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Overview and Scrutiny Committee Agenda

Monday, 13 July 2015

7.30 pm

Committee Rooms 1 & 2

Civic Suite

Lewisham Town Hall

London SE6 4RU

For more information contact: Charlotte Dale (0208 314 9534)

This meeting is an open meeting and all items on the agenda may be audio recorded and/or filmed.

Part 1

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Overview and Scrutiny Committee Members

Members of the committee, listed below, are summoned to attend the meeting to be held on Monday, 13 July 2015.

Barry Quirk, Chief Executive
Thursday, 2 July 2015

Councillor Alan Hall (Chair)

Councillor Gareth Siddorn (Vice-Chair)

Councillor Obajimi Adefiranye

Councillor Abdeslam Amrani

Councillor Chris Barnham

Councillor Paul Bell

Councillor Peter Bernards

Councillor Andre Bourne

Councillor David Britton

Councillor Bill Brown

Councillor Suzannah Clarke

Councillor John Coughlin

Councillor Liam Curran

Councillor Brenda Dacres

Councillor Amanda De Ryk

Councillor Colin Elliott

Councillor Carl Handley

Councillor Maja Hilton

Councillor Simon Hooks

Councillor Ami Ibitson

Councillor Mark Ingleby

Councillor Stella Jeffrey	
Councillor Liz Johnston-Franklin	
Councillor Alicia Kennedy	
Councillor Roy Kennedy	
Councillor Helen Klier	
Councillor Jim Mallory	
Councillor David Michael	
Councillor Jamie Milne	
Councillor Hilary Moore	
Councillor Pauline Morrison	
Councillor John Muldoon	
Councillor Olurotimi Ogunbadewa	
Councillor Crada Onuegbu	
Councillor Jacq Paschoud	
Councillor John Paschoud	
Councillor Pat Raven	
Councillor Joan Reid	
Councillor Jonathan Slater	
Councillor Luke Sorba	
Councillor Eva Stamirowski	
Councillor Alan Till	
Councillor Paul Upex	
Councillor James-J Walsh	
Councillor Susan Wise	

Agenda Item 1

MINUTES OF THE OVERVIEW AND SCRUTINY COMMITTEE

Monday, 9 March 2015 at 7.30 pm

PRESENT: Councillors Alan Hall (Chair), Gareth Siddorn (Vice-Chair), Obajimi Adefiranye, Abdeslam Amrani, Chris Barnham, Andre Bourne, David Britton, Bill Brown, Suzannah Clarke, Brenda Dacres, Amanda De Ryk, Colin Elliott, Carl Handley, Maja Hilton, Simon Hooks, Ami Ibitson, Mark Ingleby, Stella Jeffrey, Alicia Kennedy, Roy Kennedy, Helen Klier, Jim Mallory, David Michael, Jamie Milne, Hilary Moore, Pauline Morrison, John Muldoon, Olurotimi Ogunbadewa, Jacq Paschoud, John Paschoud, Pat Raven, Joan Reid, Jonathan Slater, Luke Sorba, Eva Stamirowski, Alan Till and James-J Walsh

APOLOGIES: Councillors Paul Bell, Peter Bernards, Liam Curran, Liz Johnston-Franklin, Paul Upex and Susan Wise

ALSO PRESENT: Georgina Nunney (Principal Lawyer), Councillor Chris Best (Cabinet Member for Health, Wellbeing and Older People), Aileen Buckton (Executive Director for Community Services), Councillor Janet Daby (Cabinet Member Community Safety), Charlotte Dale (Interim Overview and Scrutiny Manager), Barrie Neal (Head of Corporate Policy and Governance) and Councillor Joan Millbank (Cabinet Member Third Sector & Community)

1. Minutes of the meeting held on 29 September 2014

- 1.1 **RESOLVED:** That the minutes of the meeting held on 29 September be agreed as an accurate record.

2. Declarations of interest

- 2.1 The following non-prejudicial declarations of interest were declared:

Councillor John Muldoon: Lead governor of SLaM NHS Foundation Trust

Councillor Alan Hall: Elected governor of King's College NHS Foundation Trust

Councillor Jacq Paschoud: Family member in receipt of adult social care.

3. The Care Act

- 3.1 Georgina Nunney gave a PowerPoint presentation on the Care Act, which represented a consolidation of the various relevant acts enacted since 1948; but which still left some areas of ambiguity and with that, the possibility of judicial reviews in order to clarify definitions. It was noted that the Act had a relatively short introductory period, with most provisions coming into force a year after enactment (on 1 April 2014) with the financial sections following a year later (1 April 2016).

- 3.2 The presentation included the following key points:

- Different local authorities were all approaching the implementation of the Care Act in different ways, there would be a great deal of local variation.
- A key aspect of the act was the emphasis on information provision and signposting to appropriate services. This could be done through a third party but the local authority would be responsible for quality assuring the content of the information provided and making sure it was accessible and proportionate; personal; and included independent financial advice where appropriate.
- Other key elements included the duty to integrate health and health related services; putting the adult at the centre of the decision making process; and creating an outcomes focussed process.
- There was no mention of independent living in the Act (although it was mentioned in the guidance) so the extent to which local authorities must support people to live independently was not clear.
- The assessment of adults was to be an active process, with full engagement of the individual concerned.
- The number of assessments being carried out was set to rise as it was predicted that more carers would be assessed and more self-funders (driven by the cap). The Council would have a duty to carry out an assessment and issue care and support plans.
- The Act made it clear that identified needs did not have to be met by local authority services but could be met in a variety of ways, including by personal, informal arrangements and voluntary and community sector (VCS) services. In particular, the local authority would not be required to provide support where need was already being met.
- There was a new emphasis on carers and their support requirements. In the last census 22,000 Lewisham residents self-identified themselves as carers.
- In order to be considered a carer under the Act, a person did not have to be delivering a high level of care (for example, visiting a person every 6 weeks to provide psychological support constituted as caring).
- The implementation of the Act might would require managing expectations as it was clear that the borough had been generous in the past and would not be in a position to be as generous in the future. There would be a hierarchy of resources with personal resources and existing activity being taken into account before the deployment of council services.
- The Council would be able to charge for running the care accounts of adults who did not meet the eligibility criteria.
- In terms of safeguarding, the Act contained more duties than powers, although other Acts could be used as the legal basis for intervention.
- New duties in the Act included market shaping and responding to provider failure.

3.3 Georgina Nunney suggested that the implementation of the Act could be evaluated after 6 months, with a more thorough evaluation after 12 months. The financial provisions would not be implemented for a year so the earliest opportunity to evaluate those provisions would be in 18 months' time.

3.4 In response to questions from the Chair and the Committee, the following points were noted:

- Some additional funding was available for certain aspects of Care Act implementation such as re-training staff and setting up the software and systems for self-assessment, but the Better Care Fund (which was a re-grouping of existing funding) was expected to cover the delivery of the Act.
- Personal budgets were set at such a level that people could pay the London Living Wage (LLW) should they wish to.
- Lewisham was the third highest payer in London for domiciliary care and had the same clause in its contracts as Islington did in terms of the LLW.
- It would be emphasised to staff that adult social care money was a precious resource that should be used well, and as a last resource, and that in the first instance staff should look to meet needs in other ways.
- People with no recourse to public funds (NRPF) were not eligible in terms of Part 1 of the Act and the local authority was not obliged to assess them.
- Assessment of carers would include consideration of their ability to continue to care for the adult in question and social workers would use their professional judgement to determine any cut off points. A major thrust of the Act was to ensure thorough transitional planning.
- Widening the VCS market was something the Council was working on and local assemblies would be made aware of activity in this area. The VCS and libraries would, for example, be involved in the information and advice offer being developed in preparation for the implementation of the Act.
- The increase in cases involving deprivation of liberty (DOLs) safeguards was being mirrored nationally and was happening as a result of a recent legal ruling. Recent Care Quality Commission (CQC) feedback indicated that Lewisham was performing well in terms of DOLs.
- Private solicitors had a duty to make sure a person making a will was fully aware of what they were doing which would help counteract instances of vulnerable adults suffering financial abuse.

3.5 **RESOLVED:** That Mayor and Cabinet be advised of the following:

That the impact of the Care Act should be monitored six months after implementation, to include its effect on personal budgets, people with no recourse to public funds (NRPF) and the London Living Wage (LLW).

4. Final report and recommendations arising from the Public Health Working Group (and minutes of the working group's last meeting)

4.1 **RESOLVED:** That the report and minutes be received.

5. Final report and recommendations arising from the Youth Service Working Group (and minutes of the working group's last meeting)

5.1 **RESOLVED:** That the report and minutes be received.

6. Items to be referred to Mayor and Cabinet

6.1 **RESOLVED:** That a referral be made in relation to item 3 on the agenda, as described above.

The meeting ended at 9.20 am

Chair:

Date:

MINUTES OF THE OVERVIEW AND SCRUTINY COMMITTEE

Thursday, 26 March 2015 at 8.41 pm

PRESENT: Councillors Peter Bernards, Paul Upex, Chris Barnham, Pat Raven, Andre Bourne, David Britton, Bill Brown, Suzannah Clarke, John Coughlin, Liam Curran, Brenda Dacres, Amanda De Ryk, Colin Elliott, Alan Hall (Chair), Carl Handley, James-J Walsh, Simon Hooks, Ami Ibitson, Mark Ingleby, Stella Jeffrey, Liz Johnston-Franklin, Alicia Kennedy, Roy Kennedy, Helen Klier, Jim Mallory, David Michael, Jamie Milne, Hilary Moore, Pauline Morrison, John Muldoon, Olurotimi Ogunbadewa, Crada Onuegbu, Abdeslam Amrani, Joan Reid, Gareth Siddorn (Vice-Chair), Obajimi Adefiranye, Jonathan Slater, Luke Sorba, Eva Stamirowski, Alan Till, Maja Hilton, Paul Bell and Susan Wise.

Apologies for absence were received from Councillor Jacq Paschoud and Councillor John Paschoud.

7. Election of Chair and Vice-Chair 2015/16

RESOLVED that Councillor Alan Hall be elected as Chair and Councillor Gareth Siddorn be elected as Vice-Chair for the Municipal Year 2015-16

8. Chairs and Vice-Chairs of Select Committees 2015/16

RESOLVED that the proposed proportional allocation of Chairs and Vice-Chairs of Select Committees be approved.

9. Appointments to Select Committees 2015/16

RESOLVED that members be appointed to Committees as follows:

Business Panel & O&S (Education) Business Panel (10)	Councillor Alan Hall Councillor Gareth Siddorn Councillor Liam Curran Councillor Brenda Dacres Councillor Carl Handley Councillor Jim Mallory Councillor Jamie Milne Councillor Hilary Moore Councillor Pauline Morrison Councillor John Muldoon
<i>Public Accounts</i> (10)	Councillor Jamie Milne Councillor Skip Amrani Councillor Chris Barnham Councillor Maja Hilton Councillor Ami Ibitson Councillor Mark Ingleby Councillor Roy Kennedy Councillor Helen Klier

	Councillor Jim Mallory Councillor Crada Onuegbu
<i>Healthier Communities</i> (10)	Councillor John Muldoon Councillor Stella Jeffrey Councillor Paul Bell Councillor Colin Elliott Councillor Ami Ibitson Councillor Jacq Paschoud Councillor Pat Raven Councillor Joan Reid Councillor Alan Till Councillor Susan Wise
<i>Children & Young People</i> (10)	Councillor Hilary Moore Councillor Chris Barnham Councillor Andre Bourne Councillor David Britton Councillor Jacq Paschoud Councillor John Pachoud Councillor Liz Johnston-Franklin Councillor Jonathan Slater Councillor Luke Sorba Councillor Alan Till
<i>Safer & Stronger Communities</i> (10)	Councillor Pauline Morrison Councillor Andre Bourne Councillor Colin Elliott Councillor Brenda Dacres Councillor Alicia Kennedy Councillor David Michael Councillor Pat Raven Councillor Luke Sorba Councillor Paul Upex Councillor Jamie Walsh
<i>Sustainable Development</i> (10)	Councillor Liam Curran Councillor Jamie Walsh Councillor Bill Brown Councillor Suzannah Clarke Councillor Amanda De Ryk Councillor Carl Handley Councillor Mark Ingleby Councillor Olurotimi Ogunbadewa Councillor Eva Stamirowski Councillor Paul Upex
<i>Housing</i> (10)	Councillor Carl Handley Councillor Peter Bernards Councillor Amanda De Ryk Councillor Maja Hilton Councillor Simon Hooks

	Councillor Liz Johnston-Franklin Councillor Olurotimi Ogunbadewa Councillor Jonathan Slater Councillor Susan Wise Councillor John Coughlin
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The meeting closed at 8.43 p.m.

Agenda Item 2

Overview and Scrutiny Committee			
Title	Declaration of interests		
Contributor	Chief Executive	Item	2
Class	Part 1 (Open)	Date	13 July 2015

Declaration of interests

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 not 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 Committee			
Title	Public Spending in Lewisham	Item No	3
Contributors	Overview and Scrutiny Manager		
Class	Part 1	Date	13 July 2015

1. Purpose of paper

- 1.1 A Public Spending Working Group was established at Full Council on 24 June 2015. The Working Group is examining how public money is being spent across the borough. Evidence from the Police, London Ambulance Service and London Fire Brigade, considered at this meeting, will be fed back to the Working Group.

2. Recommendation

- 2.1. The Committee is asked to note the content of the report and consider the information presented from the witnesses at the meeting.

3. Background

- 3.1 The work of other public sector organisations, alongside that of the Council, is critical to the wellbeing of local people; and the Council often works in partnership with these organisations to achieve the best possible outcomes for those who live and work in the borough. Particularly in times of austerity it is critical that the Council understands how resources are deployed by other public organisations in the borough. This enables the Council to make its views known to those organisations and make informed choices about the nature of its own service provision.
- 3.2 Following a request from the Overview and Scrutiny Business Panel, a working group was set up to investigate the way in which other public sector organisations deploy expenditure across the borough.

4. The Timetable

- 4.1 The timetable for the working group is as follows:

7 July 2015 – meeting of the working group to receive data on public spending in Lewisham.

13 July 2015 – meeting of the Overview and Scrutiny Committee to receive verbal evidence from the Metropolitan Police Service, the London Ambulance Service and the London Fire Brigade on the implications of any reductions in spending that have taken place or are due to take place, and the mitigation being put in place to combat the worst effects.

28 July 2015 - meeting of the working group to receive verbal evidence from a further two organisations – Goldsmiths and the Lewisham and Southwark College and to receive the evidence collated at the meeting of the Overview and Scrutiny Committee on 13 July 2015.

22 September 2015 - meeting of the working group to consider a final report presenting all the evidence taken and agreeing recommendations for submission to Mayor & Cabinet / Full Council / relevant public organisations operating in Lewisham.

5. Public Spending in Lewisham

5.1 The following witnesses have agreed to attend the meeting:

- **Kate Halpin, the Borough Commander – London Metropolitan Police Service**
- **Graham Norton, Assistant Director of Operations (South East) and Andrew Bell, Deputy Director of Finance – London Ambulance Service**
- **Keeley Smith, the Borough Commander for Lewisham - London Fire Brigade**

5.2 Information on the budgets of these organisations is attached at Appendix A. Representatives from these organisations have been invited to attend this meeting to comment on:

- The implications of the figures.
- Their spending plans for the future, especially given any further savings which they might be expected to make.
- Any areas of collaboration or interdependencies with Lewisham Council services (and in particular on any plans in the next three years to stop / change service arrangements in these areas) so that any direct impact on the Council arising from reductions in spending can be assessed.

5.3 Further evidence will be taken from Goldsmiths and Lewisham Southwark College at a meeting of the Working Group on 28 July 2015. Information on the budgets of these organisations was provided to the meeting of the Working Group held on 7 July 2015.

6. Further Implications

6.1. Specific financial, legal, environmental, equalities or crime and disorder implications arising from this evidence will be addressed as part of the review.

For further information please contact Charlotte Dale, Interim Overview and Scrutiny Manager on 020-8314-9534

Metropolitan Police Service

Awaiting information from the Mayor's Office for Policing And Crime (MOPAC) - the strategic oversight body which sets the direction and budget for the Metropolitan Police Service on behalf of the Mayor.

London Fire Brigade

	2012/13 Outturn	2013/14 Outturn	2014/15 Forecast Outturn*	2015/16 Budget	2016/17 Budget	2017/18 Budget
Revenue Expenditure	408,210	400,720	390,946	382,400	382,400	not available
Capital Expenditure	7,807	10,288	54,427	56,683	19,492	not available
Report	FEP2094	FEP2282	FEP2411	FEP2410	FEP2410	n/a

*the 2014/15 Forecast Outturn is as reported to the Resources Committee in March 2015.

N.B. The 2014/15 Outturn Report and the Budget 2016/17 Update Report are to be presented to the LFB Resources Committee on 16 July 2005. An update to the figures above can be provided at that time if required.

London Ambulance Service

- Actual gross revenue expenditure for 2012/13 (£303.5m) 2013/14 (£302.3m) and 2014/15 (£317.7m)
- Gross budgeted revenue expenditure for 2015/16 (£325.6m)
- Actual gross capital spend for 2012/13 (£9.7m), 2013/14 (£6.9m) and 2014/15 (£15.9m)
- Gross budgeted capital expenditure for 2015/16 (£20.7m)
- Gross budgeted revenue expenditure for 2016/17 and 2017/18 (including estimated savings to be found for those respected years). **Not available at this time as still being finalised.**
- Capital budgeted spend for 2016/17 and 2017/18. **Not available at this time as still being finalised.**