



AGENDA

OVERVIEW AND SCRUTINY BUSINESS PANEL

Date: TUESDAY, 8 JULY 2014 at 7.05 pm

**Committee Rooms 1 & 2
Civic Suite
Catford Road
London SE6 4RU**

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MEMBERS

Councillor Alan Hall	Chair of the Overview and Scrutiny Committee	(L)
Councillor Gareth Siddorn	Vice Chair of the Overview and Scrutiny Committee	(L)
Councillor Liam Curran	Chair of Sustainable Development Select Committee	(L)
Councillor Brenda Dacres	Labour Group Representative	(L)
Councillor Carl Handley	Chair of Housing Select Committee	(L)
Councillor Jim Mallory	Labour Group Representative	(L)
Councillor Jamie Milne	Chair of Public Accounts Committee	(L)
Councillor Pauline Morrison	Chair of Safer & Stronger Communities Select Committee	(L)
Councillor John Muldoon	Chair of Healthier 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
Laurence House
Catford
London SE6 4RU
Date: Monday, 30 June 2014**



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.

ORDER OF BUSINESS – PART 1 AGENDA

Item No		Page No.s
1.	Minutes	1 - 5
2.	Declaration of interests	6 - 9
3.	Outstanding Scrutiny Items	10
4.	Decisions of Mayor and Cabinet 25 June 2014	11 - 14
5.	Exclusion of the press and public	15
6.	Decisions of Mayor and Cabinet 25 June 2014	16 - 18
7.	Decisions made by Executive directors under Delegated Authority	19 - 40



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: 8 July 2014

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 11 March 2014 be confirmed and signed.

MINUTES OF THE OVERVIEW AND SCRUTINY BUSINESS PANEL

Tuesday, 11 March 2014 at 7.05 pm

PRESENT: Councillors Alan Hall (Chair), Liam Curran, Julia Fletcher, Vicky Foxcroft, Carl Handley, John Muldoon and John Paschoud

ALSO PRESENT:

Apologies for absence were received from Councillor Kevin Bonavia, Councillor Alexander Feakes and Councillor Pauline Morrison

118. Minutes

119. Declarations of Interests

The Chair declared a personal non prejudicial interest in item 6 as a Director on the Phoenix Community Housing Board.

Councillor Fletcher declared a personal non prejudicial interest in item 6 as a Director on the Phoenix Community Housing Board.

120. Outstanding Scrutiny Items

Report noted.

121. Responses from the Mayor

Lewisham Central Opportunity Site

The Chair informed the Panel that he had made a personal representation to the Mayor about this, as he thought that once the building had been demolished it would be useful for the community to know what was planned for the future. He had noted that officers had undertaken to do this.

Asset Rationalisation Programme

The Chair informed the Panel that the Deputy Mayor responded to the referral at the last Mayor and Cabinet meeting, and pledged that officers would complete the work within the timescale.

122. Notification of Late and Urgent Items

Report noted.

123. Decisions Made by Mayor and Cabinet on 5 March 2014

New Homes, Better Places – GLA Bid

The Programme Manager, Housing Markets gave Panel members an overview of the bid. The

Chair asked whether the bid would be assessed against the Council's Housing Strategy, and criteria for new homes. It was noted that this would be the case. The Chair also asked whether officers were positive about the outcome, and was told that officers were anticipating a positive outcome. The Chair thanked officers for making the bid.

Councillor Handley asked when officers would be made aware of the outcome, and was told it would be in June 2014. Councillor Foxcroft said that she was happy to see a report that reflected what members have discussed and requested in various committee meetings. Councillor Curran asked for confirmation of the figures of up to 80%:20% ratio in favour of affordable housing. The Programme Manager, Housing Matters said that officers had stuck to the previously agreed ratio, but the marketing strategy has not yet been agreed. The Chair thanked officers for the report, and said that Panel members look forward to the new buildings.

RESOLVED that the decision of the Mayor be noted.

Public Health Services Section 75 Agreement between Lewisham Council and Lewisham Clinical Commissioning Group

The Director of Public Health introduced the report. Councillor Curran asked whether the current staff would be delivering the services listed on the report, and was told that the front line staff would remain the same and the only change would be that the contracts would be signed by the Clinical Commissioning Group (CCG) Chief Officer. The Director of Public Health said that nothing had changed except that commissioning was now the responsibility of the Council.

Councillor Curran asked if there were any foreseeable problems members should be made aware of. The Director of Public Health said that he would advise that the current arrangement should only be regarded as temporary, as for the longer term the Council should be seeking to tender directly with the contractors as this would ensure more flexibility in procurement of public health contracts. Councillor Fletcher said that she welcomed public health services coming back to local authorities. She added that at their last local assembly meeting there was an interesting discussion on the local Health services, and she could not recall having a similar discussion in the years she had been a Councillor.

Councillor Foxcroft asked if the current provision could be reviewed at the end of the Agreement. It was noted that although the Agreement was important as it enabled the Health Services to maintain the status quo, at the end of it the Council could review the situation and make a decision to either continue with the Agreement or terminate it, and procure directly with providers.

Councillor Curran said that there might be an issue using private providers, if residents felt in trying to make savings, the Council was opting for cheaper options instead of providing quality health care.

The Chair asked about the Public Health Budget, and it was confirmed that it was from the Department of Health, and not from the Department of Local Government & Communities. The Director of Public Health stated that it was the government's policy to protect Health and Education, and he did not envisage this budget being cut in the near future

Councillor Muldoon informed the Panel as part of addressing the issue of domestic violence, Jane Hastie had developed some tools that demonstrated Local Authorities and Public Health Services benefitted from early intervention, and this was worth pursuing. Councillor Curran asked whether the public health services money had been ring fenced for the next 2 years. It

was noted that it might be ring fenced up until 2015/16, then the responsibility transferred to local authorities. The Chair thanked officers for the report.

RESOLVED that the decision of the Mayor be noted.

124. Decisions Made by Mayor and Cabinet (Contracts) on 5 March 2014

No item was identified for discussion.

125. Overview and Scrutiny Select Committees Work Programmes 2013/14 - oral update

The Head of Scrutiny informed the Panel that the Select Committees were coming to their last meeting before the end of the municipal year, and members should be putting forward suggestions for the next Administration plan of programmes in June/July.

126. Exclusion of the Press and Public

RESOLVED 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:

The following is a summary of the items considered in the closed part of the meeting:

DECISIONS MADE BY MAYOR AND CABINET ON 5 MARCH 2014

144 Evelyn Street (Parker House) Surplus Declarations and Approval to Demolish

RESOLVED that the Mayor's decision be called in, for the reasons outlined in a confidential report.

The meeting closed at 8:30pm.

Chair

127. Decisions Made by Mayor and Cabinet on 5 March 2014

144 Evelyn Street (Parker House) Surplus Declarations and Approval to Demolish

RESOLVED that the Mayor's decision be called in, for the reasons outlined in a confidential report.

128. Decisions Made by Mayor and Cabinet (Contracts) on 5 March 2014

No item was identified for discussion.

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: 8 July 2014

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)

Agenda Item 3

OVERVIEW AND SCRUTINY BUSINESS PANEL		
Report Title	Outstanding Scrutiny Matters	
Key Decision	No	Item No. 3
Ward		
Contributors	Head of Business and Committee	
Class	Part 1	Date: 8 July 2014

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 date 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
Matters raised by Overview & Scrutiny Business Panel – Recycling	ED Customer Services	15 January 2014	3 September 2014	No

BACKGROUND PAPERS and AUTHOR

Mayor & Cabinet 15 January 2014 available from Kevin Flaherty 0208 314 9327.

Agenda Item 4

OVERVIEW & SCRUTINY BUSINESS PANEL		
Report Title	Decisions made by Mayor and Cabinet on 5 March 2014	
Key Decision		Item No. 4
Ward	All	
Contributors	Chief Executive/Head of Business and Committee	
Class	Part 1	Date: 8 July 2014

1. Recommendation

To consider key decisions made by the Mayor and Cabinet on 25 June 2014 which will come in to force on 9 July 2014.

2. Background

2.1 The Mayor and Cabinet considered the following key decisions on 25 June 2014.-

2.2 The notice of a decision made in respect of the reports 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 the report is not called in it will come into force on 9 July 2014.

- (i) Small Scale Traffic Schemes & Traffic Management Works 2014-15.
- (ii) Adoption Service Update, Revised Statement of Purpose and Children's Guides to Adoption.
- (iii) The Council's Extra Care Service at Kenton Court and Somerville.
- (iv) Surrey Canal Sports Foundation – Funding Allocation.



NOTICE OF DECISIONS MADE AT THE MAYOR & CABINET

The Mayor made the following decisions on June 25 2014. The decisions will become effective on July 9 2014 unless they are called in by the Overview & Scrutiny Business Panel on July 8 2014.

1. Small Scale Traffic Schemes & Traffic Management Works 2014-15

Having considered an officer report and an addendum reordering the scheme priorities, and a presentation by Deputy Mayor, Councillor Alan Smith, the Mayor agreed that:

(i) the prioritisation of Small Scale Traffic Schemes for 2014-15 shown in Appendix A be approved;

(ii) applicable funding identified via S106 or other external sources be used to investigate and treat items from the priority list;

(iii) the small scale traffic schemes carried out in 2013-14 be noted:

(iv) officers report back next year on additional small scale traffic scheme requests received and action taken in respect of the 2014-15 programme.

(v) the Borough's 2014-15 "Local Transport Funding" allocation from Transport for London of £100,000 be allocated as listed below:

- i. £50,000 to the programme of Small Scale Traffic Schemes;
- ii. £50,000 to the development of LIP schemes and the implementation of minor urgent local traffic works;

(vi) the revenue traffic management budget for 2014-15 of £65,000 be allocated as listed below:

- i. £25,000 to the programme of Small Scale Traffic Schemes;
- ii. £20,000 for new waiting and loading restrictions;
- iii. £10,000 for footway parking;
- iv. £10,000 for the maintenance and relocation of speed indicator devices / traffic flow and speed surveys.

2. Adoption Service Update, Revised Statement of Purpose and Children's Guides to Adoption

Having considered an officer report, and a presentation by the Cabinet Member for Children & Young People, Councillor Paul Maslin, the Mayor agreed that:

- (I) the work of the Adoption Service be noted;
- (ii) the review of the Statement of Purpose be approved; and
- (iii) the two updated Children's Guides to Adoption be noted.

3. The Council's Extra Care Service at Kenton Court and Somerville

Having considered an officer report, tabled correspondence from residents friends and relatives and a presentation by the Cabinet Member for Health, Well-Being & Older People, Councillor Chris Best, the Mayor agreed that:

- (i) the consultation taken place so far in line with the decisions of the December 4 2013 Housing Matters report be noted;
- (ii) individual social care assessments be carried out for all tenants at both Kenton Court and Somerville extra care schemes, and the outcomes of these assessments be noted;
- (iii) individual tenants be offered support by an independent advocate;
- (iv) the range of alternative high quality housing, care and support available in the borough be noted, and that there are additional extra care schemes being developed and that five out of 31 tenants at Kenton Court and Somerville have taken up these alternative offers voluntarily already;
- (v) officers formally consult with the tenants at Kenton Court and Somerville about the proposed transfer of the Council's directly managed extra care service to Notting Hill Housing Group at Conrad Court;
- (vi) officers commence TUPE consultation with affected staff in the extra care service;
- (vii) officers commence initial statutory section 105 consultation on the proposals to close the service provided at Kenton Court and Somerville and potentially close the buildings;
- (viii) officers commence feasibility studies on both sites to develop proposals for alternative uses which meet housing need in the borough, and that any further necessary consultation should be

undertaken with existing tenants to enable the Mayor to make a further decision on the future of the buildings in Autumn 2014; and

(ix) officers continue to facilitate voluntary decants of tenants who wish to move to other services.

4. Surrey Canal Sports Foundation – Funding Allocation

Having considered an officer report, and a presentation by Deputy Mayor, Councillor Alan Smith, the Cabinet in the absence of the Mayor, agreed that:

(i) £500,000 of funding be pledged to the Surrey Canal Sports Foundation subject to the terms of the associated funding agreement being agreed;

(ii) authority be delegated to the Executive Director for Resources and Regeneration, in consultation with the Director of Regeneration and Asset Management and Head of Law, to negotiate the terms of the funding agreement; and

(iii) the funding agreement be reported back to Mayor & Cabinet for approval.

**Barry Quirk
Chief Executive
Lewisham Town Hall
Catford SE6 4RU
June 26 2014**

OVERVIEW & SCRUTINY BUSINESS PANEL		
Report Title	Exclusion of the Press and Public	
Key Decision		Item No. 5
Ward		
Contributors	Chief Executive	
Class	Part 1	Date: 8 July 2014

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:-

6. Decisions of Mayor and Cabinet 25 June 2014
7. Decisions made by Executive Directors under Delegated Authority:
 - Entering into a Direct Contract with the GLA to deliver on Round Two of Empty Homes Funding

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.

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