

Public Document Pack

Overview and Scrutiny Committee Agenda

Monday, 25 January 2016

7.30 pm

Committee Rooms 1 & 2 - Civic Suite

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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	- Including a presentation from BNP Paribas	
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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, 25 January 2016.

Barry Quirk, Chief Executive
Thursday, 14 January 2016

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	
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Councillor Eva Stamirowski
Councillor Alan Till
Councillor Paul Upex
Councillor James-J Walsh
Councillor Susan Wise

MINUTES OF THE OVERVIEW AND SCRUTINY COMMITTEE

Monday, 26 October 2015 at 7.30 pm

PRESENT: Councillors Alan Hall (Chair), Gareth Siddorn (Vice-Chair), Abdeslam Amrani, Paul Bell, Peter Bernards, Andre Bourne, John Coughlin, Liam Curran, Brenda Dacres, Amanda De Ryk, Colin Elliott, Carl Handley, Maja Hilton, Simon Hooks, Stella Jeffrey, Roy Kennedy, Jim Mallory, Jamie Milne, John Muldoon, Olurotimi Ogunbadewa, Jacq Paschoud, John Paschoud, Pat Raven, Joan Reid, Jonathan Slater, Eva Stamirowski and James-J Walsh

APOLOGIES: Councillors Obajimi Adefiranye, Chris Barnham, Bill Brown, Ami Ibitson, Mark Ingleby, Alicia Kennedy, Helen Klier, David Michael, Hilary Moore, Alan Till, Paul Upex and Susan Wise

ALSO PRESENT: Timothy Andrew (Principal Policy Officer), Gary Connors (Strategic Community Safety Services Manager), Charlotte Dale (Interim Overview and Scrutiny Manager), Barrie Neal (Head of Corporate Policy and Governance), Georgina Nunney (Principal Lawyer), Barry Quirk (Chief Executive) and Alan Docksey (Head of Resources & Performance, CYP)

1. Minutes of the meeting held on 13 July 2015

1.1 **RESOLVED:** That the minutes of the meeting held on 13 July 2015 be agreed as an accurate record of the meeting.

2. Minutes of the meeting of the Public Spending in Lewisham Working Group held on 22 September 2015

2.1 **RESOLVED:** That the minutes of the meeting of the Working Group held on 22 September 2015 be received and agreed as an accurate record of the meeting.

3. Declarations of Interest

3.1 The following declarations of interest were declared:

Councillor John Muldoon - Lead Governor of South London and Maudsley NHS Foundation Trust

Councillor Alan Hall - A governor at the South London and Maudsley NHS Foundation Trust.

4. Mayoral response: London Fire Brigade

4.1 The Committee discussed and noted the response.

4.2 Members noted that should a saving be taken that would involve the permanent removal of some or all of the 13 appliances currently being held back from deployment, modelling would be carried out to determine which

appliances should be permanently decommissioned, based on the impact their removal would have. They also noted that any permanent removal would have to go through formal consultation and then be agreed by London Fire and Emergency Planning Authority Members / Mayoral Direction.

4.3 **RESOLVED:** That a referral be made to Mayor and Cabinet, advising that the Committee had resolved the following:

1. That Lewisham Council should carefully consider any proposals to permanently, or further, reduce fire cover within the London Borough of Lewisham.
2. That Lewisham Council should make representations for full public consultation on any such proposals.
3. That the Overview and Scrutiny Committee notes and agrees the following recommendations made by the Public Spending in Lewisham Working Group:

In 2014/15 and in 2015/16 (to date) the six minute target for getting a first appliance to an incident has not been met in the Bellingham, Downham and Grove Park wards of Lewisham. The LFB should focus its attention on understanding and addressing the reasons behind this failure. This should include considering any impact caused by the removal of Forest Hill's second appliance and the closure of Downham Fire Station; and considering what mitigating action might be taken to improve attendance times in these areas. The findings should be reported to the Overview and Scrutiny Committee

5. Devolution

1.1 Barry Quirk, Chief Executive, gave a presentation to the Committee. Key points to note included:

- The context for devolution including the squeeze on public spending.
- The unique circumstances in London including the economy (London has much larger GVA figures than the rest of the country (Gross Value Added - the measure of the value of goods and services produced in an area); and the increase in private sector jobs to replace lost public sector jobs – that had not been replicated in most other areas of the country.
- Devolution was not happening according to a fixed set of rules and guidelines with clear routes of appeal but was happening as a series of unique deals, different in each area: “bricolage”.
- The aim of devolution was to enable growth but also to stimulate public service reform.
- It was difficult to pinpoint exactly what resources were being attached to devolution.
- It was clear that areas such as Lewisham needed to connect to the wider economy and the ‘bigger players’ for devolution to work.

- In terms of the current borough groupings, it was the Chief Executive's opinion that Lewisham needed to make sure it linked to the central London economies where a large percentage of Lewisham's working population were employed.
- When considering groupings, councils needed to consider who to group with (Neighbours? Authorities with similar problems? Authorities with complementary strengths?).
- London boroughs needed to work closely with their neighbours as residents did not recognise borough boundaries in the same way as councils (e.g. 25 per cent of schoolchildren went to school in a different borough to the one they lived in).

1.2 In response to questions from members of the Committee the following points were noted:

- It would be important to engage the public in the devolution debate.
- The Treasury was looking at housing, welfare reform and health & adult social care in terms of devolution, all of which would impact on London.
- Devolution was an attempt to get areas to act together to deal with Government cuts in a sensible way.
- In many areas, approaching common issues in 32 different ways was not efficient and it would make more sense for boroughs to work together or for a pan-London approach to be adopted.
- However, the boroughs were broadly successful and their populations were growing, lessening the justification for a reduction in their number. The costs of any change would also need to be taken into consideration.
- Although London boroughs were not permitted to establish combined authorities, Section 101 agreements were permissible and could achieve much the same thing in a variety of areas.
- Lewisham was not a full member of Central London forward yet but was able to influence its agenda. It was hoped that the Council's "associate" membership would be converted to "full" membership soon.
- Any borough groupings would need to withstand changes in administrations and councils would need to place less emphasis on political sovereignty if efficiencies were to be maximised via standardisation.
- There was a concern that Lewisham was entering into a number of different shared arrangements with a number of different authorities and that these varied and complex arrangements were difficult to manage and scrutinise.
- In the London Proposition, the proposed congress would need the agreement of 80% of the membership plus the Mayor of London to make a decision, effectively giving the Mayor of London a veto. This was not set in stone and would no doubt be considered further as proposals moved forwards.
- There was a concern that devolution could result in another layer of bureaucracy with no clear lines of accountability.

1.3 **RESOLVED:** That the report and presentation be noted and a referral be made to Mayor and Cabinet, advising that:

1. In February 2015 the Council agreed a motion expressing its support for the Core Cities' Modern Charter for Local Freedom; and agreed to campaign for further devolution and greater localism and a fairer distribution of resources based on the restoration of needs-based central funding. However, the Overview and Scrutiny Committee would like to be reassured that this is not used as a mechanism to implement more HM Treasury top sliced cuts. It would also like to endorse the recommendation of the Public Spending Working Group that:

If proposals for devolution in London are accepted by the Government, the Mayor and Executive Members should share their proposals with the Overview and Scrutiny Committee as soon as possible to facilitate constructive scrutiny and the most effective constitutional arrangements

...to ensure we have transparency and accountability in any arrangements.

2. The Overview and Scrutiny Committee also endorses the recommendation of the Public Spending Working Group that:

The formal partnership arrangements between the Mayor, Executive Members and Officers should be reviewed to ensure that they are robust enough to recognise the potential conflicts and solutions required to address the scale of the challenges this review [the Public Spending in Lewisham Review] has identified.

6. Recommendation from the Public Spending in Lewisham Working Group

6.1 RESOLVED: That

(1) The following recommendation of the Public Spending in Lewisham Working Group be agreed: *The Overview and Scrutiny Committee should convene an inquiry into post-16 education.*

(2) Agreeing the arrangements for the inquiry be delegated to the Chair of the Overview and Scrutiny Committee

7. Referrals to Mayor and Cabinet

7.1 Referrals were made in relation to items 4 and 6 on the agenda.

The meeting ended at 9.05 pm

Chair:

Date:

Overview and Scrutiny Committee			
Title	Declaration of interests		
Contributor	Chief Executive	Item	2
Class	Part 1 (Open)	Date	25 January 2016

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 & Scrutiny Committee		
Report Title	Mayoral Response to matters referred by the Overview and Scrutiny Committee - The Care Act 2014	
Key Decision	No	Item No: 3a
Ward	All	
Contributors	Executive Director for Resources (Head of Business & Committee)	
Class	Part 1	Date: 25 January 2016

1. Summary

- 1.1 This report informs members of the response given at Mayor and Cabinet to a referral made by the Overview and Scrutiny Committee.

2. Purpose of the Report

- 2.1 To report to members the response given at Mayor and Cabinet to a referral made by the Overview and Scrutiny Committee regarding the Care Act 2014.

3. Recommendation

- 3.1 The Overview and Scrutiny Committee is recommended to receive the Mayoral response.

4. Background

- 4.1 The Mayor considered the attached report entitled "Response to the Overview and Scrutiny Committee on the Care Act 2014" at the Mayor & Cabinet meeting held on 9 December 2015.

5. Mayoral Response

- 5.1 The Mayor resolved that the response shown in the attached report be submitted to the Overview and Scrutiny Committee.

BACKGROUND PAPERS

[Mayor & Cabinet minutes 9 December 2015](#)

If you have any queries on this report, please contact Kevin Flaherty, Head of Business & Committee, 0208 314 9327

MAYOR AND CABINET			
Report Title	Response to the Overview and Scrutiny Committee on the Care Act 2014		
Key Decision	No	Item No.	
Ward	All		
Contributors	Executive Director for Community Services		
Class	Part 1	Date:	9 December 2015

1. Summary

- 1.1. On the 9 March 2015, the full Overview and Scrutiny Committee received a PowerPoint presentation on the Care Act. The Committee agreed to advise the Mayor and Cabinet that the impact of the Act should be monitored six months after implementation to include the effects on personal budgets, people with no recourse to public funds (NRPF) and the London Living Wage (LLW).
- 1.2. The Care Act 2014 is the single biggest change to adult social care legislation in the UK since the National Assistance Act 1948. It aims to simplify a diverse range of legislation that has developed since 1948; put best practice in social care on a statutory footing; and respond to the challenge of how people plan and pay the cost for their social care.
- 1.3. In Lewisham, a work programme is in place overseen by the Executive Director of Community services to ensure effective local delivery. In addition, officers are involved in the regional and national activity around the implementation of the Care Act 2014.

2. Purpose

To update the Overview and Scrutiny Committee on the progress of implementing the Care Act.

3. Recommendations

- 3.1 The Mayor is recommended to:
 - 3.1.1 Note the approach taken in Lewisham to the implementation of the Care Act.
 - 3.1.2 Note the progress made to date.
 - 3.1.3 Agree for the response to be forwarded to the Overview and Scrutiny Committee.

4. Policy Context

- 4.1 The priority area in Lewisham's sustainable community Strategy which the Care Act most aligns with is "Support people with long term conditions to live their lives in their communities and maintain their independence". There is also a clear opportunity to support further progress on the priorities with the priorities "Improve health outcomes and tackle the specific conditions that affect our citizens" and "Empower citizens to be involved in their local area and be responsive to the needs of those who live there".
- 4.2 The Care Act promotes the integration of health and social care, use of preventative and enablement services and the harnessing of stronger communities in meeting care and support needs. This links to the strategy of the Health and Well Being Board and the work that is being delivered by the Adult integration care programme.

5. Requirements of the Care Act 2014

- 5.1 The first phase of the Act, implemented in April 2015, introduced new duties for Councils to:
- Provide prevention, information and advice services.
 - Provide assessments and support services for carers, equal to those given to service users.
 - Provide advice and support planning to people who pay for their own care.
 - Follow national minimum eligibility threshold for both service users and carers.
 - Implement a universal service for deferred payments for residential care.
 - Implement new safeguarding duties.
 - Market shaping responsibilities (including market position statement and protocols regarding the duty around provider failure).
 - Managing transition from Children and Young Peoples' services to Adult Services, which includes a right to an "Adult" assessment prior to the 18th birthday.
 - Provision of an advocacy service.
 - Workforce trained and developed to meet the new operational requirements.
- 5.2 Phase 2 of the Care Act 2014 will introduce:
- A cap on the amount someone will pay towards eligible care and support to meet their eligible needs.

- A “Care Account” giving people with eligible social care needs an annual statement of their progress towards reaching the cap, whether their care is organised by the Council or not.
- Extension of the financial support provided by the Council by raising the means test threshold for people with eligible needs.
- These changes were scheduled to take effect in April 2016 but in July 2015 the government announced they would not be introduced until April 2020.

6. Progress

- 6.1 In many areas of work, Lewisham is already well placed to meet the legal requirements of the Care Act as the Act aims to ratify existing good practice and personalisation.
- 6.2 A task and Finish group with core representation from the Council has been established to oversee the implementation of the above requirements. The following work streams have been set in place to develop and implement the programme:
- 6.2.1 Assessment and eligibility: This is the area of most significant change. The four levels of eligibility under the Fair Access to Care criteria (FACs) High, Substantial, moderate & Low has been replaced with one eligibility threshold that is most comparable to the high to moderate level under FACs. Lewisham previously set the threshold for eligibility at substantial and has not seen significant growth in demand due to the new legislation. Increases for assessments have however come from those people who are discharged from hospital. The purpose of the assessment process is now to support people to identify their needs, understand the options available to them and to plan for meeting the identified needs by considering the assets the person has available to them.
- 6.2.2 Information, Advice, Prevention and Advocacy: The Act requires local authorities to provide information to people on how and where to access services and to ensure there is advocacy support.
- 6.2.2.1 The new Social Care and Health WebPages went live in August 2015. This website was co-designed and tested with service users to provide appropriate, up to date information and resources including: how to access adult social care, support to stay at home, employment, education, leisure and information to support self-care and self-help. In the last twelve months the number of people visiting the website increased by 20%.
- 6.2.2.2 We are keen to help local people make use of local services and events to help reduce social isolation and improve wellbeing. A comprehensive online Social Care and Health Directory of Services in Lewisham is now available. This section is increasingly popular and there were 18,000 visits to the directory last month.

- 6.2.2.3 Plans are in place to pilot health information and advice for people waiting for appointments at Advice Lewisham. This takes an integrated approach to delivery and focuses on prevention, self-care and self-management.
- 6.2.2.4 Work continues to develop the Single Point of Access, building on Phase I which brought together the Social Care Advice and Information Team (SCAIT) and District Nurse call service. This will improve the coordination and provision of health and social care information for Lewisham people.
- 6.2.2.5 Screening tools have been introduced to improve prevention and to facilitate referrals to other services such as the Handyperson Service. The screening tool is initially being used with people who have fallen and are known to Linkline (Community Alarm Service).
- 6.2.2.6 Despite its ever-growing use of technology and its potential to transform the way we do business to be of benefit to everyone, we need to be mindful that the Digital Inclusion Charity 'Go On' estimates that 23% of UK adults still don't possess the basic digital skills necessary to take advantage of it. For this reason Lewisham is now working with 'Go On', starting by undertaking a series of 'deep dives' or work with residents to understand more about the barriers and enablers to digital inclusion.
- 6.2.2.7 The project will launch in February 2016 and together with partners from across the public and private sector there will be initiatives such as 'Digital Zones' taking place in shops, banks and public buildings where people can discover the benefits that basic digital skills and being online can bring to their everyday life. Digital champions will be on hand to give top tips and advice or just show people how to use their Smartphone, tablet or laptop.
- 6.2.3 Deferred payments: The Act now requires all Local Authorities to provide a deferred payment scheme. As Lewisham already had a well-established scheme prior to the Act it was not expected that there would be a significant increase in demand for these arrangements and to date only 10 applications have been received.
- 6.2.3.1 The basis for these arrangements has changed however. Prior to Care Act 2014, Local Authorities were not allowed to recover the administration costs of running a deferred payment scheme from service users. Councils are now permitted, as part of the new legislation, to charge an upfront arrangement fee and interest on deferred payments to ensure that the deferred payment offer is cost neutral to the Council. They can also charge for any administration costs incurred in providing the deferred payment scheme.
- 6.2.3.2 Deferred payments have been processed to date on a pilot basis. A revised policy will be brought to Mayor and Cabinet in the New Year for formal agreement.

- 6.2.4 Safeguarding: The Care Act puts adult safeguarding on a statutory footing, and creates a Safeguarding Adults Board, which mirrors the arrangements for safeguarding children's boards. The Act also widens the breadth of the safeguarding remit including self-neglect and modern slavery into the remit of safeguarding concerns. Lewisham already has a well-established Safeguarding Adults Board and produces a Safeguarding Annual Report.
- 6.2.5 Carers: the Care Act widens the responsibility of local authorities for carers, and increases the rights of carers to assessments and services. Partnership work is in place with the voluntary sector to ensure there is a range of support services available to carers. There has been a slight increase in the demand for assessments and services which is consistent with the national feedback. The commissioning team have mapped existing support services and capacity is available to ensure support is readily available.
- 6.2.6 Market shaping: Work is in progress to develop a market position statement which will identify further priorities for market development. As part of the work that is in progress with the care market providers we are re-commissioning the domiciliary care framework to develop an outcome based approach to the delivery of care, and are working with strategic housing partners to ensure there are more opportunities within the borough for extra care housing. We recognise that there are challenges for the whole of the care market in terms of meeting new regulatory requirements and funding the London living wage.
- 6.2.6.1 The adult social care budget was awarded growth of £2.2m in 2015/16 to fund increases in pay to local carers to London Living Wage levels and paid travelling time for home carers employed by agencies. Delays in award of the new home contracts has delayed spend of the element awarded for travelling time; this will not now be spent until 2016/17. The element for residential and nursing homes will be used to fund fee increases requested to cover the introduction of the National Living Wage but there are, as yet, no plans to pay LLW to all homes.
- 6.2.7 People with no recourse to public funds: The Care Act states that those people who have no recourse to public funds may not have their care and support needs met if those needs have arisen solely because they are destitute or because of the physical effects of being destitute.
- 6.2.8 Transition: The Act requires local authorities to sufficiently plan for young people receiving services moving to adulthood. This coincides with the Children and families Act 2014 to develop co-ordinated education, health and care plans for people with special educational needs and disabilities (SEND) Work is in progress across Children's and young people's and Adult services to develop this further.

7. Financial implications

- 7.1 Funding for implementation of the Care Act and for pressures arising from it has come from two sources.
- 7.2 The Department of Health has paid a grant of £1.056m to cover three elements. Underspend against the element for the implementation of Dilnot reforms in particular has been noted in revenue monitoring reports. Spend on remaining elements of implementation of the Act will be contained within the other two elements of the grant.
- 7.3 There is also an allocation of £800k within the Better Care Fund to cover pressures arising from the Act. As demand for carers services has, to date, been lower than expected, there is likely to be an underspend against this allocation and proposals are being developed for alternative use of the funding released.

8. Legal Implications

- 8.1 The Care Act (The Act) sets out a modern and cohesive framework for adult social care in the form of a single statute. It implements the Government's commitment to reform social care legislation in the White paper 'Caring for our future: reforming care and support' (July 2012). The new legislation replaces much of the existing law and statutory guidance on adult social care.
- 8.2 The changes recommended by the Dilnot commission on the funding of care and support by introducing a cap on the costs that people will have to pay for their care will be delayed until 2020.
- 8.3 Lewisham has reviewed policies and procedures in light of the new legislation to ensure that these comply with the responsibilities of the Act.

9. Crime and Disorder Implications

- 9.1 There are no specific crime and disorder implications arising from this report.

10. Equality Implications

- 10.1 The Care Act introduces a new criterion that actively considers wellbeing, with a strong focus on enablement and promoting independence.
- 10.2 The Act is introduced to make care and support clearer and fairer, not only promoting people's wellbeing but also enabling people to prevent and delay the need for care and support, and to support carers to maintain their caring role. The reform is intended to put people in control of their lives, supporting them to pursue opportunities to realise their potential. Therefore, the Care Act will have a positive impact on our adult population. It is not expected to have any negative impacts on the younger population.

11. Environmental Implications

11.1 There are no specific environmental implications arising from this report.

If there are any queries on this report please contact Joan Hutton, Head of Adult Social Care on 020 8314 8634.

Agenda Item 4

Overview & Scrutiny Committee		
Report Title	Mayoral Response to matters referred by the Public Spending in Lewisham Working Group - Recommendations arising from the Public Spending in Lewisham Review	
Key Decision	No	Item No: 4a
Ward	All	
Contributors	Executive Director for Resources (Head of Business & Committee)	
Class	Part 1	Date: 25 January 2016

1. Summary

- 1.1 This report informs members of the response given at Mayor and Cabinet to the recommendations made by the Public Spending in Lewisham Working Group, for the attention of the Council.

2. Purpose of the Report

- 2.1 To report to members the response given at Mayor and Cabinet to recommendations made by the Public Spending in Lewisham Working Group.

3. Recommendation

- 3.1 The Overview and Scrutiny Committee is recommended to receive the Mayoral response.

4. Background

- 4.1 The Mayor considered the attached report entitled "Response to the recommendations from the Public Spending in Lewisham Working Group" at the Mayor & Cabinet meeting held on 13 January 2016.

5. Mayoral Response

- 5.1 The Mayor resolved that the response shown in the attached report be submitted to the Overview and Scrutiny Committee.

BACKGROUND PAPERS

Mayor & Cabinet minutes 13 January 2016

If you have any queries on this report, please contact Kevin Flaherty, Head of Business & Committee, 0208 314 9327

Mayor & Cabinet			
Title	Response to the recommendations from the Public Spending in Lewisham Working Group		
Contributors	Executive Director for Resources and Regeneration	Item No.	
Class	Part 1	Date	13 January 2016

1. Summary

- 1.1 This report responds to the recommendations of the Public Spending in Lewisham Working Group.

2. Recommendation

- 2.1 The Mayor is recommended to approve the proposed responses to the recommendations of the Public Spending in Lewisham Working Group as set out in section 3 of this report and report these to the Overview & Scrutiny Committee.

3. Public Spending in Lewisham Working Group

- 3.1 The Public Spending in Lewisham Working Group made the following recommendations for the attention of Mayor and Cabinet: recommendations 1 – 7; 11; 13; 14 and 15. Appended to each recommendation is the officer response.

Recommendation 1

This review has highlighted both the steep reductions in spending being made by a wide range of organisations spending public money in Lewisham and the potential impact they may have on services to Lewisham residents. When agreeing its own budget and any proposals for savings, the Council must take into account the impact of the savings being made by other organisations and how these link to its own programme of expenditure reduction.

The Council considers the macro economic, wider public sector and the local government financial landscape when preparing its Medium Term Financial Strategy (MTFS) in July and budget in February each year. In addition, when bringing forward individual savings proposals the potential risks are identified, including any impact on partners. Following this recommendation, attention will continue to be paid to the savings being made by other organisations and their impact on the residents of Lewisham through the MTFS, Budget and Savings reports to members.

Recommendation 2

The Council and the other organisations that took part in this review should provide the following financial information to the Overview and Scrutiny

Committee on an annual basis (at the July meeting) in order to enable meaningful monitoring and comparison:

- **Actual gross revenue expenditure and gross capital spend for the last three complete financial years**
- **Gross budgeted revenue expenditure and gross budgeted capital expenditure for the current financial year and following two years.**

As part of preparing the Medium Term Financial Strategy in July each year, and as noted for question 1 above, the Council will request and, when made available, consider the actual and forecast spending (revenue and capital) of other public sector partners in the Borough.

Recommendation 3

The Council needs to make sure it fully understands the complex public finances of the NHS and healthcare delivery when considering the changes that will be put forward as part of the Our Healthier South East London Strategy.

The Council has a number of strong relationships with Health in the Borough from the secondment of senior officers between organisations to formal governance structures such as the Health and Wellbeing Board.

In respect of the finances, the Council has established the Lewisham Future Programme to coordinate the delivery of its savings requirements, including understanding the boundaries and impacts of so doing with key partners (of which Health is the biggest financially). The work of the Lewisham Future Programme is reported to members via the regular revenue budget savings reports.

Recommendation 4

The formal partnership arrangements between the Mayor, Executive Members and Officers should be reviewed to ensure that they are robust enough to recognise the potential conflicts and solutions required to address the scale of the challenges that this review has identified.

This is a challenge recognised by the Mayor, Executive Members and Officers. Namely that, whether as a result of financial constraint or policy choice, services are being reconfigured across London through the existing governance models.

The operation and ways of working of the two statutory partnership boards, the Health and Well-being Board and the Safer Lewisham Partnership are reviewed on a regular basis. Although formal partnership boards, neither are decision-making. Decision-making powers rest with the individual bodies that make up the partnerships, and so the Partnerships are able to make recommendations or develop proposals back through the existing governance of each body.

This is an area that is kept under review and the governance arrangements assessed as and when plans - be they for spending reduction, devolution, public sector integration, or shared services – are agreed.

Recommendation 5

The Council should reiterate its support for public consultation where major service changes are under consideration to ensure public confidence in our public services especially emergency services.

The Council's commitment to consultation has been demonstrated in practice over recent years, whether with the public, service stakeholders or staff, on any large changes to Council services that will impact the public.

Recommendation 6

The Council should review the Housing Strategy to ensure proposed legislative, financial and regional policy changes are fully reflected.

The Housing Strategy is kept under regular review, with the next update on the agreed action plan being presented for scrutiny in January 2016. The present Government's legislative, financial and regional policy changes contained in the Housing and Planning Bill are on their passage through parliament, with Royal Assent expected in July 2016 and Statutory Instruments to follow. The Housing Strategy will be updated to reflect these once they are known.

Recommendation 7

If proposals for devolution in London are accepted by the Government, the Mayor and Executive Members should share their proposals with Overview and Scrutiny Committee as soon as possible to facilitate constructive scrutiny and the most effective constitutional arrangements.

Should proposals for devolution in London be accepted by the Government, the Council will prepare analysis of the implications, risks and changes for the London Borough of Lewisham and submit these for scrutiny and decision in the usual way. For example; Lewisham is part of one of the Health devolution pilots announced in December 2015 for 2016/17 and which is to be discussed at the Healthier Select Committee in January.

Recommendation 11

The [London] Mayoral Direction requiring the 13 appliances from across London currently being held for contingency purposes, to not be returned pending decisions on 2016/17 savings proposals, which could include their permanent removal, is of grave concern. The Mayor has already been asked to request a full briefing on Forest Hill Station's second fire appliance and the relevant Mayoral Direction, from the London Fire Brigade, to be shared with the Overview and Scrutiny Committee. (Recommendation for the Mayor)

The London Fire Brigade are currently consulting on two proposals with all the relevant documentation available at www.london-fire.gov.uk. The consultations close on the 1 February and officers are coordinating a proposed Council response which will include the concern about appliance numbers.

Recommendation 13

Police Community Support Officers (PCSOs) are valuable to the Community. However recruitment is currently on hold and the number of PCSOs in Lewisham is going down due to natural attrition. In light of the cuts over the last five years, plans to potentially abolish the PCSOs in safer neighbourhood teams are of particular concern and the Mayor is asked to request a full briefing on the future of PCSOs in Lewisham from the MPS. It is expected that the Council will be fully consulted prior to any decisions being taken on this issue. (Recommendation for the Mayor)

Since this report was finalised the Government has published the Comprehensive Spending Review and the Metropolitan Police Service have confirmed that the role of Police Community Support Officers will not be deleted at this time.

The Metropolitan Police Service Commissioner has publically stated that the projected £800m of savings scheduled for the MPS over the next four years may put public safety at risk. The Mayor is asked to request a full briefing on any modelling that has been done to date to assess the likely impact that the savings will have on the borough of Lewisham. (Recommendation for the Mayor)

The funding prospects for the Metropolitan Police Service has changed significantly following the Chancellor of the Exchequer's Comprehensive Spending Review in November. There are now to be no further reduction to police budgets in this parliament.

In respect of recommendations 11 and 13, both the London Fire Brigade and Metropolitan Police Service are attending the Safer and Stronger Select Committee in February. This will include an update on their budget plans following the Comprehensive Spending Review.

Recommendation 14

The Council should develop a closer working relationship with Goldsmiths University, for example around community development issues.

Many officers and departments across the council have regular interactions and joint work with Goldsmiths College. A recent audit showed that every Directorate had links and undertakes joint work.

Formalising these links and our relationship with Goldsmiths and exploring how our joint work can be expanded particularly in relation to economic development, skills and community development is underway. A formal Memorandum of Understanding is being developed between the council and the college.

4. Financial Implications

- 4.1 There are no direct or immediate financial implications arising from this report.

5. Legal Implications

- 5.1 The Constitution provides for scrutiny bodies to make recommendations to the Executive or appropriate committee and/or Council arising from the outcome of the scrutiny process.

Background Documents

The Public Spending in Lewisham working group report, chaired by Councillor Hall and presented to Council on the 25 November 2015.

If you have any queries on this report, please contact David Austin, Head of Corporate Resources, 0208 3149114

Agenda Item 5

Overview and Scrutiny Committee		
Title	Response to recommendations made by the Public Spending in Lewisham Working Group	
Contributor	Overview and Scrutiny Manager	Item 5
Class	Part 1 (open)	25 January 2016

1. Summary

- 1.1 This report informs the Committee of the responses received to some of the recommendations made by the Public Spending in Lewisham Working Group, by participating organisations.

2. Recommendation

- 2.1 The Committee is asked to receive this report.

3. Responses

- 3.1 The Final Report of the Public Spending in Lewisham Working Group was sent to participating organisations in September 2015.
- 3.2 Responses to the recommendations made by the Working Group in relation to other organisations operating in the borough have been received from the following organisations:
- London Ambulance Service
 - London Fire Brigade
 - Metropolitan Police Service **(to follow)**
 - Goldsmiths University **(to follow)**
 - Lewisham and Southwark College
- 3.3 A response from Mayor and Cabinet can be found elsewhere on this agenda (item 4).

Background papers

[Final Report of the Public Spending in Lewisham Working Group](#)

If you have any queries on this report, please contact Charlotte Dale, Interim Overview and Scrutiny Manager (0208 3149534)

Public Spending in Lewisham Working Group – London Ambulance Service response to recommendations

Recommendation: The performance figures for Lewisham (Category A calls) are below target and below the figures being achieved in neighbouring boroughs including Southwark, Lambeth and Greenwich. The LAS should focus its attention on understanding and addressing the reasons behind this discrepancy, and report their findings to the Overview and Scrutiny Committee.

The London Ambulance Service is expected to reach the Government targets of:

- 75 per cent of Category A calls within eight minutes; and
- 95 per cent of Category A calls within 19 minutes.

75% target

Performance for Lewisham remains below the national target for Category A calls, however it has been an average of c5% higher each month since July than it was for the same months in the previous year. Generally performance for Lewisham remains comparable to Bexley and Bromley in the South East. While there is a gap in performance when Lewisham is compared to Lambeth and Southwark, that gap has been closed over the last 18 months from c7% to 5% when looking at Category A 8 minute performance.

95% target

Since April 2015 Lewisham has remained above the 95% national target for 19 minute Category A responses, generally returning better performance than any of the other South East London boroughs which is significant when considering that this is likely to mean that while Lewisham patients may not have received the fastest initial response, they are likely to have got to hospital sooner more often as this target relates to the time within which a transport capable resource arrives on scene.

Category C calls

Although response times to Category C calls are not formally reported, these are still be very closely monitored.

C1 and C2 performance has seen a significant improvement since April 2015 when compared to the equivalent months in the previous year and there is no clear monthly pattern showing that Lewisham performance is significantly different from the other South East London boroughs.

Various work streams have been executed to address the issues of below target performance and a lack of equity between areas:

Rotas

Rotas have been reviewed following modelling from a specialist organisation and a new set of rotas were implemented during the summer of 2015 which have been

designed to more effectively match resourcing to the areas and times of demand currently being seen.

Recruitment

A significant recruitment program has been running for the last year which resulted in a plan which has seen gradual increases in operational staffing hours each month and is still on plan to provide staffing levels of 95% of the establishment by the end of March 2016. (The majority of these staff have already been recruited with just the lag for training meaning that they won't be fully operational until the end of March 2016).

Appropriate Care Pathways (ACP's)

The LAS supports the need to reduce hospital admissions and this in turn reduces pressures on hospitals which is likely to minimise any potential for ambulance resources to queue to handover patients. Appropriate Care Pathways are formally designed alternatives to conveying patients to hospital where safe and appropriate and includes use of GP's, Urgent Care Centres and Mental Health support to crews to provide advice and alternatives to A&E. These are supported by staff within the Clinical Hub in the Emergency Operations Centre who are able to give further advice and guidance to crews on how to manage complex patients in the most appropriate place.

Clinical Hub (CHUB)

The Clinical Hub (CHUB) is a dedicated group of clinicians within the Emergency Operations Centre (EOC) who provide an additional reviewing process for 999 calls. The main activity of this group is managing patients without the need for an ambulance response or conveyance to hospital where it can be appropriately and safely avoided by instead providing clinical advice to resolve the problem or information on who they should approach for the advice or treatment they require such as their GP. Every call resolved by staff on the CHUB, is one less call where an ambulance attendance is required which increases availability and therefore reduces delays to patients and also the police on scene with patients.

Recent recruitment activity has meant an increase in the number of staff able to be provided on the CHUB which has a direct positive correlation with the number of calls that can be resolved by the CHUB.

Recommendation: In 2014, police vehicles were used on 39 occasions to transport patients to hospital in Lewisham and 13 times so far this year (up to 21 August 2015). This puts an unnecessary strain on the Metropolitan Police Service (MPS) and the LAS should look into the reasons behind this, consider ways in which the impact on the MPS can be reduced and report their findings to the Overview and Scrutiny Committee.

Collaborative work with the Metropolitan Police Service identified that there were a number of occasions where Officers were on scene with patients who they believed required assessment by a clinician. On some occasions this resulted in the Officers conveying the person to hospital due to the proximity of the hospital (rather than a delay from LAS), due to a delay from the LAS or because the officers deemed it more appropriate to convey the person rather than wait for the estimated arrival time

of an ambulance. A number of work streams have been executed to address the issues identified and provide more robust support to officers on scene.

Metropolitan Police Service Dispatch Group (MetDG)

A dedicated group of staff within the Emergency Operations Centre provide a reviewing process for all calls generated by the MPS and this is known as 'MetDG'. This process involves direct contact with the Officers on scene wherever possible by radio from staff within EOC. This allows the EOC staff to more fully triage the patient and where necessary provide clinical advice to manage the patient until an ambulance arrives. It also ensures that calls can be upgraded to a higher priority if required as fuller information is obtained which reduces the risk of a delayed response to a patient with a life threatening condition. This group of staff are able to deal with just under 50% of all calls generated by the MPS with advice rather than the need for an ambulance attendance which not only ensures that the MPS do not have to wait for an attendance at all but also obviously frees up ambulance resources to attend other calls sooner including those generated by the MPS which do require a response to scene.

Joint Response Unit (JRU)

The Joint Response Unit (JRU) is a scheme set up to address long on-scene waiting times when the Metropolitan Police Service (MPS) attended a patient who required assessment by the London Ambulance Service NHS Trust (LAS).

The JRU is staffed with a clinician who attends patients either in response to a request from the MPS or when a suitable call is made to the LAS Emergency Operations Centre (EOC) by a member of the public. The JRU's may also dispatch themselves to appropriate incidents by monitoring Police radio channels.

A JRU was introduced to Lewisham in May 2015 and complements JRU's already in place in neighbouring boroughs. Data shows that when a JRU is on a borough, MPS waits reduce to 6 minutes on average for LAS attendance with an additional benefit of reduced numbers of patients conveyed to hospital.

Non-Emergency Transport Service (NETS)

The Non-Emergency Transport Service (NETS) was introduced in July 2015 and aims to provide a response to patients who are ill or injured and require conveyance to hospital but do not require the skills of a frontline clinician. Appropriate patients are identified by clinicians such as GP's, LAS clinicians in EOC or on scene with patients. The NETS resources are additional resources to the frontline resources already on duty and are carefully planned to reach these patients within the appropriate timescales – they have the capacity to convey multiple patients from multiple locations in one journey to A&E. Currently these resources convey anywhere up to 100 patients per day across London with additional recruitment/training continuing to expand this service.

Multiple Attendance Ratio (MAR) Reduction

There are a number of calls where the LAS intentionally send more than one resource to a call including scenarios such as; backing up a solo responder who requires an ambulance to convey a patient to hospital, patients with specific conditions such as cardiac arrests, and calls which indicate there may be may be

multiple patients. The LAS has committed to a target ratio of 1.28 resources per call overall and is achieving this regularly. This is a reduction which has been achieved through processes such as a reduced level of automatic back up for solo responders (after clinical review of the types of call which could safely be removed), attendance of Incident Response Officers at any complex or multi-casualty calls to ensure full support for staff on scene and also release any resources not required at the earliest opportunity

Clinical Hub (CHUB)

The Clinical Hub (CHUB) is a dedicated group of clinicians within the Emergency Operations Centre (EOC) who provide an additional reviewing process for 999 calls. The main activity of this group is managing patients without the need for an ambulance response or conveyance to hospital where it can be appropriately and safely avoided by instead providing clinical advice to resolve the problem or information on who they should approach for the advice or treatment they require such as their GP. Every call resolved by staff on the CHUB, is one less call where an ambulance attendance is required which increases availability and therefore reduces delays to patients generally and also the police on scene with patients.

Recent recruitment activity has meant an increase in the number of staff able to be provided on the CHUB which has a direct positive correlation with the number of calls that can be resolved by the CHUB.

OVERVIEW AND SCRUTINY COMMITTEE		
Title	Response to Committee's recommendations	
Key Decision	No	Item No. 5b
Ward	All	
Contributors	Keeley Smith, Borough Commander of Lewisham, London Fire Brigade	
Class	Part 1	Date: 25 January 2016

1. Purpose

- 1.1 Following the Overview and Scrutiny Committee in July 2013, the following recommendation was made to the LFB:

In 2014/15 and in 2015/16 (to date) the six minute target for getting a first appliance to an incident has not been met in the Bellingham, Downham and Grove Park wards of Lewisham. The LFB should focus its attention on understanding and addressing the reasons behind this failure. This should include considering any impact caused by the removal of Forest Hill's second appliance and the closure of Downham Fire Station; and considering what mitigating action might be taken to improve attendance times in these areas.

- 1.2 This report is in response to that recommendation.

2. Report

- 2.1 Within the London Safety Plan 5, there was a series of proposed cost savings in order for the London Fire and Emergency Planning Authority to save £34.1M which resulted in the closing of 10 fire stations, one of which was Downham fire station. This was implemented on 9th January 2014.
- 2.2 Additionally, Forest Hill's pump has been removed from station since August 2013 along with 12 other pumping appliances across London for contingency fire cover in the event of strike action.
- 2.3 At the July meeting it was highlighted that the target for getting a first appliance to an incident within an average of six minutes has not been met in the Bellingham, Downham and Grove Park wards of Lewisham in 2014/15 and in 2015/16 (data to July 2015) and to consider the impact caused by the removal of Forest Hill's second appliance and the closure of Downham Fire Station. Additionally to consider what mitigating action might be taken to improve attendance times in these areas.
- 2.4 For reasons I will explain below, the fact the LFB does not meet its attendance times in some wards, is not a failure.
- 2.5 I set out below the most up to date figures for attendance times in Lewisham wards. Care is needed when using ward data as some wards have very few incidents, so performance can be skewed by a few longer attendance times.

First appliance

Ward	2012/13	2013/14	2014/15	2015/16
Bellingham	05:54	06:21	06:26	06:20
Blackheath	04:43	04:32	04:53	04:47
Brockley	05:28	05:45	05:31	05:43
Catford South	05:33	05:23	05:53	05:40
Crofton Park	03:40	04:32	04:26	04:28
Downham	05:25	05:33	07:08	06:37
Evelyn	04:10	04:18	04:49	05:02
Forest Hill	05:11	05:30	05:33	05:43
Grove Park	04:48	05:27	06:13	06:24
Ladywell	04:46	05:15	04:56	05:06
Lee Green	03:51	04:10	04:37	04:27
Lewisham Central	03:58	04:05	04:13	04:10
New Cross	04:59	04:58	05:06	05:05
Perry Vale	04:02	04:19	04:19	04:49
Rushey Green	04:36	04:41	05:00	04:44
Sydenham	05:51	06:11	06:00	06:07
Telegraph Hill	05:05	04:32	05:03	05:17
Whitefoot	05:10	05:38	07:22	07:25
	04:45	04:58	05:18	05:19

Second appliance

Ward	2012/13	2013/14	2014/15	2015/16
Bellingham	07:29	07:17	07:43	08:28
Blackheath	06:29	06:16	06:20	07:03
Brockley	06:47	06:40	06:37	06:46
Catford South	07:22	06:52	06:43	06:53
Crofton Park	04:55	06:29	07:30	06:39
Downham	07:14	07:39	08:08	07:40
Evelyn	06:44	06:52	07:02	07:01
Forest Hill	06:24	07:09	08:49	09:09
Grove Park	06:27	06:42	07:25	07:38
Ladywell	06:48	06:38	06:28	06:59
Lee Green	06:57	06:11	06:55	07:25
Lewisham Central	05:51	06:08	06:36	06:35
New Cross	06:18	06:18	06:13	06:09
Perry Vale	04:50	06:48	07:38	08:20
Rushey Green	05:41	06:39	06:42	06:54
Sydenham	06:41	07:48	07:34	07:49
Telegraph Hill	07:49	06:25	05:52	05:50
Whitefoot	07:54	08:09	08:14	08:24
	06:23	06:46	07:04	07:11

2.6 Also included within the data are those attendance times for 2012/13 which was prior to the closing of Downham fire station and the removal of Forest Hill's second

pumping appliance for contingency purposes. This therefore provides a good comparison for performance in subsequent years.

- 2.7 It is important to be clear that the Authority has a London-wide attendance standard to get a first fire engine to an emergency incident within an average of 6 minutes, and a second (where needed) within an average of 8 minutes. The Authority seeks to meet these average attendance times at borough level, but the commitment is to meet the attendance standard London-wide.
- 2.8 The Authority has been transparent in publishing attendance time performance for wards, but the Authority has made no commitment to meet the attendance standard at ward level, and there will be many wards in London where it is not possible to achieve the attendance standard. The Fire Commissioner, in presenting the Authority's statement of assurance for 2013/14, made this clear (LFEPA report FEP2385) and he stated that the Brigade has always planned emergency cover on a London-wide basis. He said that in order to achieve the attendance standards within every ward in London, it is estimated that more than 100 additional fire engines would be required and 84 new fire stations. The cost in extra staffing alone would be some £90 million, with the cost of new fire stations and fire engines on top of this.
- 2.9 Although there are a few wards where we do not meet our average attendance time target, we do meet this for the Lewisham borough overall.
- 2.10 It is important to realise that safety in the event of fire, does not solely rely on fire engines responding to emergency incidents, but relies on an integrated approach with the LFB's response work, alongside its prevention and protection work. Our prevention work is about targeting vulnerable people, those most at risk from fire, and trying to prevent fires happening in the first place. Education is the key by informing residents how to prevent fires occurring and by fitting smoke alarms and regularly testing them so that if a fire occurs, the occupant is given warning and can either evacuate or raise the alarm sooner.
- 2.11 The Brigade has continued to meet its London-wide average attendance time target of six minutes for a first fire engine and eight minutes for a second, whilst the 13 fire engines have been out of service. If the 13 engines were returned to service, it is believed that this would improve average London wide attendance times by around four seconds for the first engine and by around 18 seconds for the second fire engine.
- 2.12 With regards to the removal of the 13 fire appliances, there is a Mayoral directive imposed to prevent these being returned to station due to further savings required of £8.1m to balance the LFEPA budget for 2016/2017.
- 2.13 The Fire Brigade's Union announced in December 2015 that it had suspended their strike action over a dispute with the Government on pensions (until Summer 2017) therefore allowing the London Fire and Emergency Planning Authority to stand down the contingency arrangement for strike action thus saving £1.7m in 2016/17. However this still leaves a budget gap for LFEPA of £6.4m.
- 2.14 There is currently a public consultation for two options to achieve these savings:-

Option A recommends putting the 13 fire engines back into service but making savings by establishing alternate crewing at stations with some special appliances. Alternate crewing means that in stations where there is a fire engine and a special appliance, such as an aerial ladder platform, there would be one crew for both

appliances. This is the preferred option by the majority of members of the London Fire and Emergency Planning Authority.

Option B recommends the permanent removal of the 13 fire engines and reinvesting some of the savings into increasing the number of staff available to crew Fire Rescue Units (FRUs). Fire rescue units are specialist rescue vehicles. All FRUs are equipped with heavy lifting and cutting tools for use in a range of rescue scenarios and crews are trained in extended duration breathing apparatus. This is the recommended option by the London Fire Commissioner.

- 2.15 Both options would ensure that no fire stations close and no firefighters would be made compulsorily redundant.
- 2.16 Until the conclusion of the public consultation, and the fire authority consider the matter further in the light of consultation, it is uncertain which option will be selected. I along with every other London Fire Brigade Borough Commander has sent out details of these options to our partners for further dissemination so encourage as many responses to the consultation, as possible.
- 2.17 Whether Forest Hill's second appliance is returned is dependent on the findings of this public consultation, and further decisions of the fire authority following consultation, and the consultation does not close until 1st February 2016.
- 2.18 Finally, recently the London Fire Brigade has changed its mobilizing system to one that is geographic, meaning that using GPS, the nearest fire appliance is now mobilised to incidents where as previously, mobilisation was based upon station's ground. This system was only implemented at the end of the 2015 and therefore it is too early to say how this will impact on the attendance times for Lewisham Borough.

Keeley Smith
Borough Commander of Lewisham Borough
London Fire Brigade

**Public Spending in Lewisham Working Group – Lewisham Southwark College
response to recommendations**

Recommendation: An Ofsted rating of 4 (inadequate) is not good enough for the approximately 740 Lewisham 16-18 year olds studying at the College. However, the establishment of a new senior management team and the recent Ofsted monitoring visit which revealed improvements across all areas is heartening. The College needs to focus on achieving at least a Grade 3 when it is next inspected.

We are awaiting an Ofsted re-inspection. The College has self-assessed at Grade 3 for 2014/15.

Recommendation: Plans to rationalise the number of campuses in Lewisham should be shared with the Council at the earliest opportunity.

Governors remain committed to investing in a new campus for Lewisham and the Council will be consulted at the earliest stages.

Agenda Item 6

Overview and Scrutiny Committee		
Title	Update on the provisions of the Housing and Planning Bill, and on case law in relation to viability in Development Management	
Contributor	Interim Head of Planning	Item 6
Class	Part 1 (open)	25 January 2016

1 Purpose

1.1 This report updates the O&S Committee on:

- the planning provisions in the Housing and Planning Bill and their potential implications on the development of Affordable Housing, and
- the latest practice and case law in respect to viability appraisals.

2 Recommendation

2.1 That the committee notes the update.

3 Background

Housing and Planning Bill

3.1 The Housing and Planning Bill¹ was published in October 2015 and delivers many of the planning proposals outlined in the Treasury's report "*Fixing the foundations: Creating a more prosperous nation*"² (15 July 2015). The detail is yet to be published but in relation to land use planning it will be developed through Statutory Instruments, revisions to the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) or via Ministerial Statements.

3.2 The summary of the main provisions of the Bill are set out in appendix one. The main implications of the Bill on the delivery of affordable housing and the likely impact on secondary or NPPF/PPG/Ministerial Statement implementation is included in the rest of this report.

Viability

3.3 Since publication of the NPPF in March 2012 there has been a significant growth in viability arguments around planning applications, often around levels of affordable housing. This has become controversial in a number of cases leading to either communities or rival developers seeking to see published what are generally treated as confidential viability appraisals.

4 Housing and Planning Bill proposals and potential implications

Starter Homes

4.1 It is recognised that government are keen to make market housing more affordable through Starter Homes, with a 20% reduction on the normal market price. The Government's intention

¹<http://www.publications.parliament.uk/pa/bills/cbill/2015-2016/0075/16075.pdf>

²<https://www.gov.uk/government/publications/fixing-the-foundations-creating-a-more-prosperous-nation>

is that this reduction will be fixed only for 5 years and after 5 years the owner can sell at open market value. These homes will not be subject to CIL or s106 provisions.

- 4.2 The implication for affordable housing is that the Government intends that in meeting affordable housing obligations 'starter homes' will be the first in the queue before other forms of affordable housing. This will be monitored with the council having a duty to ensure their provision through the Authority's Monitoring Report. This policy will impact on the type of affordable housing delivered.

Self Build and Custom Build

- 4.3 Self Build and Custom Build could provide around 2% of the overall housing numbers projected. Despite their modest contribution, these provisions place a considerable additional burden on local authorities to identify (via Local Plans) and grant sufficient permissions on serviced plots to meet the needs identified by those self/custom builders registered with Councils via the provisions in the Self Build and Custom Housbuilding Act 2015.
- 4.4 There is mention of fees being introduced, designed to cover costs. These are likely to be set by government, so it is therefore vital that the fees provide for full cost recovery so this new additional duty can be self-funding.

Local Planning

- 4.5 This contains a raft of powers for the Secretary of State to ensure that Local Planning Authority's (LPA) have Local Plans in place giving the Secretary of State the power to intervene and put a plan in place himself. As the council has a local plan in place this will not impact.
- 4.6 Some of the powers in the Bill give the Mayor of London those powers the Secretary of State would have outside London, such as amending a LPAs Local Development scheme.

Local Register and Permission in Principle

- 4.7 This is a significant change to the planning system with two new provisions:
- A duty to hold a register of brownfield land capable of being developed for housing
 - The concept of a permission in principle
- 4.8 The brownfield register attempts to unlock land to build new homes and if implemented the council will be able to use the existing Strategic Housing Land Availability Assessment (SHLAA) process that is carried out as part of Local Plan making to form the register. There may be slight differences in the definition of land that is required to be registered. The existing requirement is to "consider all sites and broad locations capable of delivering five or more dwellings ... on sites of 0.25ha (or 500m² of floor space) and above" whereas the new announcement talks of merely 5 dwellings. This may pose additional burdens on the council.
- 4.9 The concept of permission in principle has its roots in the Lyons Housing Review where the cost of obtaining outline planning permission was seen as a barrier to entry for small house builders and this would include small Registered Providers. Government sees this sector as needing support to increase the supply of housing overall. Small house builders have reduced over years in the face of dominance of the industry by the big national and regional house builders. This will mean that planning authorities will grant "permission in principle" and then in a separate process approving the details.
- 4.10 This new concept (Permission in Principle) will automatically attach to sites on the Brownfield Register and can be granted on application to small sites (less than 10 units). This is a

provision that is just aimed at housing sites. Most sites are mixed use developments and this must be accommodated otherwise there could be severe unintended consequences of poor quality placemaking.

5 Viability in Development Management

- 5.1 There is recent case law in relation to viability assessments that has shaped the council's approach- two main Information Commissioner (IC) cases and, a recent case in the High Court.
- 5.2 In Greenwich, the local community sought release of viability information where a developer wanted to be released from providing the level of affordable housing that they had previously agreed on a 10,000 home Greenwich Peninsular development. The IC determined that this information should be released in full, primarily because he considered that due to the passage of time (the decision on which it was based was taken several years before) any commercial sensitivity was now no longer of paramount importance and the balance lay with disclosure in the public interest.
- 5.3 In Southwark the local community sought release of viability information relating to the redevelopment of the Heygate Estate in the Elephant and Castle. This involved the sale of a Council asset to the developer and the IC considered that this distinguished the case from a public interest point of view from a more "normal" housing development on private land. Nevertheless, when released the commercially sensitive parts of the financial appraisal were redacted with the IC's approval.
- 5.4 The Croydon case related to a developer's application to redevelop a shopping centre. This required a compulsory purchase order and potential developers whose land was to be required pursued a vigorous campaign to have viability information made public. The approach adopted by the developer was to produce a viability appraisal that was capable of being made public (although they did not agree to its release until after the planning decision was made by Croydon) but the detailed and commercially confidential/sensitive financial information upon which it was based was only ever held or seen by the Council's viability consultant (Deloitte). Officers of the LPA were able to verify (if necessary) any of the withheld information via a "data room". This was a restricted and secure website facility where data could be viewed but not copied, printed or saved. Confidentiality Agreements had to be signed.
- 5.5 The High Court case centred (inter alia) around the fact that the members of the determining planning committee at Croydon Council only had limited financial information upon which to base their decision. They only had the word of their officers and could not see for themselves the financial data.
- 5.6 The case was dismissed and it was held that the approval was sound in law. It was held that financial information can be commercially sensitive and it is right and proper to keep it so when the public interest balance test supports it. LPAs are guided in making their judgements by the advice of a whole range of experts, including financial advisors, who have a wealth of market information, data analysis, financial models that informs their advice. That they hold all this information and expertise and the client does not is perfectly normal: it is the advice that is being commissioned. Officers of the LPA had sufficient information to come to their conclusions and make their recommendations. The members of LPA were sufficiently informed and advised and were able to come to a sound decision.
- 5.7 There is a move with some LPAs to require all viability reports to be public. This approach is understandable, however the implications of this need to be understood. Such reports are likely to contain generic rather than development specific data. Generally generic data is less

accurate and over estimates financial costs because it is non-development specific and therefore contains the quantity surveyor's normal contingencies to deal with design uncertainty. Generally, where financial information in relation to construction costs, financing facilities are specific to a particular scheme, those costs come down as there is a greater degree of specificity and certainty. This will impact on the viability assessments of the development.

- 5.8 It can be seen from the Croydon High Court case that a more nuanced approach is both acceptable in law and may better serve the Council's interests. The commercially sensitive information stays confidential but a report is prepared that can be released to the public. The LPA's viability consultant (and officers where necessary) can view and verify the commercially sensitive data and he/she can advise the LPA accordingly.
- 5.9 We need to have an approach that produces fair and accurate viability assessments in order to maximise the funding envelope for planning obligations and thereby enable us to optimise the level of Affordable Housing (AH) provision. The implication of full disclosure and transparency on viability information is that more generic and cautious assessments are conducted. This will not be in the interests of the local authority or its residents. We need to understand the implications of public disclosure of financial appraisals as from experience it has been shown to reduce the funding envelope for planning obligations. In these negotiations it is affordable housing (a policy requirement) that is the casualty as other obligations generally relate to necessary supporting infrastructure (often now through CIL) or other mitigation that are more difficult to avoid given the National Planning Policy Framework (NPPF).
- 5.10 A report to Mayor and Cabinet on 13 January 2016 responding to the Sustainable Development Select Committee makes the same case.

6 Legal implications

- 6.1 There are no direct legal implications arising from the implementation of the recommendation in this report, however, there may be legal implications arising from the changes that flow from the implementation of the provisions in the Bill and these will need to be considered in due course.

7 Financial implications

- 7.1 There are no specific financial implications arising from the implementation of the recommendation in this report, however, there are likely to be financial implications arising from the changes that flow from the implementation of the provisions in the Bill, which will need to be considered in due course.

8 Further implications

- 8.1 There are no specific equalities, sustainability or crime and disorder implications arising from the implementation of the recommendation in this report, however, matters that may arise from the changes that flow from the implementation of the provisions in the Bill will need to be considered in due course.

9 Appendix One

Summary of Housing and Planning Bill provisions

For further information about this report contact Mike Kiely, interim Head of Planning on 020 8314 8706

Appendix One

Government have published a detailed guide to the bill ³. The main provisions of the Bill are as follows:

Part 1: New Homes in England

- Starter Homes – providing a statutory framework for the delivery of starter homes
- Self-build and custom housebuilding –requiring local authorities to meet demand for custom-built and self-built homes by granting permissions for suitable sites

Part 2: Rogue landlords and letting agents in England

- Private rented sector – providing greater powers for local authorities to identify and tackle rogue landlords

Part 3: Recovering abandoned premises in England

- Private rented sector – reforming abandonment to more effectively recycle rented property

Part 4: Social housing in England

- Right to acquire – extending Right to Buy discount levels to housing association tenants
- Vacant high value local authority housing – requiring local authorities to manage their housing assets more efficiently, with the most expensive vacant properties sold and replaced with new AH in the area
- Reducing regulation – allows the Secretary of State to reduce regulations on Housing Associations
- High income social tenants – requiring tenants in social housing on higher incomes (over £40,000 in London and over £30,000 outside London) to pay market rate, or near market rate, rents

Part 5: Housing, estate agents and rent charges: other changes

- Housing needs in England – simplifying the legislation governing the assessment of housing and accommodation needs of the community, whilst ensuring that the needs of all members of the community are assessed on an equal basis
- Regulation and enforcement – a more stringent ‘fit and proper’ person test for landlords letting out licensed properties, such as Houses in Multiple Occupation, to help ensure that they have the appropriate skills to manage such properties and do not pose a risk to the health and safety of their tenants; allowing financial penalties to be imposed as an alternative to prosecution for certain offences; requiring Tenancy Deposit Scheme data to be shared with local authorities; and amending the Estate Agents Act 1977 to allow the Secretary of State to appoint the regulating authority
- Enfranchisement and extension of long leaseholds –makes provision for the valuation of minor intermediate leasehold interests in leasehold enfranchisement and lease extension cases to continue to be possible when using the legislation
- Rent charges – allowing the formula for calculating the amount needed to redeem a rent charge to be amended by secondary legislation

³<http://www.publications.parliament.uk/pa/bills/cbill/2015-2016/0075/en/16075en.pdf>

Part 6: Planning in England

- Neighbourhood planning – simplifying and speeding up the neighbourhood planning process to support communities that seek to meet local housing and other development needs through neighbourhood planning
- Local planning – giving the Secretary of State further powers to intervene if Local Plans are not effectively delivered
- Planning in Greater London – devolving further powers to the Mayor of London
- Local registers of land and permission in principle – creating a duty for local authorities to hold a register of various types of land, with the intention of creating a register of brownfield land to facilitate unlocking land to build new homes; and giving housing sites identified in the brownfield register, local and neighbourhood plans planning permission in principle, and providing an opportunity for applicants to obtain permission in principle for small scale housing sites
- Planning permission etc – levelling up the power which enables conditions to be attached to development orders for physical works so that they are consistent with those for change of use; extending the planning performance regime to apply to smaller applications; and putting the economic benefits of proposals for development before local authority planning committees
- Nationally significant infrastructure projects – allowing developers who wish to include housing within major infrastructure projects to apply for consent under the nationally significant infrastructure planning regime
- Urban development corporations – creating a faster and more efficient process for creating Urban Development Areas and Corporations whilst ensuring that those with an interest locally are properly consulted at an early stage

Part 7: Compulsory purchase etc

- Improving the compulsory purchase regime, so it is clearer, fairer and faster