



AGENDA

OVERVIEW AND SCRUTINY BUSINESS PANEL

Date: TUESDAY, 29 JANUARY 2013 at 7.05 pm

**Committee Rooms 1 & 2
Civic Suite
Lewisham Town Hall
London SE6 4RU**

**Enquiries to: Olga Cole
Telephone: 0208 314 8577 (direct line)
Email: olga.cole@lewisham.gov.uk**

MEMBERS

Councillor Alan Hall	Chair of Overview & Scrutiny Committee	(L)
Councillor Kevin Bonavia	Vice Chair of Overview & Scrutiny Select Committee	(L)
Councillor Liam Curran	Chair of Sustainable Development Select Committee	(L)
Councillor Alexander Feakes	Chair of Public Accounts Select Committee	(LD)
Councillor Julia Fletcher	Liberal Democrat Group Representative	(LD)
Councillor Vicky Foxcroft	Labour Group Representative	(L)
Councillor Carl Handley	Chair of Housing Select Committee	(L)
Councillor John Muldoon	Chair of Healthier Communities Select Committee	(L)
Councillor Pauline Morrison	Chair of Safer & Stronger Communities Select Committee	(L)
Councillor John Paschoud	Chair of Children and Young People Select Committee	(L)

Members are summoned to attend this meeting

**Barry Quirk
Chief Executive
Lewisham Town Hall
Catford
London SE6 4RU
Date: Thursday 17 January 2013**



INVESTOR IN PEOPLE

The public are welcome to attend our committee meetings, however occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

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Lewisham



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Agenda Item 1

OVERVIEW & SCRUTINY BUSINESS PANEL		
Report Title	Minutes	
Key Decision		Item No. 1
Ward	All	
Contributors	Chief Executive	
Class	Part 1	Date: 29 January 2013

Recommendation

It is recommended that the minutes of that part of the meeting of the Overview and Scrutiny Business Panel which was open to the press and public, held on 6 November 2012 be confirmed and signed.

LONDON BOROUGH OF LEWISHAM

Minutes

MINUTES of that part of the meeting of the OVERVIEW & SCRUTINY BUSINESS PANEL, which was open to the press and public, held on TUESDAY, 6 NOVEMBER 2012 at LEWISHAM TOWN HALL, CATFORD, SE6 4RU at 7.05PM

Councillors Hall (Chair), Allison, Curran, Feakes, Fletcher, Morrison and John Paschoud.

Apologies were received from Councillors Bonavia, Handley and Muldoon

The meeting was opened at 7:20, closed at 7:21 and reconvened at 7:31

Present

Minute No.		Action
1.	MINUTES	
	RESOLVED that the minutes of that part of the meeting of the Panel, which was open to the press and public, held on 25 September 2012 be confirmed and signed.	
2.	DECLARATIONS OF INTERESTS (page)	
2.1	Councillor Curran declared a personal non prejudicial interest in Item 5 as a member of Lewisham Plus Credit Union.	
3.	OUTSTANDING REFERENCES TO SELECT COMMITTEES	
3.1	Report noted.	
4.	NOTIFICATION OF LATE AND URGENT ITEMS	
4.1	Report noted.	
5.	DECISIONS MADE BY MAYOR & CABINET ON 24 OCTOBER 2012	
	<u>Budget Monitoring Financial Forecasts 2012-13</u>	
5.1	The Head of Business Management and Service Support introduced the report. Councillor Curran asked whether the overspend in Customer Services was from a particular area, and was told that it was from environmental services and public services. Councillor Curran then commented that members of the Sustainable Development Select Committee were currently discussing the importance of maintaining a clean and tidy borough during the current state of austerity, and added that this could prove difficult if budget pressures affected that area. The Head of Business Management and Service Support said that officers would consider members' concerns.	ED Cust. Serv.

5.2 Councillor Fletcher asked for an explanation on the Downham PFI. The Head of Business Management and Service Support said that when the contract was signed a benchmarking exercise was done by the contractor, and because the Council had fallen below the minimum income, there has been an increase in Council payments. He added that actions were being taken to have sufficient staffing which should increase income. Councillor Fletcher said she was surprised because at a recent presentation she attended it was stated that Downham was the contractor's busiest leisure centre. The Head of Business Management and Service Support said that it could be that they were referring to income from auxiliary services.

5.3 The Chair said that he had noted differences in spending in the Council; some areas had overspent by a vast amount and others seem to be underspent. The Head of Business Management and Service Support said that managers were all responsible for their budgets, and were making decisions to manage their budgets effectively.

5.4 Councillor Curran said that in the past when the budget was set for contracts for adult social services, the Council had not anticipated an increase in London Living Wage, and this had been an issue. He asked whether the recent 3% increase would be taken into account. The Head of Business Management and Service Support highlighted two contracts; Adult Social Care and Residential Care. He added that it was difficult to incorporate London Living Wage into contracts for residential care because the contractors were dealing with several boroughs at any one time, and it was unlawful to force contractors to sign in to London Living Wage. He believed that in future, when more bodies adopted the LLW, there would be more scope to include further LLW commitments.

6. OVERVIEW & SCRUTINY SELECT COMMITTEES WORK PROGRAMMES 2012/13

6.1 The Chair thanked officers for all their work during this budget process, he added that he was aware that there might have been a considerable gap on the savings proposed, which could lead to a second round of proposed budget savings. The Chair stated that if a second round was necessary, there might be a need to take these proposals to the Select Committees in January and February.

6.2 Councillor Feakes said that if it was not possible to take the second round of proposals to all Select Committees he would urge Chairs of Select Committees to be present at the February Public Accounts Select Committee meeting to raise issues they might have. Councillor Morrison said that she hoped there would be sufficient time for Select Committees to consider any new proposal. Councillor Curran said he endorsed what Councillor Morrison said and requested that all Select Committee Members be informed as soon as possible that it might be

necessary for them to attend the February Public Accounts Select Committee, or special meetings of the other Select Committees.

- 6.3 Councillor Curran said he would like an update on the impact of the NHS reforms on Lewisham Hospital. The Chair said that this item would be discussed at the Healthier Communities Select Committee in December. The Head of Corporate Policy and Governance informed members that the following evening a briefing on the Trust Special Administrator (TSA) announcement was to be held for all members. It was also noted that the Trust Special Administrator would be present at the Healthier Communities Select Committee meeting in December. Councillor Curran said that this issue was of great importance, as the impact could be far reaching.

- 6.4 The Chair raised concerns about the lack of support from Communications officers to promote and publicise reports from the Select Committees. He added that a lot of good work was being undertaken by Select Committees and Select Committee members do not feel that these reports were being properly promoted nor publicised. This was endorsed by other Business Panel members, Councillor Feakes added that he was aware that Scrutiny Officers were doing their best to make this possible, but support from the communications team appeared to be lacking.

- 6.5 The Panel mentioned that the Sustainable Development Select Committee's crucial Financial Inclusion Review appeared not to have been promoted. Following discussion, it was agreed that a referral should be presented to the Mayor for his assistance in the matter.

Head of
Business &
Committee

RESOLVED that a referral be presented to Mayor and Cabinet about concerns held by the Business Panel over perceived inadequate promotion of reports from Overview and Scrutiny Select Committees.

The meeting closed at 8.00pm.

Chair

Agenda Item 2

OVERVIEW AND SCRUTINY BUSINESS PANEL		
Report Title	DECLARATIONS OF INTEREST	
Key Decision		Item No. 2
Ward		
Contributors	Chief Executive	
Class	Part 1	Date: 29 January 2013

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

1 Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests

2 Disclosable pecuniary interests are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts 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 they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a

partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.

- (g) 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 1/100 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 1/100 of the total issued share capital of that class.

*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

(3) Other registerable interests

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25

(4) Non registerable interests

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

(5) Declaration and Impact of interest on members' participation

- (a) Where a member has any registerable interest in a 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 seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**

- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.
- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of 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.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

(6) Sensitive information

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

(7) Exempt categories

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (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)

OVERVIEW & SCRUTINY BUSINESS PANEL		
Report Title	Outstanding References to Select Committees	
Key Decision	No	Item No. 3
Ward		
Contributors	Head of Business and Committee	
Class	Part 1	Date: 29 January 2013

1. Purpose of Report

To report on items previously reported to the Mayor for response by directorates and to indicate the likely future reporting date.

2. Recommendation

That the reporting dates of the item shown in the table below be noted.

Report Title	Responding Author	Date Considered by Mayor & Cabinet	Scheduled Reporting Date	Slippage since last report
Public Accounts Select Committee Revenue Budget Savings Proposals Referral	ED Resources & Regen.	5 December 2012	13 February 2013	No
Safer Stronger Communities Select Committee Promoting a Sense of Belonging Referral	ED Community Services	16 January 2013	20 March 2013	No
Safer Stronger Communities Select Committee	ED Community Services	16 January 2013	20 March 2013	No

Riots Further Referral				
Comments of the Sustainable Development Select Committee on the Mayor and Cabinet Response on Financial Exclusion Review	ED Resources & Regen.	16 January 2013	20 March 2013	No

BACKGROUND PAPERS and AUTHOR

Mayor & Cabinet minutes, 5 December 2012 and Mayor & Cabinet 16 January 2013 available from Kevin Flaherty 0208 314 9327.

Agenda Item 4

Overview & Scrutiny Business Panel		
Report Title	Notification of Late and Urgent Items	
Key Decision	No	Item No. 4
Ward		
Contributors	Head of Business and Committee	
Class	Part 1	29 January 2013

1. Purpose of Report

There have been no urgent items considered by Committees since the last report.

Agenda Item 5

OVERVIEW & SCRUTINY BUSINESS PANEL		
Report Title	Decisions made by Mayor and Cabinet on 16 January 2013	
Key Decision		Item No. 5
Ward	All	
Contributors	Chief Executive/Head of Business and Committee	
Class	Part 1	Date: 29 January 2013

1. Recommendation

To consider key decisions made by the Mayor and Cabinet on 16 January 2013 which will come in to force on 30 January 2013.

2. Background

2.1 The Mayor and Cabinet considered the following key decisions on 16 January 2013.-

- (i) Housing Matters
- (ii) Local Development Framework: Revised Local Development Scheme
- (iii) Assets of Community Value
- (iv) London Boroughs Grants Scheme 2012-13
- (v) Lewisham Time Credits
- (vi) An Update on Lewisham's Public Health Transition Programme - Staffing
- (vii) Catford Town Centre CRPL Business Plan

2.2 The notice of decisions made in respect of this report are attached as an Appendix. Under the provisions of Standing Orders Part IV E 14, members may call in an executive decision within 7 days. If the reports are not called in they will come into force on 30 January 2013.



NOTICE OF DECISIONS MADE AT THE MAYOR & CABINET

The Mayor & Cabinet made the following decisions on 16 January 2013. These decisions will become effective on 30 January 2013 unless they are called in by the Overview & Scrutiny Business Panel on 29 January 2013.

1. Housing Matters Update

Having considered an officer report, and a presentation by the Cabinet Member for Customer Services, Councillor Susan Wise, and from the Chair of the Housing Select Committee, Councillor Carl Handley, the Mayor agreed that:

(i) the findings of the discussion with residents about the possible options for addressing Lewisham's housing challenges be noted;

(ii) the potential options for continuing the conversation with residents and the associated strengths and weaknesses of each be noted;

(iii) as there was limited support expressed among residents for the option of transfer to an existing housing association, and because the resident-led option offers greater potential to respond to residents concerns about rents and security of tenure for new as well as existing residents, transfer to an existing housing association be no longer pursued as part of this process;

(iv) as residents prefer retention with the ALMO to retention with a return to Council Management, and because a return to Council management at this stage would put at risk the delivery of the current Decent Homes programme, the option of a return to Council management of the stock be no longer pursued as part of this process;

(v) the two possible options remaining options be noted namely:

1. that the Council ceases all further options appraisal activities, retains the ALMO as is, and works within the budgetary limits the Council faces as a landlord, or

2. that the Council works alongside residents, Lewisham Homes and other bodies to better understand how, by retaining but evolving Lewisham Homes - with a view to a possible transfer of ownership to Lewisham

Homes as a resident-led organisation – it might attract further investment, increase resident control, deliver residents’ aspirations and address their concerns; and

(vi) on the basis of the appraisal of the options set out and having considered the further information including the required further financial and technical assessments set out , option 2 should be pursued.

2. Local Development Framework: Revised Local Development Scheme

Having considered an officer report, and a presentation by the Deputy Mayor, the Mayor agreed that:

(i) the revised content and timetable of the LDS be approved and the Council be recommended to formally adopt the revised Local Development Scheme; and

(ii) the Executive Director for Resources and Regeneration be authorised to make any minor changes to the text and format of the documents prior to consideration by the Council.

3. Assets of Community Value

Having considered an officer report, and a presentation by the Deputy Mayor, Councillor Alan Smith, the Mayor agreed that the Mayoral scheme of delegation be amended as set out.

4. London Borough Grants Scheme - 2013/2014 Expenditure

Having considered an officer report, and a presentation by the Cabinet Member for Community Services and Older People, Councillor Chris Best, the Mayor agreed that

(i) the overall expenditure for the London Councils Grants Scheme in 2013/2014 of £10,000,000 (inclusive of £2million gross ESF programme) be approved;

(ii) a sum of £303,763 in respect of the London Borough of Lewisham’s Contribution be approved;

(iii) the London Councils grants consultation 2013/15 be noted.

5. Lewisham Time Credits

Having considered an officer report, and a presentation by the Cabinet Member for Community Services and Older People, Councillor Chris Best, the Mayor agreed that:

(i) the delegation of authority in relation to the Council's charging policy to Executive Director level be restricted to:

(a) decisions relating to charges for services which are proposed to be waived in order that Lewisham Time Credits can be accepted as payment, and

(b) those decisions where the financial impact to any service area is under £10,000.

(ii) the success of the Lewisham Time Credits pilot in Telegraph Hill and Lee Green and the borough wide roll out of the programme from March 2013 be noted.

6. An update on Lewisham's Public Health Transition Programme – staffing

Having considered a confidential officer report, and a presentation by the Cabinet Member for Community Services, Councillor Chris Best, the Mayor agreed that:

(i) formal announcement of Lewisham's public health allocation was not made alongside the Local Government Finance settlement as had been previously indicated by DH and that the funding allocation will now be announced in the New Year, and is expected by 11 January 2013.

(ii) the contingency actions outlined were there to be a shortfall in funding in excess of that previously notified to Mayor and Cabinet on 24 October 2012, be noted;

(iii) the legal framework which governs the arrangements for transferring Public Health staff from Lewisham PCT to the Council be noted;

(iv) the Director of Public Health has advised the NHS and the Council that in his professional opinion all 23 staff spend 100% of their time on the functions which will transfer to the Council and therefore are to be listed on the Transfer Scheme; and

(v) the staff in the posts listed transfer to the Council on 1 April 2013.

7. Catford Town Centre – Catford Regeneration Partnership Limited Business Plan

Having considered an officer report, and a presentation by the Deputy Mayor, the Mayor agreed that the progress made by CRPL in managing the Catford Centre in 2012/13 and projections for the coming 13/14 financial

year be noted and presented to Council on 23 January 2013 for approval;

**Barry Quirk
Chief Executive
Lewisham Town Hall
Catford SE6 4RU
17 January 2013**

Agenda Item 6

OVERVIEW & SCRUTINY BUSINESS PANEL		
Report Title	Decisions made by Mayor and Cabinet (Contracts) on 16 January 2013	
Key Decision		Item No. 6
Ward	All	
Contributors	Chief Executive/Head of Business and Committee	
Class	Part 1	Date: 29 January 2013

1. Recommendation

To consider the key decision made by the Mayor and Cabinet (Contracts) on 16 January 2013 which will come in to force on 30 January 2013.

2. Background

2.1 The Mayor and Cabinet (Contracts) considered the following key decision on:

(i) **Community Centre Funding 2013-14**

2.2 The notice of decisions made in respect of this report is attached as an Appendix. Under the provisions of Standing Orders Part IV E 14, members may call in an executive decision within 7 days. If a report is not called in it will come into force on 30 January 2013.



NOTICE OF DECISIONS MADE BY THE MAYOR AND CABINET (CONTRACTS)

The Mayor and Cabinet (Contracts) made the following decision on 16 January 2013. This decision will become effective on 30 January 2013 unless it is called in by the Overview & Scrutiny Business Panel on 29 January 2013.

1. Community Centre Funding 2013-14

Having considered an officer report, and a presentation by the Cabinet Member for Community Services & Older People, Councillor Chris Best, and the Cabinet Member for the Third Sector, Councillor Joan Millbank, Mayor and Cabinet (Contracts) agreed that £20,000 be awarded to each of six community centres for 2013/14, namely 2000 Community Action Centre, Goldsmiths Community Association, Grove Park Community Group (Ringway Centre, Honor Oak Community Association, Lewisham Irish Community Centre, Downham Community Association (Wesley Halls). This funding will be subject to clear outcomes on community development being drawn up and agreed with the Council.

**Barry Quirk
Chief Executive
Lewisham Town Hall
Catford SE6 4RU
17 January 2013**

OVERVIEW & SCRUTINY BUSINESS PANEL		
Report Title	Exclusion of the Press and Public	
Key Decision		Item No. 8
Ward		
Contributors	Chief Executive	
Class	Part 1	Date: 29 January 2013

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:-

1. Decisions Made by Mayor and Cabinet (Contracts) on 16 January 2013.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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