwards, to pay up to £1 towards the costs of winding up, towards adjusting the rights of the contributories amongst themselves and towards discharging the liabilities incurred by the Trust while they were a member.

9 **Dissolution**

9.1 If the Trust is dissolved and subject always to the provisions of the Education Acts (insofar as those provisions do not require the application of the assets of the Trust for purposes which are not charitable), the assets (if any) remaining after provision has been made for all its liabilities must be applied in one or more of the following ways:

9.1.1 by transfer to one or more other bodies established for exclusively charitable purposes within, the same as or similar to the Objects;

9.1.2 directly for the Objects or for charitable purposes which are within or similar to the Objects;

9.1.3 in such other manner consistent with charitable status as the Commission approve in writing in advance.

9.2 A final report and statement of account must be sent to the Commission.

10 **Interpretation**

References to an Act of Parliament are references to that Act as amended or re-enacted from time to time and to any subordinate legislation made under it.

11 **Membership**

11.1 The Trust must maintain a register of members.

11.2 The subscribers to the Memorandum are the first members of the Trust.

11.3 Subject to any restrictions imposed by the Education Acts, membership of the Trust is open to any other individuals or organisations interested in promoting the Objects who:

11.3.1 qualify for membership of one of the constituencies specified below;

11.3.2 are approved by the Trustees; and

11.3.3 consent in writing to become a member and to be bound by the provisions of these Articles of Association, either personally or (in the case of an organisation) through an authorised representative, by completing an application to become a member in a form to be specified by the Trustees.

11.4 The Trust will have the following constituencies of members:

11.4.1 a learners constituency, open to pupils currently registered at any of the schools, or to any other person currently registered for the purposes of learning at any of the Schools;

- 11.4.2 a parents and carers constituency, open to any parent or carer of a pupil currently registered at any of the Schools;
  - 11.4.3 a staff constituency, open to any person employed by or whose normal place of work is at any of the Schools;
  - 11.4.4 a local community constituency, open to any person who, in the absolute discretion of the Trustees, has a legitimate interest in any of the Schools;
  - 11.4.5 a community organisations constituency, open to any organisation, whether statutory, charitable, voluntary, or trading for social or commercial purposes, which in the absolute discretion of the Trustees has a legitimate interest in any of the Schools.
- 11.5 In relation to constituencies:
- 11.5.1 no person may be a member of more than one constituency;
  - 11.5.2 a person eligible to be a member of the staff constituency may not be a member of any other constituency;
  - 11.5.3 the decision about the constituency of which a person is to be a member shall be decided by the Trustees, who may issue guidelines about constituency membership;
  - 11.5.4 the Trustees may sub-divide any of the constituencies into two or more constituencies, on such basis as they consider to be appropriate.
- 11.6 Membership is terminated if the member concerned:
- 11.6.1 gives written notice of resignation to the Trust;
  - 11.6.2 dies or (in the case of an organisation) ceases to exist;
  - 11.6.3 ceases to be entitled to be a member under these Articles of Association; or
  - 11.6.4 is removed from membership by resolution of the Trustees on the ground that in their reasonable opinion the member's continued membership is harmful to the Trust. The Trustees may only pass such a resolution after notifying the member in writing and considering the matter in the light of any written representations which the member concerned puts forward within 14 clear days after receiving notice.
- 11.7 Membership of the Trust is not transferable.

## 12 **General Meetings**

- 12.1 Members are entitled to attend general meetings either personally or (in the case of a member organisation) by an authorised representative. General meetings are called on at least 21 clear days' written notice specifying the business to be discussed.
- 12.2 There is a quorum at a general meeting if the number of members or authorised representatives present is at least 11 representing not less than two-thirds of the constituencies.

- 12.3 The Chair or (if the Chair is unable or unwilling to do so) some other member elected by those present presides at a general meeting.
- 12.4 Except where otherwise provided by the Companies Act or the Education Acts, every issue is decided by a majority of the votes cast.
- 12.5 Every member present in person or through an authorised representative has one vote on each issue.
- 12.6 A written resolution signed by all those entitled to vote at a general meeting is as valid as a resolution actually passed at a general meeting. For this purpose the written resolution may be set out in more than one document and will be treated as passed on the date of the last signature.
- 12.7 Except at first, the Trust must hold an AGM in every year. The first AGM must be held within 18 months after the Trust's incorporation.
- 12.8 At an AGM the members:
  - 12.8.1 receive the accounts of the Trust for the previous financial year;
  - 12.8.2 receive the Trustees' report on the Trust's activities since the previous AGM;
  - 12.8.3 accept the retirement of those Trustees who wish to retire;
  - 12.8.4 elect Trustees to fill the vacancies arising;
  - 12.8.5 appoint auditors for the Trust (if the Trust's accounts are required to be audited); and
  - 12.8.6 may discuss and determine any issues of policy or deal with any other business put before them by the Trustees.
- 12.9 Any general meeting which is not an AGM is a GM.
- 12.10 A GM may be called at any time by the Trustees and must be called within 14 clear days on a written request from at least two members.

### 13 **The Forum**

- 13.1 The Trust shall have a Forum, the composition of which shall be determined from time to time by the Trustees in consultation with the Forum, subject to the following;
  - 13.1.1 the members of each constituency shall elect one or more of their number to the Forum;
  - 13.1.2 a majority of the members of the Forum shall comprise elected representatives of the membership constituencies;
  - 13.1.3 no constituency's representatives shall comprise more than one third of the members of the Forum, and the staff constituency shall not comprise more than one quarter of the members of the Forum;
  - 13.1.4 the Trustees may designate one or more other organisations, which are members of the community organisations constituency, to be partner organisations, and any such partner

organisation shall be entitled to appoint a member of the Forum. The Trustees shall also be entitled to terminate the designation as a partner organisation.

13.2 A person shall cease to be a member of the Forum (or shall not be eligible to be a member of the Forum, as appropriate) if:

13.2.1 they resign from office;

13.2.2 they fail to attend three consecutive meetings of the Forum;

13.2.3 they cease to be a member of the constituency which elected them;

13.2.4 they are removed from office by a resolution of two-thirds of the remaining members of the Forum for serious breach of any code of conduct which the Forum has adopted. No such resolution may be passed unless the Forum has invited the views of the person concerned and considered the matter in the light of any such views.

13.2.5 they are convicted of an imprisonable offence.

13.3 In relation to members of the Forum:

13.3.1 their term of office shall be three years, following which they shall be eligible to be re-elected or re-appointed (as appropriate). After serving three consecutive terms of office (whether or not any such term was less than three full years), a person shall not be eligible to be re-elected or re-appointed for a period of one calendar year;

13.3.2 elections shall be held in accordance with rules to be determined by the Trustees;

13.3.3 subject to article 20.4 one third of the elected members of the Forum shall retire at the end of each year. Not less than one third of the members of the Forum elected at the first AGM, to be chosen by lot, shall retire at the end of the second AGM; not less than one third of the members of the Forum elected at the first AGM, to be chosen by lot, shall retire at the end of the third AGM; the remaining members of the Forum elected at the first AGM shall retire at the end of the fourth AGM.

13.3.4 casual vacancies arising amongst elected members of the Forum shall remain vacant unless the Trustees decide:

13.3.4.1 that an election shall be held; or

13.3.4.2 that the next highest polling candidate at the most recent election, who is willing to take office, shall do so.

13.4 The role of the Forum is:

13.4.1 to appoint and remove those Trustees who are appointed and removed by the Forum;

13.4.2 to make recommendations to the Trustees;

- 13.4.3 to perform such other functions as the Forum may be requested from time to time by the Trustees.
- 13.5 The procedures for the Forum shall be as follows.
  - 13.5.1 The Forum shall meet at least three times each year.
  - 13.5.2 A quorum shall be half of the members of the Forum, and representatives from not less than half of the constituencies.
  - 13.5.3 Each year, the Forum shall elect one of its number to be its chair of the Forum. The chair of the Forum, or in their absence another member of the Forum chosen by those present shall chair a meeting.
  - 13.5.4 Each member of the Forum shall have one vote on any matter to be decided by the Forum, and in the event of an equality of votes, the chair of the meeting shall have a second or casting vote.
  - 13.5.5 If any member of the Forum has a material involvement in a matter being considered by the Forum (other than by virtue of being a member of a constituency), they shall declare it, and may take part in the discussion of the matter unless the remaining members of the Forum decide otherwise, but they may not vote on the matter.
  - 13.5.6 The Forum may establish its own standing orders for meetings, and a code of conduct to be followed by all members of the Forum.

**14 The Trustees**

- 14.1 The Trustees as charity trustees have control of the Trust and its property and funds.
- 14.2 The number of Trustees shall not be less than two, but (unless otherwise determined by ordinary resolution) shall not be subject to any maximum.
- 14.3 The appointment and removal of Trustees shall be subject to any restrictions imposed by the Education Acts.
- 14.4 There shall be the following Trustees:
  - 14.4.1 Trustees appointed by partnership organisations as decided by the majority of Trustees from time to time;
  - 14.4.2 3 Trustees appointed by the Forum from amongst their number;
  - 14.4.3 1 Trustee appointed by the Co-operative movement.
  - 14.4.4 2 Trustees appointed by Brent Knoll School;
  - 14.4.5 2 Trustees appointed by Watergate School;
  - 14.4.6 1 Trustee appointed by Lewisham Local Authority
- 14.5 Every Trustee must sign:



- 14.5.1 a declaration of willingness to act as a Trustee of the Trust; and
- 14.5.2 a declaration confirming that they are not disqualified from acting as a charity trustee under the Education Acts;

before they may vote at any meeting of the Trustees.

- 14.6 Each body entitled to appoint a Trustee may at any time remove its appointed Trustee from office. If a Trustee shall die or be removed from or vacate office for any cause, then the body which appointed or removed that Trustee shall be entitled to appoint another person as a Trustee.
- 14.7 Any removal or appointment of a Trustee pursuant to Article 14.6 shall be in writing, signed by or on behalf of the relevant body and sent to the Trust at its registered office, marked for the attention of the secretary or delivered to a duly constituted meeting of the Trustees of the Trust. Any such appointment or removal shall take effect as at the time of such lodgement or delivery or at such later time as shall be specified in such notice.
- 14.8 The Trust may by ordinary resolution appoint any person who is willing to act as an additional Trustee provided:
  - 14.8.1 he or she is recommended by not less than two thirds of the Trustees; and
  - 14.8.2 if appointed they would not be disqualified from acting under Article 14.10.

A decision exercising the power of appointment or removal will be communicated by notice in writing to the Trustee concerned signed by or on behalf of the Trustees.

- 14.9 In relation to terms of office for Trustees,
  - 14.9.1 subject to Article 20.3, the normal term of office for a Trustee shall be five years, at the end of which a Trustee shall retire and may stand for reappointment, if otherwise eligible;
  - 14.9.2 terms of office shall begin (or be deemed to begin) and end at the conclusion of the Annual General Meeting each year.
  - 14.9.3 no Trustee may serve for more than two consecutive terms of office (whether or not any such term was less than five full years), after which they must stand down for a year. Any time served by a Trustee before the Trust's first AGM shall not be counted as a term of office or part of a term of office.
- 14.10 A Trustee's term of office automatically terminates if they:
  - 14.10.1 are disqualified under the Charities Act from acting as a charity trustee;
  - 14.10.2 are removed as, or disqualified from acting as, a charity trustee under the Education Acts or are otherwise prohibited by law from being a charity trustee or a Trustee;
  - 14.10.3 are convicted of an imprisonable offence
  - 14.10.4 are incapable, whether mentally or physically, of managing their own affairs;

- 14.10.5 are absent from three consecutive meetings of the Trustees and are asked by a majority of the other Trustees to resign;
  - 14.10.6 are a member appointed as a Trustee by the Forum and cease to be a member or, in the case of a Trustee appointed by a partnership organisation, that organisation ceases to be a partnership organisation;
  - 14.10.7 resign by written notice to the Trustees (but only if at least two Trustees will remain in office);
  - 14.10.8 are removed by resolution of the members present and voting at a general meeting after the meeting has invited the views of the Trustee concerned and considered the matter in the light of any such views;
  - 14.10.9 are a governor of any of the Schools and are removed from that office.
- 14.11 The Trustees may at any time co-opt any individual who is qualified to be appointed as a Trustee to fill a vacancy in their number or as an additional Trustee, but a co-opted Trustee holds office only until the next AGM.
  - 14.12 A technical defect in the appointment of a Trustee of which the Trustees are unaware at the time does not invalidate decisions taken at a meeting.

## 15 **Trustees' proceedings**

- 15.1 The Trustees must hold at least two meetings each year.
- 15.2 A quorum at a meeting of the Trustees is not less than half of the total number of Trustees, subject to a minimum of three Trustees.
- 15.3 A meeting of the Trustees may be held either in person or by suitable electronic means agreed by the Trustees in which all participants may communicate with all the other participants.
- 15.4 The Chair or (if the Chair is unable or unwilling to do so) some other Trustee chosen by the Trustees present presides at each meeting.
- 15.5 Every issue may be determined by a simple majority of the votes cast at a meeting, but a written resolution signed by all the Trustees is as valid as a resolution passed at a meeting. For this purpose the resolution may be contained in more than one document and will be treated as passed on the date of the last signature.
- 15.6 Except for the chair of the meeting, who has a casting vote, every Trustee has one vote on each issue.
- 15.7 The chair of the Forum, if not themselves a Trustee, may attend meetings of the Trustees as an observer.
- 15.8 A procedural defect of which the Trustees are unaware at the time does not invalidate decisions taken at a meeting.

## 16 **Trustees' powers**

In exercising their powers, subject to their duties, the Trustees shall have regard to the views of the Forum, and ensure that the affairs of the Trust are conducted to

deliver the object of the Trust in accordance with the spirit and intention of Articles 3 and 4 of these Articles and the Trust's obligations to promote community cohesion under the Education Acts (where applicable). The Trustees have the following powers in the administration of the Trust:

- 16.1 To appoint (and remove) any person (who may be a Trustee) to act as Secretary in accordance with the Companies Act.
- 16.2 Each year at the first meeting after the Annual General Meeting to appoint a Chair from among their number.
- 16.3 To make rules consistent with the Articles and the Companies Act to govern their proceedings, the proceedings of the Forum and proceedings at general meetings.
- 16.4 To make regulations consistent with the Articles and the Companies Act to govern the administration of the Trust and the use of its seal (if any).
- 16.5 To establish procedures to assist the resolution of disputes or differences within the Trust.
- 16.6 To exercise any powers of the Trust which are not reserved to a general meeting.

## 17 **Records and Accounts**

- 17.1 The Trustees must comply with the requirements of the Companies Act and of the Charities Act as to keeping financial records, the audit or other scrutiny of accounts and the preparation and transmission to the Registrar of Companies and the Commission of:
  - 17.1.1 annual returns;
  - 17.1.2 annual reports; and
  - 17.1.3 annual statements of account.
- 17.2 The Trustees must keep proper records of:
  - 17.2.1 all proceedings at general meetings;
  - 17.2.2 all proceedings at meetings of the Trustees;
  - 17.2.3 all reports of committees; and
  - 17.2.4 all professional advice obtained.
- 17.3 Accounting records relating to the Trust must be made available for inspection by any Trustee at any time during normal office hours and may be made available for inspection by members who are not Trustees if the Trustees so decide.
- 17.4 A copy of the Trust's latest available statement of account must be supplied on request to any Trustee or member. A copy must also be supplied, within two months, to any other person who makes a written request and pays the Trust's reasonable costs.

## 18 **Notices**

- 18.1 Notices under the Articles may be sent by hand, by post or by suitable electronic means.
- 18.2 The only address at which a member is entitled to receive notices sent by post is an address shown in the register of members.
- 18.3 Any notice given in accordance with these Articles is to be treated for all purposes as having been received:
- 18.3.1 24 hours after being sent by electronic means or delivered by hand to the relevant address;
  - 18.3.2 two clear days after being sent by first class post to that address;
  - 18.3.3 three clear days after being sent by second class or overseas post to that address;
  - 18.3.4 on the date of publication of a newspaper containing the notice;
  - 18.3.5 on being handed to the member (or, in the case of a member organisation, its authorised representative) personally; or, if earlier,
  - 18.3.6 as soon as the member acknowledges actual receipt.
- 18.4 A technical defect in the giving of notice of which the Trustees are unaware at the time does not invalidate decisions taken at a meeting.

## 19 **Indemnity**

Subject to the provisions of the Education Acts, the Trust may indemnify any Trustee, Auditor, Reporting Accountant, Independent Examiner or other officer of the Charity against liability incurred by them in that capacity, in the case of a Trustee, to the extent permitted by section 232 of the Companies Act or, in the case of an Auditor, to the extent permitted by sections 532 and 533 of the Companies Act.

## 20 **Start-up arrangements**

- 20.1 The provisions of the Articles shall apply, except where they are varied by the start-up arrangements below.
- 20.2 The first Trustees shall be those persons notified to Companies House as the first Trustees of the Trust.
- 20.3 The first Trustees and any Trustees appointed before the first Annual General Meeting shall all retire at the conclusion of the first Annual General Meeting, and Trustees shall be appointed in the way provided in the Articles. Not less than a third of these Trustees (to be determined by drawing lots at the first Annual General Meeting) shall retire after three years; not less than a third of them (to be determined likewise) shall retire after four years, and the remaining Trustees shall retire after five years.
- 20.4 The first Trustees shall decide who shall comprise the first members of the Forum.
- 20.5 The first members of the Forum shall all retire at the conclusion of the first Annual General Meeting, and thereafter members of the Forum shall be elected or appointed as provided in the Articles.

## 21 **Interpretation**

21.1 In the Articles, unless the context indicates another meaning:

'AGM' means an annual general meeting of the Trust;

'the Articles' means the Trust's articles of association;

'authorised representative' means an individual who is authorised by a member organisation to act on its behalf at meetings of the Trust and whose name is given to the Secretary;

'Chair' means the chair of the Trustees;

'the Charities Act' means the Charities Act 1993;

'charity trustee' has the meaning prescribed by section 97(1) of the Charities Act;

'clear day' means 24 hours from midnight following the relevant event;

'the Commission' means the Charity Commissioners for England and Wales;

'the Companies Act' means the Companies Act 2006;

'connected person' means any spouse, partner, parent, child, brother, sister, grandparent or grandchild of a Trustee, any firm of which a Trustee is a member or employee, and any Trust of which a Trustee is a Trustee, employee or shareholder having a beneficial interest in more than 1 per cent of the share capital;

'Education Acts' means the Education Acts as defined in Section 578 of the Education Act 1996 and includes any regulations made under the Education Acts;

'financial year' means the Trust's financial year;

'firm' includes a limited liability partnership;

'GM' means a general meeting of the Trust;

'indemnity insurance' means insurance against personal liability incurred by any Trustee for an act or omission which is or is alleged to be a breach of trust or breach of duty, but subject to the limitations specified in section 73F(2) Charities Act;

'material benefit' means a benefit which may not be financial but has a monetary value;

'member' and 'membership' refer to Trust membership of the Trust;

'Memorandum' means the Trust's Memorandum of Association;

'month' means calendar month;

'the Objects' means the Objects of the Trust as defined in Article 3 of the Articles;

'ordinary resolution' means a resolution which is passed by a majority of the members;

'Qualifying School' means a foundation school within the meaning of Section 21(1)(a) Schools Standards and Framework Act 1998;

'Schools' means any school in respect of which the Trust acts as a foundation for the purposes of the School Standards and Framework Act 1998;

'Secretary' means the secretary of the Trust;

'taxable trading' means carrying on a trade or business for the principal purpose of raising funds and not for the purpose of actually carrying out the Object, the profits of which are subject to corporation tax and do not qualify for charity exemption;

'the Trust' means the Trust governed by the Articles;

'Trustee' means a Trustee of the Trust and 'Trustees' means the Trustees;

'written' or 'in writing' refers to a legible document on paper including a fax message;

'year' means calendar year.

21.2 Expressions defined in the Companies Act have the same meaning.

21.3 References to an Act of Parliament are to that Act as amended or re-enacted from time to time and to any subordinate legislation made under it.

| COUNCIL             |  |                    |
|---------------------|--|--------------------|
| <b>Report Title</b> | Appointments                                   |                    |
| <b>Key Decision</b> | No   | Item No.           |
| <b>Ward</b>         |  |                    |
| <b>Contributors</b> | Chief Executive (Head of Business & Committee) |                    |
| <b>Class</b>        | Part 1   | Date: June 28 2012 |

**1. SELCHP**

The Mayor has appointed Councillor Liam Curran as substitute member to SELCHP

**RECOMMENDATION** That Council notes the appointment.

# Agenda Item 11

| COUNCIL             |   |                    |
|---------------------|---|--------------------|
| <b>Report Title</b> | ACTION TAKEN BY THE CHAIR OF COUNCIL UNDER RULE 19 OF SECTION E OF THE CONSTITUTION |                    |
| <b>Key Decision</b> | no  | Item No.           |
| <b>Ward</b>         | n/a   |                    |
| <b>Contributors</b> | Chief Executive (Head of Business & Committee)                                      |                    |
| <b>Class</b>        | Part 1  | Date: June 28 2012 |

## **ACTION TAKEN BY THE CHAIR OF COUNCIL UNDER RULE 19 OF SECTION E OF THE CONSTITUTION**

- The Chair of Council agreed under the urgency procedure set out in Rule 19 of Section E of the Constitution, that the matters listed below should be treated as a matter of urgency and not subject to call-in. This determination not to subject a decision taken by the Executive Director for Resources and Regeneration and a Mayoral decision to scrutiny was made by the Chair of Council as the delay in considering the item of business would have prejudiced the interests of the Council.

| <u>Date</u>     | <u>Title</u>  | <u>Reason for Urgency</u>  |
|-----------------|---|--|
| January 18 2012 | London Borough Grants Scheme - 2012/2013 Expenditure. | A decision made by the Mayor on January 18 was exempted from consideration by the Overview & Scrutiny Business Panel on January 31, as London Councils required confirmation by two thirds of all London Boroughs by that date. Failure to achieve confirmation would have led to an additional cost to the Council of £100,000.   |
| May 4 2012      | Shared Oracle R12 re-implementation.                  | Normally, the Executive Director's decision would have been liable for scrutiny by the Overview & Scrutiny Business Panel on May 22. However the confidential report showed that the implementation process involved 6 boroughs and was led by LB Lambeth. If Lewisham did not confirm a decision by May 17, the Council may not have been able to take advantage of a discount being offered by Oracle. |

**RECOMMENDATION that the action taken by the Chair of Council be noted.**



# Agenda Item 12

| COUNCIL             |   |                    |
|---------------------|---|--------------------|
| <b>Report Title</b> | Motion in the name of Councillor Britton to be seconded by Councillor Allison |                    |
| <b>Key Decision</b> |   | Item No.           |
| <b>Ward</b>         |   |                    |
| <b>Contributors</b> | Chief Executive (Head of Business & Committee)                                |                    |
| <b>Class</b>        | Part 1  | Date: June 28 2012 |

“In view of the fact that the date of the annual meeting of the Council, 2013, is in Holy Week, which is an important Christian festival, Council calls on the Chair to move the date to the previous Wednesday.”

# Agenda Item 13

| COUNCIL             |  |                    |
|---------------------|--|--------------------|
| <b>Report Title</b> | Motion in the name of Councillor Maines to be seconded by Councillor Bowen |                    |
| <b>Key Decision</b> | No   | Item No.           |
| <b>Ward</b>         |  |                    |
| <b>Contributors</b> | Chief Executive (Head of Business & Committee)                             |                    |
| <b>Class</b>        | Part 1   | Date: June 28 2012 |

## Counterfeit and Illegal Tobacco

“Council welcomes the Healthier Communities Select Committee's review of Premature Mortality in Lewisham and notes that smoking is a major contributor to premature death in the borough. Council also notes the excellent work by NHS Lewisham, the shadow Health and Wellbeing Board and the Council to encourage smoking cessation.

However, the Council notes with concern recent statistics which suggest that as many as a third of cigarettes sold across London are illegal. Council further notes research that shows that four times as many people die from illegal tobacco than from all illicit drugs combined and acknowledges the considerable danger the counterfeit and illegal tobacco trade poses to public health.

The Council recognises the disproportionate impact of illegal tobacco on vulnerable groups in Lewisham and its effect on exacerbating health inequalities locally.

Council therefore calls on the Mayor to do more to increase the public awareness of the dangers of purchasing tobacco from unregulated sources.

Council urges the Mayor to work in partnership with HMRC, NHS, Metropolitan Police, Trading Standards and other relevant organisations to produce a local action plan to tackle the illegal and counterfeit trade in our borough and calls on him to liaise with neighbouring boroughs to develop a concerted approach across South London on this issue.

Council also calls on Overview and Scrutiny to monitor these actions and requests a report back from the Mayor after six months.”

| COUNCIL             |  |                    |
|---------------------|--|--------------------|
| <b>Report Title</b> | Motion in the name of Councillor Brooks to be seconded by Councillor Foreman |                    |
| <b>Key Decision</b> | No   | Item No.           |
| <b>Ward</b>         |  |                    |
| <b>Contributors</b> | Chief Executive (Head of Business & Committee)                               |                    |
| <b>Class</b>        | Part 1   | Date: June 28 2012 |

## **'Restart the Heart' – Defibrillators in Community Settings**

"Council notes that approximately 100, 000 people a year in the UK die after having a sudden cardiac arrest; recognises that many people will have collapsed in places where help is not immediately at hand and supports Arrhythmia Alliance's 'Restart the Heart' campaign.

Council acknowledges the need for more defibrillators to be placed in community settings around Lewisham including at train stations, shopping centres, council offices, schools, sports centres and football grounds.

Council supports the work of Arrhythmia Alliance in raising awareness of this issue and calls upon the Mayor of Lewisham to work with Transport for London, rail operators, sports centres and community organisations to ensure that defibrillators are made more easily accessible across Lewisham.

Council also calls upon Lewisham Council to ensure that all defibrillators in Council buildings are listed on the AED Locator website and that training in the use of defibrillators is provided to Council staff."

# Agenda Item 15

| COUNCIL             |  |                    |
|---------------------|--|--------------------|
| <b>Report Title</b> | Motion in the name of Councillor Fitzsimmons to be seconded by Councillor Best |                    |
| <b>Key Decision</b> | No   | Item No.           |
| <b>Ward</b>         |  |                    |
| <b>Contributors</b> | Chief Executive (Head of Business & Committee)                                 |                    |
| <b>Class</b>        | Part 1   | Date: June 28 2012 |

## National Pensioners Convention 'Dignity Code'

"This Council believes it is our duty to uphold the rights and maintain the personal dignity of older people.

Council commends the work of the National Pensioners Convention, who promote the welfare and interests of all pensioners, as a way of securing dignity, respect and financial security in retirement.

Council notes that there were 25,000 people over the age of 65 living in Lewisham in 2010 and it is projected this will grow to 34,000 by 2030.

Council condemns the government for failing to introduce a Bill on reform of social care in the Queen's Speech, despite the need for urgent change to address the growing needs of our ageing population.

This Council resolves to adopt the National Pensioners Convention's 'Dignity Code' which sets out the minimum standards of treatment that older people should expect when receiving care in hospital, a nursing home or their own home."

# Dignity Code

The purpose of this Dignity Code is to uphold the rights and maintain the personal dignity of older people, within the context of ensuring the health, safety and well being of those who are increasingly less able to care for themselves or to properly conduct their affairs.

This Code recognises that certain practices and actions are unacceptable to older people, such as:

- Being abusive or disrespectful in any way, ignoring people or assuming they cannot do things for themselves
- Treating older people as objects or speaking about them in their presence as if they were not there
- Not respecting the need for privacy
- Not informing older people of what is happening in a way that they can understand
- Changing the older person's environment without their permission
- Intervening or performing care without consent
- Using unnecessary medication or restraints
- Failing to take care of an older person's personal appearance
- Not allowing older people to speak for themselves, either directly or through the use of a friend, relative or advocate
- Refusing treatment on the grounds of age

This Code therefore calls for:

- Respect for individuals to make up their own minds, and for their personal wishes as expressed in 'living wills', for implementation when they can no longer express themselves clearly
- Respect for an individual's habits, values, particular cultural background and any needs, linguistic or otherwise
- The use of formal spoken terms of address, unless invited to do otherwise
- Comfort, consideration, inclusion, participation, stimulation and a sense of purpose in all aspects of care
- Care to be adapted to the needs of the individual
- Support for the individual to maintain their hygiene and personal appearance
- Respect for people's homes, living space and privacy
- Concerns to be dealt with thoroughly and the right to complain without fear of retribution
- The provision of advocacy services where appropriate

## **NPC**

**Walkden House, 10 Melton Street, London NW1 2EJ**  
**[www.npcuk.org](http://www.npcuk.org)**

# Agenda Item 16

| COUNCIL             |   |                    |
|---------------------|---|--------------------|
| <b>Report Title</b> | Motion in the name of Councillor Foxcroft to be seconded by Councillor Maslin |                    |
| <b>Key Decision</b> | No  | Item No.           |
| <b>Ward</b>         |   |                    |
| <b>Contributors</b> | Chief Executive (Head of Business & Committee)                                |                    |
| <b>Class</b>        | Part 1  | Date: June 28 2012 |

## **Betting Shops**

“Council welcomes the Planning Inspectorate’s decision to uphold Lewisham’s refusal of planning permission for an eighth betting shop on Deptford High Street

Council notes that the number of betting shops on our high streets is increasing.

Council notes The Portas Review of high streets which recommended that betting shops be put in a separate ‘use class’ for planning purposes.

Council believes that the clustering of betting shops has a negative impact on our high streets and is preventing the successful regeneration of Deptford High Street.

Council condemns the government’s failure to implement The Portas Review’s recommendation on betting shops and calls on Eric Pickles to take immediate action to create a separate ‘use class’ for betting shops in the planning system, which would require companies to seek planning consent and give councils the power to cap the numbers.”

| COUNCIL             |   |                    |
|---------------------|---|--------------------|
| <b>Report Title</b> | Motion in the name of Councillor Best to be seconded by Councillor Daby |                    |
| <b>Key Decision</b> | No  | Item No.           |
| <b>Ward</b>         |   |                    |
| <b>Contributors</b> | Chief Executive (Head of Business & Committee)                          |                    |
| <b>Class</b>        | Part 1  | Date: June 28 2012 |

## Closure of Sydenham Police Station

“Council notes the Metropolitan Police’s review of its estate, and the proposed closure of a number of South London Police Stations.

This Council calls on the Metropolitan Police to reject any decision to close Sydenham Police Station in Dartmouth Road SE26 and to support the views of residents to provide local policing from a local base.”

# Agenda Item 18

| COUNCIL             |   |                    |
|---------------------|---|--------------------|
| <b>Report Title</b> | Motion in the name of Councillor Daby to be seconded by Councillor Wise |                    |
| <b>Key Decision</b> | No  | Item No.           |
| <b>Ward</b>         |   |                    |
| <b>Contributors</b> | Chief Executive (Head of Business & Committee)                          |                    |
| <b>Class</b>        | Part 1  | Date: June 28 2012 |

## Dangerous Dogs

“Council welcomes the efforts of London Councils to lobby for stricter laws and penalties for those who exploit dogs and use them as weapons

Council notes the work the council and Lewisham Homes have been doing along with partners such as Battersea Dogs Home to promote responsible dog ownership and hopes to see more of this work in the future including more of the successful Dog Activity Days across all parts of the borough.

Council calls on government to reform the law on dangerous dogs and urges stricter penalties for those who use dogs as weapons.”



| <b>COUNCIL</b>      |  |                    |
|---------------------|--|--------------------|
| <b>Report Title</b> | Exclusion of the Press and Public              |                    |
| <b>Key Decision</b> | No   | Item No.           |
| <b>Ward</b>         |  |                    |
| <b>Contributors</b> | Chief Executive (Head of Business & Committee) |                    |
| <b>Class</b>        | Part 1   | Date: 28 June 2012 |

### **Recommendation**

It is recommended that under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 3, 4 and 5 of Part 1 of Schedule 12(A) of the Act, as amended by the Local Authorities (Executive Arrangements) (Access to Information) (Amendments) (England) Regulations 2006 and the public interest in maintaining the exemption outweighs the public interest in disclosing the information:-

20      Lewisham Gateway

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted