



AGENDA

MAYOR AND CABINET

**Date: WEDNESDAY, 9 SEPTEMBER 2015 at 6.00 pm,
or upon the rising of Mayor & Cabinet Contracts
whichever is the later.**

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

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MEMBERS

Sir Steve Bullock	Mayor	L
Councillor Alan Smith	Deputy Mayor - Growth & Regeneration	L
Councillor Chris Best	Health, Well-Being & Older People	L
Councillor Kevin Bonavia	Resources	L
Councillor Janet Daby	Community Safety	L
Councillor Joe Dromey	Policy and Performance	L
Councillor Damien Egan	Housing	L
Councillor Paul Maslin	Children & Young People	L
Councillor Joan Millbank	Third Sector and Community	L
Councillor Rachel Onikosi	Public Realm	L

Members are summoned to attend this meeting

**Barry Quirk
Chief Executive
Lewisham Town Hall
Catford
London SE6 4RU
Date: Thursday, 03 September 2015**



INVESTOR IN PEOPLE

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

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MAYOR & CABINET		
Report Title	Declarations of Interests	
Key Decision	No	Item No. 1
Ward	n/a	
Contributors	Chief Executive	
Class	Part 1	Date: September 9 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 no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.
- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

(6) Sensitive information

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

(7) Exempt categories

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

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

Agenda Item 2

MAYOR AND CABINET		
Report Title	Minutes	
Key Decision		Item No.2
Ward		
Contributors	Chief Executive	
Class	Part 1	Date: September 9 2015

Recommendation

It is recommended that the minutes of that part of the meeting of the Mayor and Cabinet which were open to the press and public, held on July 15 2015 (copy attached) be confirmed and signed as a correct record.

MINUTES OF THE MAYOR AND CABINET

Wednesday, 15 July 2015 at 6.00 pm

PRESENT: Sir Steve Bullock (Mayor), Alan Smith, Chris Best, Kevin Bonavia, Joe Dromey, Damien Egan, Paul Maslin, Joan Millbank and Rachel Onikosi

ALSO PRESENT: Councillor Brenda Dacres, Councillor Alan Hall, Councillor Carl Handley, Councillor John Muldoon, Councillor Jacq Paschoud and Councillor John Paschoud.

Apologies for absence were received from Councillor Janet Daby.

224. Declaration of Interests

Councillor Bonavia declared a prejudicial interest in Item 13 as Chair of the Blackheath Working Party and withdrew from the meeting.

Councillor Millbank declared a personal interest in Item 6 as a Council appointed member of the VAL Board.

Councillor Muldoon declared personal interests in Item 3 as Lead Governor of the SLAM Foundation Trust and as Chair of the London Scrutiny Network.

225. Minutes

RESOLVED that the minutes of the meeting held on June 3 2015 be confirmed and signed as a correct record.

226. Matters Raised by Scrutiny and other Constitutional Bodies

Matters referred by Select Committee – Comments of the Healthier Communities Select Committee on transition from children's to adult services

Having received a presentation by the Chair of the Healthier Communities Select Committee, Councillor John Muldoon, the Mayor:

RESOLVED that the views and recommendations of the Select Committee be received and the Executive Directors for Children & Young People and Community Services be asked to prepare a response to the review's recommendations.

Matter referred by Housing Select Committee – Communal Heating Systems Review - Report and Recommendations

Having received a presentation by the Chair of the Housing Select Committee, Councillor Carl Handley, the Mayor:

RESOLVED that the views and recommendations of the Housing Select Committee be received and the Executive Director for Customer Services be asked to prepare a response to the review's recommendations.

Having received a presentation by the Chair of the Overview & Scrutiny Committee, Councillor Alan Hall, the Mayor:

RESOLVED that the Executive Director for Community Services be asked to progress the Committee's recommendation that a full briefing on Forest Hill Station's second fire appliance and the relevant Mayoral Direction, be obtained from the London Fire Brigade.

227. Outstanding Scrutiny Matters

RESOLVED that the report be noted.

228. Response to consultation Remodelling Lewisham's Adult Day services and Associated Transport

The Mayor opened the discussion by welcoming the many public members who were present to listen to this item. The Mayor recognised change was disturbing for some service users but that it had to be placed into the context of reduced public funding for all services. He further stated that even without the financial drivers it was appropriate for all services to be reviewed from time to time

The report was presented by the Cabinet Member for Health, Well-Being and Older People, Councillor Chris Best, who set the context of the proposals including the intensive consultations which had been undertaken since the item had last been considered in February. She said she appreciated that some service users and their families still held deep concerns about the proposals. She stressed though that all the existing Day Centres were to be retained but that their use would be wider than before.

Greater detail about the proposals was then given by the Executive Director for Community Services and her staff. The Executive Director stated that in her professional opinion there was a firm rationale for change. Firstly she pointed out fewer families were making use of the Day Centres and there was considerable spare capacity. Secondly, opportunities could be developed that were accessible in other parts of the community and not just at Day Centres. Thirdly, Day care provision had to be set in the context of the Council's overall budget position and the enactment of the proposals would effect a £1.3 million saving.

The Executive Director referred to the recent receipt of several letters and a petition signed by 757 persons objecting to the proposals. She confirmed those had been considered in the process and observed that since February various changes had been made to the original preferred option in light of the comments received. These included enhancing personal safety and security, providing for older residents, increasing staffing during the transitional period and working, as requested by the Healthier Communities Select Committee, with Mencap to improve the evening transportation scheme while lowering costs.

The Executive Director's presentation was reinforced by the Joint Commissioning Manager who provided greater detail on the consultations and by the Operations Manager who reported on the assessment process.

Mr Nick O'Shea, representing Mencap next addressed the Mayor. He pointed out the anger felt by otherwise reasonable people and recognised the challenges caused by austerity across the public sector. He stated he had a clear and costed alternative which would require no savings requirement from adult day care services. He drew the Mayor's attention to a response he had received to an FOI request which reported Lewisham had a £248M PFI debt which was being repaid at a 10.3% average interest rate. He said the Council was spending £26M in interest repayments every year. He claimed the Council could renegotiate the loans on the lines of a domestic remortgage and ensure money was available for services to vulnerable people rather than going to bankers.

Helen Bashford, the mother of a service user, made the next presentation to the Mayor. She stated people were not using Day Centres because they were not being offered to clients and that there had been numerous cases of people having providers forced upon them without a choice being given. She said she had no confidence in the consultation which she believed amounted to little more than box ticking by officers and that she had subsequently set up a parents and carers support group which now had more than 50 members. She said the written report did not adequately reflect the opposition to the proposals and she called upon the Mayor not to pass the proposals in their entirety, but postpone them until all personal assessments had been concluded and parents and carers knew what their budgets would be. She said the Council could face increased costs if carers withdrew their support and pleaded for an alternative way forward to be found.

Councillor Kevin Bonavia responded to the points made by Mr O'Shea saying the Council's actual borrowings were £1.3B and commitments had been made to 8 PFIs. The interest payments of £26M had to be set in the context of this higher figure which included expenditure on the refurbishment of the entire school estate. Councillor Bonavia offered to speak to Mr O'Shea about his contention subsequent to the meeting.

Councillor Joan Millbank advised the Mayor of her direct experience with the community model in another borough providing services for people with learning disabilities. She said she was convinced the integrated model could work well and that it gave vulnerable people the opportunity to mix with others in a safe way.

Having carefully considered all the representations that had been made, the Mayor concluded that he firmly believed some change at some point was inevitable irrespective of any financial imperatives. He stated that halting the proposals would only lead to a bigger and more wide ranging impact later. He stated he thought the transition would be absolutely critical. In going forward collectively if things did not work he expected quick action to be taken. The Mayor wanted Helen Bashford's new group to be engaged in the monitoring process. In order to reinforce scrutiny of the transitional arrangements, the Mayor inserted a further recommendation requiring officers to report

confidentially to him and Councillor Best on a four weekly basis detailing progress on implementation including problems encountered in individual cases.

Having considered an officer report, and presentations by the Cabinet Member for Health, Well-Being and Older People, Councillor Chris Best, Nick O'Shea of Lewisham Mencap, and Helen Bashford, the mother of a service user, the Mayor, for the reasons he had stated and as otherwise set out in the report:

RESOLVED that:

- (1) officers should report to him and Cllr Best on a confidential basis every 4 weeks detailing progress on implementation including problems encountered in individual cases;
- (2) the outcomes of the consultation as set out in section 6 and the Equalities Analysis Assessment in Appendix 12 be received;
- (3) the report be considered in conjunction with the 'Voluntary Sector Accommodation Implementation Plan' report;
- (4) service provision be consolidated to the three services for service users with complex needs – the Intensive Support resource (ISR), the Challenging Needs Service (CNS) and the Specialist Dementia Service;
- (5) an undertaking be given to identify specific partners to work with the Council to maintain key activities in the areas of supported employment (e.g. Grow and 'Tuck Stop') and also performance art (i.e. 'Uproar' and 'Dare to Dream');
- (6) the Intensive Support (ISR) service for people with profound learning disabilities and complex needs currently at Leemore moves to the Ladywell Centre;
- (7) a service to be known as 'A Place to Meet' (the 'drop in' service) is commissioned to support people no longer eligible for Council funded day care.
- (8) the older adults currently using the Ladywell Centre who have not already moved to the specialist Dementia Unit move to the Housing 21 managed day centres at Cedar Court and Cinnamon Court or other similar provision of their expressed preference;
- (9) specific areas be allocated for the delivery of services to people with a learning disability in Mulberry, Leemore and Naborhood and these centres extend their use to the wider Lewisham community as community hubs for a wider range of purposes in partnership with existing third sector organisations;
- (10) the three centres, Leemore, Mulberry and Naborhood be recognised as community hubs as part of the Community Services Assets portfolio, and

there be different rental and running costs and charges from those applied to general lettings;

(11) voluntary and community providers be invited to offer activities and support to people who will be receiving a direct payment or personal budget, either via the community hubs or alongside them;

(12) service users have the opportunity to use their direct payment to employ a personal assistant and make use of the community hubs;

(13) the in-house Door2Door transport be maintained only for older adults, the most complex service users with long term conditions, and the remaining Council directly managed service users (ISR, CNS, Dementia) with the travel needs of remaining eligible day service users be met by a variety of alternatives including travel training and buddying; shared escorted and unescorted taxis and volunteer drivers; and

(14) £14,000 per annum continues to be available to fund transport to evening clubs for those existing people living at home with their families.

229. Voluntary Sector Accommodation Implementation Plan

The report was presented by the Cabinet Member for the Third Sector, Councillor Joan Millbank, who explained the intention of the Council was to ensure the better use of its buildings.

The Mayor received a representation from Yvonne Peart representing the Honor Oak Community Centre. She believed her Centre was earmarked for closure and redevelopment as housing, with users being relocated at a smaller facility outside the estate. She stated the Trustees were concerned about the process to date and wished to develop proposals with the Council in association with user groups.

Brian Courtney next made a representation as Chairperson of the Ewart Road Housing Co-operative Community Clubhouse and stressed his opposition to any threatened closure.

Councillor Dacres confirmed to the Mayor that the Safer Stronger Communities Select Committee had agreed not to make a referral to the Mayor only after receiving categorical assurances that the proposals were draft and no closures would be contemplated without full consultation.

The Mayor ordered that the consultation outcomes had to be reported back to the Mayor and Cabinet before any implementation took place

Having considered an officer report, and presentations by the Cabinet Member for the Third Sector, Councillor Joan Millbank, representatives of two Community Centres and Councillor Dacres on behalf of the Safer, Stronger Communities Select Committee, the Mayor, for the reasons set out in the report:

RESOLVED that:

(1) the implementation plan as outlined in section 5 and detailed by category in Appendix A, B, C, and D be approved;

(2) further consultation on proposed closures and redevelopments take place and the outcome be reported back to Mayor and Cabinet prior to any Implementation taking place; and

(3) the amendment to the Community Asset Transfer Framework as outlined in Section 8 and Appendix E be approved.

230. Early Intervention Proposals for Children's Centres

Having considered an officer report, and a presentation by the Cabinet Member for Children & Young People, Councillor Paul Maslin, the Mayor, for the reasons set out in the report:

RESOLVED that:

(1) the responses to the consultation be received;

(2) the following Children's Centres remain open providing services to children and families and remain on the Sure Start database: Clyde, Ladywell, Bellingham, Downderry, Eliot Bank and Kelvin Grove.

(3) the following Children's Centres remain open providing services to children and families and are removed from the Sure Start database: Besson Street Gardens, St Swithun's, Evelyn, Amersham, Hatcham Oak, Manor House, Torridon, Marvels Lane, Beecroft Garden and Kilmorie.

(4) Heathside and Lethbridge be confirmed as closed and that Centre be removed from the Sure Start On database.

231. Greyhound Public House Update

Officers were able to report building had commenced and appeared to be of good quality. Officers noted a delegation from the Sydenham Society was present to listen to the update.

Having considered an officer report, and a presentation by the Deputy Mayor Councillor Alan Smith, the Mayor:

RESOLVED that the report be noted and that a further report be prepared for the 30 September 2015 Mayor & Cabinet meeting to update progress.

232. Permanent Primary Places Sir Francis Drake Primary School

Having considered an officer report, and a presentation by the Cabinet Member for Children & Young People, Councillor Paul Maslin, the Mayor, for the reasons set out in the report:

RESOLVED that:

- (1) the decision made on the 25 June 2014 to enlarge Sir Francis Drake Primary School from 1 to 2 forms of entry be modified with effect from September 2016, subject to the development of satisfactory building proposals in partnership with the Education Funding Agency;
- (2) the enlargement of Sir Francis Drake Primary School from 1 to 2 forms of entry be deferred for a further academic year to September 2017, subject to the development of satisfactory building proposals in partnership with the Education Funding Agency;
- (3) a referral be made to the Schools Adjudicator seeking a reduction to the Published Admission Number for 2016/17 in relation to Sir Francis Drake School; and
- (4) funding already agreed to support additional planning requirements be retained as a commitment from the school places expansion programme.

233. Council Tax Reduction Scheme

The report was presented by the Cabinet Member for Resources, Councillor Kevin Bonavia and by the Head of Public Services, representing the Executive Director for Customer Services.

Councillor Millbank asked if there was a special list used to consult with community groups in the borough and was informed the lists already drawn up by Community Assemblies were used.

Councillor Dromey asked that the scheme be advertised in both the hard copy and electronic versions of Lewisham Life.

A spectator asked if the information could be put in an accessible form for people with dyslexia and she was told the Head of Public Services would explain what could be done after the meeting.

Having considered an officer report, and a presentation by the Cabinet Member for Resources, Councillor Kevin Bonavia, the Mayor, for the reasons set out in the report:

RESOLVED that consultation on a local Council Tax Reduction Scheme for 2016/17, that passes on a cut in government funding to working age claimants, be undertaken.

234. Homeless Allocations Policy

Having considered an officer report, and a presentation by the Cabinet Member for Housing, Councillor Damien Egan, the Mayor, for the reasons set out in the report:

RESOLVED that

- (1) the new legal responsibilities for the council in relation to the

development of a locational priority placement policy be noted;

(2) the rationale for the development of an interim policy be noted;

(3) the interim locational priority placement policy be approved; and

(4) officers be authorised to proceed with consultation to develop a full locational priority placement policy to be presented to Mayor and Cabinet in November 2015.

235. Parks Byelaws

Having considered an officer report, and a presentation by the Cabinet Member for the Public Realm, Councillor Rachel Onikosi, the Mayor, for the reasons set out in the report:

RESOLVED that the Council be recommended to make new byelaws for parks and open spaces in the form attached and that they revoke the existing byelaws made in 1980.

236. Blackheath byelaws

Councillor Bonavia withdrew from the meeting room while this item was discussed.

Having considered an officer report, and a presentation by the Cabinet Member for the Public Realm, Councillor Rachel Onikosi, the Mayor, for the reasons set out in the report:

RESOLVED that the Council be recommended to make the new byelaws for parks and open spaces in the form attached and that they revoke the existing byelaws for Blackheath made in 1932.

237. Deptford Southern Sites Appropriation

Councillor Dromey asked if retention of the community garden was possible. Officers explained it was actually a school garden that had been taken over by guardians on an interim basis and that following the competitive dialogue process it was not possible to leave the garden in situ but it was hoped the expertise that had been developed could be used in the locality.

Having considered an officer report, and a presentation by the Cabinet Member for Housing, Councillor Damien Egan, the Mayor, for the reasons set out in the report:

RESOLVED that:

(1) subject to Secretary of State's consent under Section 19 of the Housing Act 1985 being obtained, the appropriation of Council owned land shown hatched black on attached plan 1 be approved from housing purposes to planning purposes under Section 122 of the Local Government Act 1972;

(2) the appropriation of the Council owned land shown in bold edging on the attached plans 1 and 2 be approved from education purposes to planning purposes under Section 122 of the Local Government Act 1972;

(3) the consent of the Secretary of State under Schedule 1 of the Academies Act to the appropriation of the education land has already been obtained; and

(4) the making of an application to the Secretary of State under Section 19 of the Housing Act 1985 be approved for consent to the appropriation referred to above.

238. Waste and Recycling Consultation

Having considered an officer report, and a presentation by the Cabinet Member for the Public Realm, Councillor Rachel Onikosi, the Mayor, for the reasons set out in the report:

RESOLVED that the proposed consultation approach and timetable be approved.

239. Reconstitution of Governing Bodies St Mary Magdalen

Having considered an officer report, and a presentation by the Cabinet Member for Children & Young People, Councillor Paul Maslin, the Mayor, for the reasons set out in the report:

RESOLVED that:

(1) the Instrument of Government for St. Mary Magdalen's Catholic Primary School be made by Local Authority order dated 15 July 2015; and

(2) the Instrument of Government the Local Authority is proposing to make by order be also agreed by the Southwark Diocesan Board of Education, Trustees, Foundation Governors and the Local Authority.

240. Appointment of LA Governor

Having considered an officer report, and a presentation by the Cabinet Member for Children & Young People, Councillor Paul Maslin, the Mayor, having considered the information relating to the candidate:

RESOLVED that Stephen Kenny be nominated as a Local Authority Governor to the Good Shepherd Catholic Primary School and the information concerning the recommended nominated governor be noted.

241. Sheltered Housing Investment and Improvement Programme

Having considered an officer report, and a presentation by the Cabinet Member for Housing, Councillor Damien Egan, the Mayor, for the reasons set out in the report:

RESOLVED that

- (1) the rationale for considering a change to the service delivery model in the Council's sheltered housing stock, and the three potential models for a new model as set out be noted;
- (2) the proposals include the provision of a service charge assistance fund, to assist tenants with the financial transition;
- (3) if finally approved, these proposals would all see a management and operational transfer of the service from the Council to Lewisham Homes;
- (4) Officers immediately commence a comprehensive consultation exercise, with all tenants currently residing in sheltered housing and their representatives, regarding those three options;
- (5) the outcome of this consultation be brought before Mayor and Cabinet for final decision making before any change be implemented; and
- (6) the plans for capital investment within the 18 sheltered housing Schemes come forward separately to the consultation relating to the service model, and all 18 schemes be brought to the Decent Homes standard and in the following six schemes a new investment standard be trialled.
 - Commodore Court
 - Fairfields
 - The White House
 - The Vineries
 - Lawrie Park Road
 - Talbot Court

242. Discretionary Licensing Private Rented Sector

Having considered an officer report, and a presentation by the Cabinet Member for Housing, Councillor Damien Egan, the Mayor for the reasons set out in the report:

RESOLVED that

- (1) relevant evidence b noted gathered for Housing Select Committee which suggests the worst private rented sector housing in the borough is located in flats above commercial premises, particularly concentrated in secondary and tertiary shopping streets across the borough;
- (2) if it is decided to proceed with an additional licensing scheme for flats above commercial premises, there will be costs to the council of between £350k and £480k per year for a period of 5 years, i.e. a total of up to £2.4m over 5 years;
- (3) consideration of "additional" licensing in the area of the London Borough of Lewisham be approved and that the required public consultation be commenced by officers;

(4) officers develop the public consultation document containing the detailed proposals and terms of the scheme and report back on the results of the consultation to Mayor & Cabinet later this year.

243. Financial Forecasts 2015-16 and Medium Term Financial Strategy

Both reports were presented by Councillor Bonavia who advised that substantial strategy changes were likely to be required once the results of the Comprehensive Spending Review were known.

Having considered officer reports, and a presentation by the Cabinet Member for Resources, Councillor Kevin Bonavia, the Mayor, for the reasons set out in the reports:

RESOLVED that

(1) the current financial forecasts for the year ending 31 March 2015 and the action being taken by the Executive Directors to manage down the forecasted yearend overspend be noted; and

(2) the updated capital programme budgets as set out be noted.

(3) the 2016/17 to 2019/20 Medium Term Financial Strategy be noted and a further update be brought back as part of the savings and budget setting process to reflect any changes arising from the CSR 2015 expected in the Autumn.

244. New Lewisham Local Plan Consultation

Having considered an officer report, and a presentation by the Deputy Mayor Councillor Alan Smith, the Mayor, for the reasons set out in the report:

RESOLVED that

(1) the Lewisham Local Plan: Consultation on Main Issues be approved for public consultation and recommend the Council do the same; and

(2) authority be delegated to the Executive Director for Resources and Regeneration to make any minor alterations to the consultation document prior to the start of the formal consultation.

245. Exclusion of Press and Public

RESOLVED that in accordance with Regulation 4(2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information)(England) Regulations 2012 and under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs [3, 4 and 5] of Part 1 of Schedule 12(A) of the Act, and the public interest in maintaining the exemption outweighs the public

interest in disclosing the information.

23 Homeless Hostel Investment Programme.

24 Disposal of Land interest at Arcus Road/Chingley Close.

25 Milford Towers Leasing Scheme.

246. Hostel Investment Programme

Having considered a confidential officer report, and a presentation by the Cabinet Member for Housing, Councillor Damien Egan, the Mayor, for the reasons set out in the report:

RESOLVED that

(1) the two potential investment opportunities to improve both the quality and the quantity of hostel provision for single homeless clients as set out be noted;

(2) having considered the relevant benefits and risks associated with the two potential options for the funding of the Deptford Reach development project, agrees that the Council should directly grant fund the development, using a stated amount of S106 funding; and

(3) authority be delegated to the Executive Director for Customer Services, in consultation with the Director of Regeneration and Asset Management and Head of Law, to finalise the terms of the grant agreement with Deptford Reach for the S106 funding.

247. Disposal Arcus Road Allotment and Swiftsden Way Strip

Having considered a confidential officer report, and a presentation by the Deputy Mayor Councillor Alan Smith, the Mayor, for the reasons set out in the report:

RESOLVED that

(1) the old allotment site at Arcus Road and the strip of land at the rear of Swiftsden Way/Chingley Close BR1 (Plots C and D on an attached plan), be declared surplus to requirements;

(2) the proposed land swap with Phoenix Community Housing be approved at nil consideration, whereby the Council acquires the freehold interest in two parcels of land on Launcelot Road (Plots A and B on an attached plan) to enable the expansion of Launcelot School and simultaneously disposes of its freehold interest in the land referred to at recommendation 2.1 above; and

(3) authority be delegated to the Director of Regeneration and Asset Management, in consultation with the Head of Law, to negotiate and agree the final terms of the disposal.

248. Milford Towers Leasing Scheme

Having considered a confidential officer report, and a presentation by the Cabinet Member for Housing, Councillor Damien Egan, the Mayor, for the reasons set out in the report:

RESOLVED that

- (1) the environmental and financial benefits of the leasing arrangement with Notting Hill and the rationale for extending the current arrangements be noted;
- (2) subject to Secretary of State's consent being obtained under Section 32 of the Housing Act 1985, approval be given for the leasing arrangement to be extended for up to a further three years to December 2018, with reviews to be held annually, and the ability for both parties to end the arrangement at the annual review stage;
- (3) Council be recommended to apply to the Secretary of State for permission under Section 32 of the Housing Act 1985 to extend the leasing arrangement in the manner set out; and
- (4) authority be delegated to the Executive Director for Customer Services, in consultation with the Director of Regeneration and Asset Management and the Head of Law, to agree the final terms of the extension with Notting Hill and all associated legal documentation.

The meeting closed at 9.25pm

Agenda Item 3

MAYOR AND CABINET		
Report Title	Report Back On Matters Raised By The Overview And Scrutiny Business Panel or other Constitutional bodies	
Key Decision	No	Item No.
Ward		
Contributors	Head of Business & Committee	
Class	Open	Date: September 9 2015

Purpose of Report

To report back on any matters raised by the Overview and Scrutiny Business Panel following their consideration of the decisions made by the Mayor on July 15 2015 and at their special meeting on August 25 or on other matters raised by Select Committees or other Constitutional bodies.

MAYOR AND CABINET		
Report Title	Report Back on Matters Raised by the Overview and Scrutiny Business Panel	
Key Decision	No	Item No.
Ward		
Contributors	Senior Committee Manager	
Class	Part 1	Date: 9 September 2015

1. Purpose of Report

To report back on any matters raised by the Overview & Scrutiny Business Panel following their consideration of decisions made at Mayor and Cabinet on 15 July 2015.

2. Decisions made at Mayor and Cabinet on 15 July 2015 – Response to Consultation Remodelling Lewisham’s Adult Day Services and Associated Transport

2.1 Following discussion at the Overview and Scrutiny Business Panel meeting, Business Panel Members noted the decision of the Mayor and agreed to request that the Mayor:

- i. instructs officers to do a monthly update with anonymised data showing the changes that are taking place and their effects, if any. This information is to be provided to the Healthier Communities Select Committee.

3. Decision made by Mayor and Cabinet on 15 July 2015 – Voluntary Sector Accommodation Implementation Plan

3.1 Following detailed discussion, Business Panel Members noted the decision of the Mayor and agreed to request that the Mayor:

- i. instructs officers to provide Business Panel Members with a report that would show progress on the use of schools’ facilities in rationalising the Council’s assets, as promised during last year’s budgetary considerations.
- ii. instructs officers to provide a further report for Business Panel Members in a format that is very clear and easily understood, with readable text and maps.



Consultation on Local Authority Public Health Allocations
Department of Health
Public Health Policy and Strategy Unit
Room 165
Richmond House
79 Whitehall
London SW1A 2NS

Civic Suite
Catford
London SE6 4RU

direct line
fax

date 27/08/15

Dear Sir\Madam

Re: Department of Health Consultation on Local Authority Public Health Consultations.

I am submitting Lewisham Council's corporate response to the abovementioned consultation drafted by our Public Health team as an attachment to this letter.

As Chair of the Council's Overview and Scrutiny Committee I confirm that the response has the unanimous support of Lewisham's elected members. As the consultation was published on July 31 with a deadline of August 28, an extraordinary breach of usual consultation guidelines, a Special meeting of our Overview and Scrutiny Business Panel was convened on August 25 to consider the consultation response in detail.

In summary the conclusion of our deliberations was that Committee members believed that none of the options were acceptable as they all entailed cuts to services in a borough already enduring high levels of deprivation, as evidenced in our corporate response. In parallel, the Council is being forced to implement other service reductions as a result of continuous governmental austerity measures that are already impacting on multiple public sector service budgets to the detriment of local people. Cumulatively, this proposed 'in year' cut is ill advised and inextricably linked to other NHS budgets. A point endorsed by NHS Lewisham our local Clinical Commissioning Group.

The Committee further believes that the Chancellor's plans to reduce public health allocations in year directly contradicts the statement in the NHS plan: "the future health of millions of children, the sustainability of the NHS, and the economic prosperity of Britain all now depend on a radical upgrade in prevention and public health".

We would respectfully request that the Department of Health makes an urgent submission to the Chancellor to reverse these proposals.

Yours sincerely,

Councillor Alan Hall
Chair of Overview & Scrutiny Committee
London Borough of Lewisham



Consultation on Local Authority Public Health Allocations
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79 Whitehall
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SW1A 2NS

Laurence House
Catford
London SE6 4RU

Direct line
Fax

Date 27/08/2015

Dear Sir/Madam

Re: Department of Health Consultation on Local Authority Public Health Consultations.

Accompanying this letter is the response to this consultation from the London Borough of Lewisham.

In our response, we should like to emphasise that Lewisham does not agree with the proposed in-year changes to local authority public health allocations. Nor do we accept the Department of Health's preferred option. The Chancellor's plans to reduce public health allocations in year contradicts the statement in the NHS plan that "the future health of millions of children, the sustainability of the NHS, and the economic prosperity of Britain all now depend on a radical upgrade in prevention and public health". Imposing public health savings of this order within year will undermine our effectiveness and reduce our capacity to work with our NHS partners in prevention and public health and so will damage the long-term partnership needed to achieve public health goals. We therefore reject all four options.

If, however, these changes to the public health allocations go ahead, then we would argue that Option C is likely to have the worst impact, adding to health inequalities and having the worst impact on Councils and Public Health teams serving the most deprived populations. We would identify this as our least preferred option. We note that Option A and Option B are not mutually exclusive, and it should be possible to apply the saving requirement differentially depending on whether individual Councils are significantly above their target allocation and/or have carried forward unspent reserves. Although this combination of options is, arguably, the arrangement likely to cause least damage nationally and to form the most logical option, there will still be a highly negative impact for many Councils, especially those with the most deprived populations, including Lewisham. Option D – the reduction of every local authority's allocation by a standard percentage unless an authority can show that this would result in particular hardship - also seems more fair than Option C and is the option that is most likely to be sustainable and defensible for continued application of the saving requirement in future.

Our response also lays out Lewisham's case for hardship under Option D.

Finally, it is important to say that our response has been discussed with the CCG, whose Chief Officer agrees with and supports our response.

Kind Regards,

Executive Director for Community Services



As part of wider Government action on deficit reduction, the Department of Health (DH) has been asked to deliver savings of £200 million in 2015/16 through reductions to the Public Health Grant to local authorities (LAs). This consultation sets out possible options on how the £200 million savings might be spread across LAs and asks three questions on how they can be delivered most fairly and effectively.

Question 1: Do you agree with DH's preferred option (C) for applying the £200 million saving across LAs?

Lewisham does not agree with the proposed in-year changes to local authority public health allocations. Nor do we accept the Department of Health's preferred option. The Chancellor's plans to reduce public health spending in year contradicts his statement in the NHS plan that "[the future health of millions of children, the sustainability of the NHS, and the economic prosperity of Britain all now depend on a radical upgrade in prevention and public health](#)". Imposing public health savings of this order within year will undermine our effectiveness and reduce our capacity to work with our NHS partners in prevention and public health and so will damage the long-term partnership needed to achieve public health goals. We therefore reject all four options.

Not only do we oppose the savings in principle, we consider that to impose them late in the financial year is unrealistic and unreasonable. The Council set its budget in February, allocating resources to services, including contracts, at that point. Services have planned and have employed staff on the basis that this funding is in place for the whole year. Notice periods on contracts - both with providers and with staff - mean that once the scale of any required reductions is known there will only a few months saving (at most) to achieve them. This will have a disproportionate effect on spend, requiring whole services to be cut to achieve the target in the time available.

If not, which is your preferred option?

We reject all four options for reasons outlined above, but if the Chancellor continues with this proposal, then we would argue that Option C is likely to have the worst impact, adding to health inequalities and having the worst impact on Councils and Public Health teams serving the most deprived populations. We would identify this as the worst of the four options..

We note that Option A and Option B are not mutually exclusive, and it should be possible to apply the saving requirement differentially depending on whether individual Councils are significantly above their target allocation and/or have carried forward unspent reserves. Although this combination of options is, arguably, the arrangement likely to cause least damage nationally and to form the most logical option, there will still be a highly negative impact for many Councils, especially those with the most deprived populations, including Lewisham.

Option D – the reduction of every LA's allocation by a standard percentage unless an authority can show that this would result in particular hardship - also seems more fair than Option C and is the one that is most likely to be sustainable and defensible for continued application of the saving requirement in future. But as we reject the saving requirement, even this option we can identify only as the least bad of these four ways of applying an unacceptable reduction in allocation. We are reluctant to use the word "best" or "preferred" in relation to any method of applying a requirement that we reject.

Finally, it is important to say that our response has been discussed with the CCG, whose Chief Officer agrees with and supports our response.

Option D: Additional information on local needs in Lewisham – Our Case for Hardship

The London Borough of Lewisham will face particular hardship if the Chancellor goes ahead with his plans, but will suffer even worse hardship if it is to be subjected to a standard, flat rate percentage reduction in funding. Lewisham is a diverse borough with severe levels of deprivation which experiences significantly worse health outcomes than London and England. This response pays particular attention to

- *The adverse impact such a funding reduction would have on residents who share a protected characteristic*
- *The high risk of these cuts being incompatible with the Secretary of State's duty to reduce health inequalities.*
- *An important example of the possible impact on programmes designed to tackle health inequalities*

In addition, we should like to highlight the fact that because of the disproportionate level of reductions in overall funding that Lewisham has already had to bear, reductions which in themselves carried a risk of an adverse effect on public health, all measures to mitigate risks to vulnerable populations have already been exhausted.

Most of Lewisham's Public Health allocation (94%) is tied up in contracts, predominantly NHS contracts. Sexual health contracts account for around 35% of Public Health spend locally. Genito-Urinary Medicine alone accounts for 11% and there is considerable volatility around this element of public health contracts; it has seen year on year growth, and there is still no agreement on tariff for 2015/16 with the major London GUM providers. This already creates significant cost pressures for the Council: in the last financial year GUM costs from our local provider increased by 37%. Against this background, and given that a number of contracts have recently been re-procured, negotiating in year savings on contracts would be extremely difficult, and unreasonable to expect of providers. To achieve the full year effect we would need to disinvest in providers over the winter period - a particular issue for our main local provider, where reductions in our payments to them would risk destabilisation at a critical time, running counter to the aims of the BCF. Requiring providers to make reductions of the level required would also mean that skilled NHS staff would have to be made redundant. Given the difficulty in recruiting and retaining such staff, we believe that this would be unacceptably damaging and would be very difficult to recover from.

The fact that most of our allocation is tied up in this way, together with the fact that the notice period for NHS contracts is a minimum of six months, means that most of the required savings will have to be found from reductions in staffing in the Public Health team itself, which accounts for 5 to 6% of Public Health spend in Lewisham, or from elsewhere in the Council. The Public Health team has already been re-organised with a reduction in staffing ; even if the whole of the Public Health team were now made redundant, Lewisham could not meet the saving requirement under Option C, and as most of the team are on terms and conditions that require three month's notice, even this most drastic step would not achieve anything like the savings required. This step would also mean, of course, that Lewisham could not meet its Public Health obligations and there would be a seriously negative impact on Lewisham's performance on the Public Health Outcomes Framework.

Finally, but critically, the pace of population growth in Lewisham is rapid. The borough has one of the fastest growing populations in the country. In 2014, there were 4,759 live births in Lewisham giving a General Fertility Rate of 65.8 live births per 1,000 women aged 15-44, compared to a rate of 62.2 for England. In 2000, there were just 3,887 live births in Lewisham, giving a GFR of 63.8. This has contributed to significant overall growth in the population over the last decade, between the 2001 and 2011 Census the population increased by 27,000 residents and the latest mid-year estimates state this has now grown a further 16,000 to 292,000, an unprecedented rise which is predicted to continue. This significant increase, adds to the challenges in an area of high need.

Substantial, disproportionate and unavoidably adverse impact on people who share a protected characteristic

Lewisham is the 14th most ethnically diverse local authority nationally (2011 Census). This diversity makes for a vibrant local population, rich in the cultures associated with its constituent BME populations. It does, however, also present challenges in terms of public health promotion, uptake of public health programmes, and (crucially) in higher rates of certain conditions or a greater prevalence of certain risk behaviours. As the population grows, it continues to diversify, meaning that a multitude of nationalities, faiths and cultures with differing needs is emerging. Lewisham residents are also far more likely to have English as a second language.

The diversity of Lewisham's population is illustrated by the growing proportion of residents from BME backgrounds. Growth in diversity is highest in the young. Over half (54.8% in 2013) of live births in

Lewisham are to Mothers born outside the UK. In 2014, 74% of Lewisham pupils were from a BME background. This is significant because the greatest spend in Public Health budgets is on children and young people, and adults under 45 years. Much of the spend in this last group is accounted for by spend on sexual health and substance misuse services.

Overall, health outcomes are poorer in Lewisham, but this can mask how certain groups are disproportionately affected by negative health outcomes. A summary of these inequalities by protected characteristic is given below:

- The highest risk of low birth weight is in babies born to mothers of Black African and Black Caribbean ethnicity, to mothers of any Asian ethnic group, and to mothers from deprived areas.
- Mental ill health is more prevalent in certain BME groups, those who identify as Lesbian, Gay or Bisexual, those who are divorced/widowed/separated and those living in deprived areas.
- Mental health services are accessed disproportionately by BME residents and demand for services is high and increasing.
- Lewisham's Black and Minority Ethnic communities are also at greater risk from health conditions such as diabetes, hypertension and stroke.
- Lewisham has very high rates of abortion, teenage pregnancy and sexually transmitted infections. In London, Lewisham has the third highest number of people living with HIV, and over half of all cases are diagnosed late. Certain groups are disproportionately affected by sexual ill-health. For example, HIV has had a greater impact on men who have sex with men and those from Black African communities.
- The borough has a high rate of teenage pregnancy - in 2012, the teenage conception rate was 33.1 per 1000 women aged 15-17. This was far higher than the England rate of 24.3 per 1000 and the second highest rate in London. As teenage mothers are particularly susceptible to certain maternal conditions including post-natal depression, the greater number of teenage mothers in Lewisham means there is an even greater prevalence of these conditions in Lewisham. Furthermore young black women in Lewisham are almost twice as likely to become pregnant than young white women.

Health Inequalities

Life expectancy in Lewisham is lower for men and women compared to both London and England; significantly so for men. The disparity across the borough is also a cause for concern. There is over a nine year difference in mortality between men and almost an 11 year disparity in women in different parts of Lewisham.

Overall, in Lewisham, mortality in those aged under 75 due to causes which are considered preventable is significantly higher than in London or England as a whole. For example, the mortality rate in those under 75 due to preventable cardiovascular diseases is higher in Lewisham for both men and women. This has important implications for Public Health's obligation to provide the NHS Health Check programme, which aims to prevent heart disease, stroke, diabetes and kidney disease, and raise awareness of dementia both across the population and within high risk and vulnerable groups. Whilst uptake of the programme has steadily improved, reduced Public Health funding in Lewisham would risk the council's ability to meet its requirement to continually improve the percentage of eligible people taking up the offer of a health check.

Lewisham's Health and Wellbeing Strategy is supported by an overarching Performance Dashboard, to monitor and evaluate the progress of how the strategy is being implemented. Performance is monitored using a variety of indicators, which can be benchmarked against England. The following are indicators which are significantly worse for Lewisham than the England average, demonstrating the borough's health inequalities.

- Male life expectancy
- % of children in poverty and % of families that are homeless.
- Under 75 mortality from CVD
- Low birth weight of babies
- Excess weight in children in reception
- Excess weight in children in year 6
- Breast Cancer screening cover
- Cervical cancer screening cover
- Under 75 mortality from all cancers (DSR)

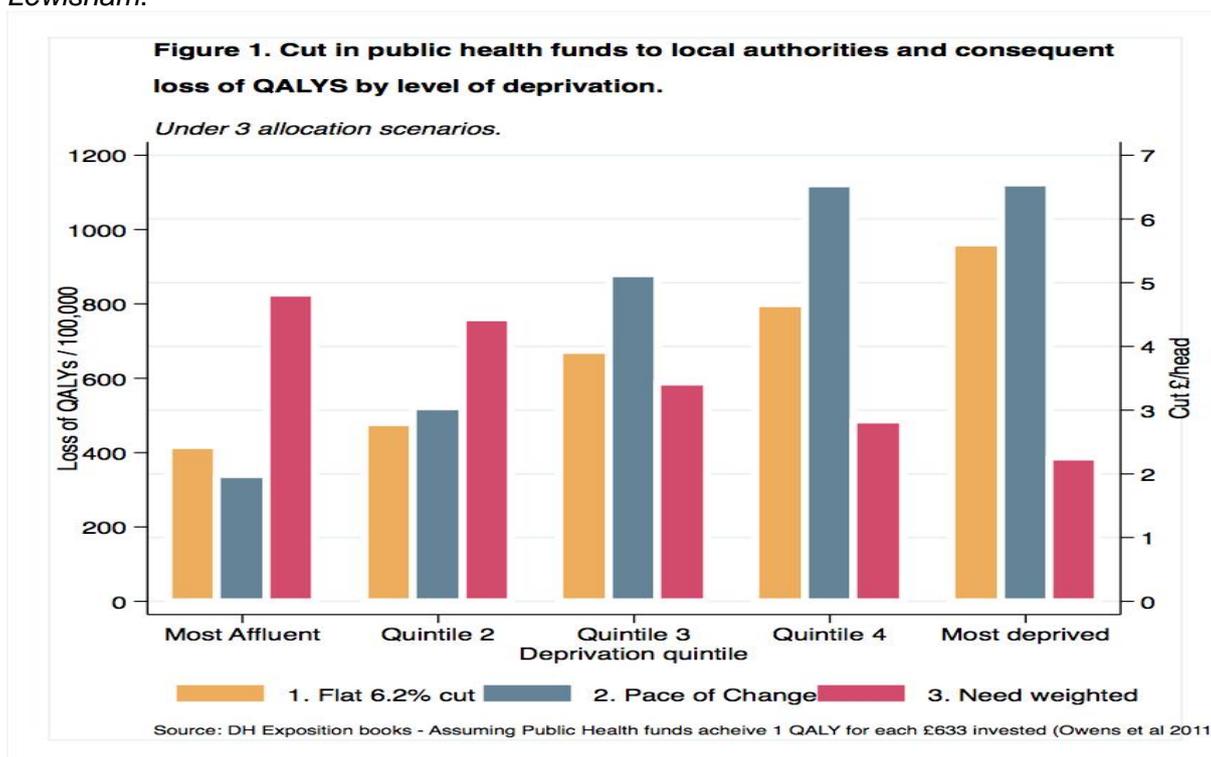
- Uptake of HPV vaccine
- Under 75 Mortality from lung cancer
- Rate of chlamydia diagnoses
- Legal abortion rates for all ages
- Teenage conceptions

The composite and cumulative impact of the above begins to illustrate the level of hardship that the borough of Lewisham endures.

Deprivation

- As evidenced by the Indices of Deprivation (2010) dataset, Lewisham is one of the 20% most deprived Local Authorities in the country, and relative to other areas deprivation was increasing
- As long term conditions are more prevalent amongst the poorest in society, the high levels of deprivation in Lewisham equate to greater pressures and need due to the higher prevalence of long term conditions and other illnesses.
- 27.6% of Lewisham’s children live in poverty, compared to 23.7% in London as a whole
- 31% of 0–4 year olds live in workless households (all adults claiming workless benefits.. More than a quarter of Lewisham’s pupils are eligible for Free School Meals (FSM), with 26% of mainstream school pupils with FSM (compared to 16.5% nationally), and 53% of special school pupils with FSM (35% nationally)

The Faculty of Public Health has illustrated that the most deprived local authorities will be disproportionately affected by a flat rate cut of 6.2%, and to lesser extent a pace of change cut (Fig 1). The ranking from the Indices of Deprivation places Lewisham firmly within the most deprived quintile. As such the currently proposed flat rate cut will compound the difficulties already experienced by deprived areas such as Lewisham.



Source: <http://betterhealthforall.org/2015/06/16/cutting-public-health-funds-implications-for-health-inequalities/>

Housing

The link between housing and health is well established. Lewisham is the 13th most densely populated local authority in England and Wales (2011 Census). Almost a quarter (22.2%) of households are overcrowded, an increase from the previous Census. In 2014/15 there were 769 Lewisham households accepted as being homeless and in priority need. This equates to a rate of 6.23 per 1,000 households, almost three times the England rate. Both factors have a detrimental impact on health and wellbeing and the borough needs adequate resources to be able to support its most vulnerable residents.

The proportion of households living in social rented properties decreased notably between the 2001 and 2011 Census, whilst Private Renting increased by 10%, to almost a quarter of all households. More recent data compiled by the Housing Department within Lewisham found that in the last ten years the private rented sector (PRS) in Lewisham has more than doubled in size and continues to grow. It is of note that more than half of people living in the PRS in Lewisham are under 34.

The part of the PRS which is of most concern are Homes in Multiple Occupations (HMOs). In Lewisham, there are an estimated 13,410 HMOs and of these, 7,880 are houses that are poorly converted to flats, while 4,830 are shared by more than one family or contain multiple households. Larger HMOs must be licensed but 70% of those in Lewisham were not licensed in February 2014.

The most vulnerable are the approximately 10,500 PRS households who are in receipt of housing benefit. Landlords are increasingly reluctant to take tenants in receipt of housing benefit as they find they can charge higher rents to non-benefit recipients. This leads to more evictions, in 2014 54% of the council's homelessness cases were due to someone being evicted from a private sector tenancy.

In addition to deprivation and poor housing, there are many other local challenges in addressing inequalities. Lewisham has a notably higher number of children with Child Protection Plans. Despite a decline, Lewisham continues to have one of the highest rates of domestic violence offences in the Metropolitan Police area. At 603 per 100,000 Lewisham has a significantly higher rate of first time entrants to the Youth Justice system than London or England; Lewisham's rate is the fourth highest in London.

Programmes to Address Health Inequalities

Strong examples of effective Public Health work and interventions to address inequalities include work that has taken place in deprived areas of the Lewisham. These include 'Well Bellingham' and the 'North Lewisham Health Improvement Programme'. Both programmes have been robustly evaluated and demonstrated very positive impacts, including:

- Increased awareness, understanding, and motivation to improve health and well-being
- Increased numbers quitting smoking, up to 62% in one ward in the North Lewisham Programme compared to 7% across Lewisham
- Increased consumption of fruit and vegetable, as high as 22% in North Lewisham
- Increased levels of physical activity - 33% (North Lewisham), 16% (Bellingham)
- Increased uptake of and improvements in primary care services
- Trebling of the number of cancer referrals per month
- Dramatic improvement in the numbers referred within two weeks by GPs for breast, bowel and lung cancer
- Residents from all sections of the community successfully reached, including harder to reach groups

These and other programmes will be endangered by the levels of savings now required of Lewisham's Public Health team.

Question 2: How can DH, PHE and NHS England help LAs to implement the saving and minimise any possible disruption to services?

We can propose no steps that can be taken in this regard.

It is unlikely that there is anything meaningful that can be done to reduce the impact of these savings in terms of disruption of services. Such a large saving requirement in-year, with such little opportunity to plan, and where the levels of savings required of the Council have already been great, all mean that it would be difficult to avoid disruption. We recommend that the DH, PHE and NHS England consider the Faculty of Public Health's statements on the impact of these savings.

Question 3: How best can DH assess and understand the impact of the saving?

By collating detailed plans from local public health teams to see what is proposed as a result of this requirement.

Examination of the impact on the Public Health Outcome Framework and on health inequalities will not provide a timely assessment, though should be important in the long-term.

Agenda Item 4

MAYOR & CABINET		
Report Title	Outstanding Scrutiny Matters	
Key Decision	No	Item No.
Ward		
Contributors	Head of Business and Committee	
Class	Part 1	Date: 9 September 2015

1. Purpose of Report

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

2. Recommendation

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

Report Title	Responding Author	Date Considered by Mayor & Cabinet	Scheduled Reporting Date	Slippage since last report
Response to Overview & Scrutiny Committee – Care Act	ED Community	25 March 2015	9 December 2015	No
Response to Safer Stronger Communities Select Committee -Violence Against Women and Girls: awareness raising and prevention review	ED Community	3 June 2015	9 September 2015	No
Response to Sustainable Development Select Committee – Flood Risk and River related Consultations	ED Res & Reg	3 June 2015	9 September 2015	No

Response to Healthier Communities Select Committee – Transition from Children’s to Adult Services	ED CYP and ED Community	15 July 2015	30 September 2015	No
Response to Housing Select Committee – Communal Heating Systems Review	ED Customer	15 July 2015	30 September 2015	No
Response to Overview & Scrutiny Committee – London Fire Brigade	ED Customer	15 July 2015	30 September 2015	No

BACKGROUND PAPERS and AUTHOR

Mayor & Cabinet minutes 25 March, 3 June, 15 July 2015 available from Kevin Flaherty 0208 3149327 or at:

<http://councilmeetings.lewisham.gov.uk/ieListMeetings.aspx?CId=139&Year=0>

Agenda Item 5

Chief Officer Confirmation of Report Submission		
Cabinet Member Confirmation of Briefing		
Report for: Mayor		<input type="checkbox"/>
Mayor and Cabinet		<input checked="" type="checkbox"/>
Mayor and Cabinet (Contracts)		<input type="checkbox"/>
Executive Director		<input type="checkbox"/>
Information <input type="checkbox"/>	Part 1 <input checked="" type="checkbox"/>	Part 2 <input type="checkbox"/>
Key Decision		<input type="checkbox"/>

Date of Meeting	9 th September 2015
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Title of Report	The allocation of the London Enterprise Board (LEP) growth slice for skills, employment and business development purposes
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Originator of Report	Paul Hadfield – Enterprise Development Manager
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At the time of submission for the Agenda, I confirm that the report has:

Category	Yes	No
Financial Comments from Exec Director for Resources	x	
Legal Comments from the Head of Law	x	
Crime & Disorder Implications	NA	
Environmental Implications	x	
Equality Implications/Impact Assessment (as appropriate)	x	
Confirmed Adherence to Budget & Policy Framework	x	
Risk Assessment Comments (as appropriate)	NA	
Reason for Urgency (as appropriate)	NA	

Signed: _____ Executive Member 

Date: 1.9.2015

Signed:  _____ Director/Head of Service

Date: 1-9-2015

Control Record by Committee Support	
Action	Date
Listed on Schedule of Business/Forward Plan (if appropriate)	
Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)	
Submitted Report from CO Received by Committee Support	
Scheduled Date for Call-in (if appropriate)	
To be Referred to Full Council	

MAYOR AND CABINET			
Report Titles	The allocation of the London Local Enterprise Board (LEP) growth top-slice for skills, employment and business development purposes/New Homes Bonus		
Key Decision	Yes		
Ward	All		
Contributors	EXECUTIVE DIRECTOR FOR RESOURCES & REGENERATION, HEAD OF STRATEGY HEAD OF LAW		
Class	PART 1	Date	9 September 2015

1. Summary

- 1.1 The Growth Deal for London makes provision for £70m of LEP growth top-slice funding to be used by London boroughs on projects which support the London Enterprise Panel's (LEP) Jobs and Growth Plan. This grant is administered by London Councils. The Council bid for a proportion of this London wide funding and has been allocated a total of £2,216,835 for the delivery of the Lewisham LEP growth top-slice Programme. The Programme comprises of two projects.
- The Lewisham Enterprise Hubs (£1,217,290)
 - Transforming Construction Skills for South London (£999,545)
- 1.2 The Transforming Construction Skills for South London project is funded jointly with London Borough of Southwark. Southwark have committed £1,730,927 of their LEP growth top slice allocation, in addition to this they have reserved £430,000 of their Section 106 employment and training contributions for the project.
- 1.3 The Lewisham Enterprise Hubs project will implement a key component of the Lewisham Business Growth Strategy which was approved by Mayor and Cabinet on 15 January 2014, and the construction skills work is delivering a key part of the work and skills strategy agreed by Mayor and Cabinet on 10 July 2013.
- 1.4 The Council has secured an additional £430,373 of funding from the GLA High Street fund. This is to support the development of a temporary Enterprise hub and other community activity on the ground floor of the re-deployable building on the site of the vacant former Ladywell Leisure Centre site.
- 1.5 This report provides details of the Lewisham programme which will be supported with these grants.

2. Purpose of Report

- 2.1 To outline for Mayor and Cabinet the Lewisham LEP growth top-slice programme.
- 2.2 To seek approval from Mayor and Cabinet for the receipt of grant from the LEP growth top-slice and GLA High Street Fund to deliver the Lewisham programme.

3. Recommendations

- 3.1 It is recommended that the Mayor approve the receipt of grant totalling £2,216,835 from the LEP growth top-slice and GLA High Street Fund totalling £430,373 to deliver the Lewisham programme.
- 3.2 It is recommended that the Mayor approves new capital programme budgets of £1,006,711 to deliver the capital works associated with the Enterprise Hubs. These budgets will be funded by LEP growth top-slice (£576,338) and GLA High Street Fund (£430,373).

4. Policy Context

- 4.1 The London Enterprise Panel's Jobs and Growth Plan for London has four key priorities:
 - **skills & employment:** to ensure Londoners have the skills to compete for and sustain London's jobs;
 - **small & medium sized enterprises:** to support and grow London's businesses;
 - **science & technology:** for the capital to be recognised globally as world leading hub; for science, technology and innovation - creating new jobs and growth; and
 - **infrastructure:** to keep London moving and functioning.
- 4.2 The Lewisham Business Growth Strategy for 2013 to 2023 identified that while the borough has become a leading centre for micro businesses (with over 84.2% of businesses in the borough employing five people or less) there was a lack of hubs in the borough which could support growth in the micro business sector. The strategy therefore included the objective 'To expand opportunities for incubator space for new businesses and specific business sectors'.
- 4.3 The Lewisham Work and Skills Strategy 2013-2015 sets out the objectives and actions for the council and partners to supporting employment. The strategy identified a high number of job opportunities in the local construction sector and the need to enhance the skill and experience of local people to access these jobs.
- 4.4 Furthermore, the Community Budget programme, which Lewisham is a part of alongside Lambeth and Southwark Councils, is proposing to set up

a section 101 joint committee later this year. This will provide a vehicle for joint decision making, enabling the three councils to respond to the devolution agenda and to explore possibilities for greater integration and joint commissioning. The proposal to establish this joint committee will be submitted to Mayor and Cabinet in October 2015.

5. Background

5.1 Enterprise Hubs

5.2 The London Enterprise Panel's Jobs and Growth Plan recognises that sustainable growth in the London economy will depend on growth in the number of competitive small businesses. London Council's coordinated the development of LEP growth top-slice proposals from councils. This included the coordination of programmes which support the LEPs theme to develop new enterprise hubs which would support the growing number of micro businesses in the capital.

5.3 A feasibility study was undertaken in 2014 for establishing a business incubator centre in the Old Town Hall Building. A model for the centre was developed which would support small businesses by providing a place for home workers, self employed and other micro businesses to be co-located and where they would be able to collaborate, network, innovate and grow.

5.4 A proposal for LEP growth top slice funding was developed for establishing an Enterprise Hub on the fourth and fifth floors of the Old Town Hall Building in Cufford as well as two smaller Enterprise Hubs in Ladywell and Deptford. The aim is to establish through this network of enterprise hubs a new eco system for supporting micro enterprises in the borough. The Hubs will be located on a temporary basis for between four and ten years and would aim to both stimulate growth in the micro business economy and support the regeneration of the main town centres.

5.5 Additional match funding of £430,373 was secured from the GLA High Street Fund to develop a mix of temporary enterprise and community activity on the ground floor of the re-deployable building on the site of the former Ladywell Leisure Centre site.

5.6 Studio Tilt a leading design company specialising in the design of new co-working centres, has been appointed to develop designs and to support the Council with the refurbishment and fit out of the enterprise hubs.

5.7 The Council is tendering for an experienced enterprise hub operator to develop and manage the three enterprise centres. The operator will be appointed in autumn 2015.

5.8 The refurbishment and fit out of the Enterprise Hubs will be completed by March 2016 and the hubs will be open in spring 2016.

5.9 Transforming Construction Skills for South London

5.10 The London Enterprise Panel's Jobs and Growth Plan (April 2013) highlights the need to improve the skills and employment system to focus investment onto sustained employment, and for it to be employer driven as opposed to the current model which is provider driven.

5.11 The LEP, through the Jobs and Growth Plan, have undertaken to deliver in partnership with Construction Skills a jointly funded programme to improve the construction sector's approach to employment and skills.

5.12 London 2036: An Agenda for Jobs and Growth, project managed and published in January 2015 by London First for the London Enterprise Panel, identifies the actions, by both public and private sector organisations, which could best support the delivery of jobs and growth in London over the next twenty years. The Transforming Construction Skills project is linked to 2 of the 10 priorities;

- **Accelerate housing delivery** – improve incentives, coordination, capabilities and resourcing across the GLA and the boroughs to increase dramatically the planning and building of new homes. An element of the solution includes working with the construction sector and skills providers to ensure that a lack of construction skills in London does not become a barrier to home building.
- **Develop Londoners' employability** – dramatically scale up efforts to ensure that everyone who grows up in London is equipped to compete for jobs in a changing and increasingly competitive labour market.

5.13 The Skills to Build report (Nov 14), researched and written by the London Chamber of Commerce and Industry supported by KPMG, provided that construction skills shortages are affecting the current delivery of projects across London and the South East.

5.14 The report concludes that;

- 20% more workers will be required on average to meet pipeline demand in 2014-2017 than were needed in the 2010-2013 period.
- Current levels of training provision will be insufficient to meet the increased demand for labour over the coming years
- Training providers are not supplying qualifications that the industry needs
- 51% average increase in training provision will be required to meet demand for construction labour between 2014 – 2017 to plug a gap of over 14,800 trainees.
- A significant increase in competency training is needed to meet demand for construction managers, roofers, scaffolders, electricians, labourers and non-construction operatives, among

others.

- 5.15 Responding to the LEP's Jobs and Growth Plan for London's skills and employment priority and using quantitative evidence extracted from the LCCI/KPMG Skills to Build report, the council led on the formation of the Transforming Construction Skills in South London steering group. The membership of the group includes London Borough of Lewisham, Southwark and Lambeth along with Lewisham Southwark College, Lambeth College, South Thames College, London South Bank University and the Construction Industry Training Board. This steering group sits under the three Borough (Lewisham, Lambeth and Southwark) community budget programme on work and skills.
- 5.16 The group appointed QTS, a national training provider specialising in training and assessments in the construction, engineering and manufacturing sectors, to analyse the current and future state of skills demand and provision in the construction sector within the tri-borough region and the immediate surrounding areas.
- 5.17 The QTS report (Feb 15) reflected the skills shortage picture for the tri-borough area as that highlighted in the London wide LCCI/KPMG report. It also highlighted the benefits and opportunities which co-ordinated, cohesive action could bring to the local community in terms of routes into construction leading to sustainable employment.
- 5.18 The QTS feasibility study conclusions supported the agreed next step to commission a project development resource. The Council is leading on procuring the resource to deliver the following;
- To set up the organisation through which the project will be delivered
 - Negotiate and agree the revised, industry demand aligned, construction sector curricula delivery with the Further Education project partners.
 - Submit proposals and recommendations for the structure of a central resource responsible for marketing, revenue generation, employer engagement, quality control, monitoring etc.
 - Engage with Schools, Education Business Partnerships, construction employers and industry bodies (CITB) to test appetite and capacity for raising the profile of construction careers and develop schools engagement plan
 - To explore with employers the feasibility of developing a General Training Agency/Apprenticeship Training Agency.
 - To establish a new construction skills centre at the Elephant & Castle funded by Southwark bid.
- 5.19 It is envisaged that implementation of the agreed project activities will commence in April 2016.
- 5.20 London Borough of Lewisham and Southwark have jointly submitted a further bid for European Structural Fund in the sum of £552,000. If

secured the ESF funding will extend the scope of the existing project. The bid has progressed through the first gateway and we are expecting a final decision on this funding in autumn 2015.

6. Legal Implications

- 6.1 Under the Council's Constitution, approval of any application for external funding which exceeds £1 million may only be granted by Members.
- 6.2 The Funding Agreements that the Council must enter into with both funding bodies (LEP growth top-slice and GLA) contain the objectives of the project that the Council must meet in order to receive the funding. This includes ensuring sufficient resources are attached to the project who are competent and qualified personnel, complying with any milestones set out in the project documentation and reporting to the funding bodies all activities carried out, expenditure incurred and achievement of milestones.
- 6.3 The Council must use the funding solely for the project. Failure to do so may result in the funding bodies reducing the funding or require all or part of the funding to be returned.
- 6.4 The terms of the funding agreements have been approved by legal services and once approval has been granted to accept the funding the Council will be able to execute the agreements.

7. Financial implications

- 7.1 The LEP growth top-slice programme is grant funded from external sources and does not require additional funding from council budgets.
- 7.2 Lewisham's LEP growth top-slice grant funding totals £2,216,835 and is to support the development of the Lewisham Enterprise Hubs and Transforming Construction Skills for South London projects. £430,373 additional funding has been secured from the GLA High Street funds to support the Enterprise Hubs.
- 7.3 London Borough of Southwark has committed £1,730,927 of their LEP growth top slice allocation to the Transforming Construction Skills project.
- 7.4 This report seeks approval from Mayor & Cabinet for new capital programme budgets of £1,006,711 to deliver the capital works associated with the Enterprise Hubs. These budgets will be funded by LEP growth top-slice (£576,338) and GLA High Street Fund (£430,373).

8. Environmental Implications

- 8.1 The LEP growth top-slice programme will encourage small businesses and residents to be more environmentally sustainable by providing information and referrals to specialist support.

9. Equality Implications

- 9.1 The LEP growth top-slice programme will develop strategies to support young people, BAME and migrant communities and people with disabilities who are disadvantaged in the labour market.

10. Background papers and author

Skills to Build – LCCI/KPMG Construction Skills Index (London and the South East) 2014.

<http://assets/sites/EcoDev/EcoDev/LLBS/Projects%20and%20Contracts/Construction%20Skills%20Centres/Skills%20to%20Build%20Report%20November%202014.pdf>

QTS South London Construction Training Network – Front Doors for Construction Training in Southwark, Lambeth and Lewisham Project – February 2015.

[http://assets/sites/EcoDev/EcoDev/LLBS/Projects%20and%20Contracts/Construction%20Skills%20Centres/QTS_FeasabilityStudy_Feb15%20compressed%20\(3\).pdf](http://assets/sites/EcoDev/EcoDev/LLBS/Projects%20and%20Contracts/Construction%20Skills%20Centres/QTS_FeasabilityStudy_Feb15%20compressed%20(3).pdf)

Jobs and Growth Plan for London - London Enterprise Panel – April 2013.

<https://www.london.gov.uk/sites/default/files/Jobs%20%26%20Growth%20Plan%20for%20London.pdf>

London 2036: an agenda for jobs and growth – London First/London Enterprise Panel – January 2015 <https://lep.london/publication/london2036>

Lewisham's Enterprise Hubs LEP growth top-slice proposal.

Lewisham's High Street Fund proposal July 2015.

For more information on this report please contact Paul Hadfield, Enterprise Development Manager, Economic Development Services, on 020 8314 3708.

Agenda Item 6

Chief Officer Confirmation of Report Submission	
Report for: Mayor	<input type="checkbox"/>
Mayor and Cabinet	<input checked="" type="checkbox"/>
Mayor and Cabinet (Contracts)	<input type="checkbox"/>
Executive Director	<input type="checkbox"/>
Information <input type="checkbox"/> Part 1 <input checked="" type="checkbox"/> Part 2 <input type="checkbox"/> Key Decision <input type="checkbox"/>	

Date of Meeting	9 September 2015	
Title of Report	Anti Social Behaviour, Crime and Policing Act 2014 – Request for Delegated Authority	
Originator of Report	Executive Director for Community Services / Head of Crime Reduction and Supporting People / Strategic Crime, Enforcement & Regulation Manager	Ext. 49569

At the time of submission for the Agenda, I confirm that the report has:

Category	Yes	No
Financial Comments from Exec Director for Resources		
Legal Comments from the Head of Law		
Crime & Disorder Implications		
Environmental Implications		
Equality Implications/Impact Assessment (as appropriate)		
Confirmed Adherence to Budget & Policy Framework		
Risk Assessment Comments (as appropriate)		
Reason for Urgency (as appropriate)		

Signed  Director/Head of Service
(Aileen Buckton)

Date

Signed  Cabinet Member
(Cllr Janet Daby)

Date 19/8/15

Control Record by Committee Support

Action	Date
Listed on Schedule of Business/Forward Plan (if appropriate)	
Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)	
Submitted Report from CO Received by Committee Support	
Scheduled Date for Call-in (if appropriate)	
To be Referred to Full Council	

Mayor & Cabinet		
Report Title	Anti Social Behaviour, Crime & Policing Act 2014 – Delegated Authority	
Key Decision	yes	Item No.
Ward	All	
Contributors	Executive Director for Community Services	
Class	Open	September 9 2015

1. Introduction

- 1.1 This report seeks approval for the delegation of enforcement functions under the Anti-social Behaviour, Crime & Policing Act 2014, the “2014 Act”. It is requested that authority for the exercise of these functions be delegated to the Executive Directors for Community Services and Customer Services.
- 1.2 The 2014 Act largely came into effect on 20th October 2014. It provides a number of enforcement powers to tackle anti-social behaviour, crime and disorder. The Act was brought in to streamline the number of relevant powers that can be used to address these issues into a unified framework of 9 powers and to give professionals flexibility to deal with any given problem or situation.

2. Purpose of the Report

- 2.1 This report seeks to delegate authority from the Mayor & Cabinet to officers so as to give practical effect to the arrangements for the enforcement of powers within the 2014 Act.
- 2.2 In Lewisham it is envisaged that the relevant enforcement powers created by the 2014 Act will be exercised by officers from a number of services including Crime Reduction Service, Housing (Private Sector Housing and Lewisham Homes) and Environment Services, however some of the powers can also be used by Police and Registered Social Landlords.

3. Recommendations

- 3.1 That the Mayor delegates to the Executive Directors for Community Services and Customer Services the Council’s enforcement functions pursuant to the Anti Social Behaviour, Crime & Policing Act 2014 including, but not limited to, exercising strategic, operational and

management powers and duties of the council, as detailed within Appendix 1 to this report.

3.2 That the Executive Directors for Community Services and Customer Services have delegated authority so as to authorise officers, within their own respective service areas, to exercise as and when may be required, the carrying out of those powers detailed within Appendix 1 to this report.

3.3 It is recommended to agree delegations as outlined in Appendix 1.

4. Policy Context

4.1 The 2014 Act received royal assent on 13th March 2014, and became effective from 20th October 2014. It has the aim of streamlining the “toolkit” professionals have at their disposal to deal with anti social behaviour in to a unified framework of 6 separate powers, reduced from 19 separately created in various other legislation including the Crime and Disorder Act 1998 and Anti social Behaviour Act 2003. This new “toolkit”, provided by the 2014 Act is intended to be easier and more flexible to use by practitioners.

4.2 In order for the Council to discharge its functions under the Act, a scheme of delegation should be in place so as to ensure that the relevant statutory enforcement powers are used appropriately within the remit of the respective service areas of the Executive Directors for Community Services and Customer Services.

4.3 The act is split into 14 parts, with parts 1-6 relating specifically to Anti Social Behaviour:

- Part 1 – Civil Injunctions
- Part 2 – Criminal Behaviour Orders
- Part 3 – Dispersal Powers
- Part 4 – Community Protection; Community Protection Notices, Public Space Protection Orders, Closure of Premises associated with nuisance or disorder
- Part 5 – Recovery of Possession of Dwelling Houses (Applicable to Social and Private Landlords)
- Part 6 – Local Involvement & Accountability; Community Remedies, Community Trigger

4.2 **Civil Injunction** –It is a civil power which can be applied to deal with anti social individuals and to prevent those individuals from engaging in further anti social behaviour. Injunctions will impose positive requirements as well as prohibitions, and it must specify who will supervise the implementation of these positive requirements. The Local Authority is one of a number of bodies who can apply for an injunction (others include the police and housing providers).

- 4.3 **The Criminal Behaviour Order (CBO)** – A CBO is only available on conviction of an individuals for a criminal offence. The Local Authority is one of a number of bodies who can apply for the Order at court when the individual is being sentenced. Similar to the injunction, the order can apply prohibitions and positive requirements on the individual to address their anti social behaviour.
- 4.4 **Community Protection Notice (CPN)** – the CPN can be used to deal with a particular ongoing and reoccurring problem that is affecting the local community's quality of life (Litter, flyposting, flytipping, dog fouling). The CPN can be issued to the person of organisation responsible following a written warning. This power is not intended to be used instead of statutory nuisance powers under the environmental Protection Act 1990; the council is still obliged to issue a abatement notice where necessary. Council Officers are able to issue the CPN, and these powers can also be delegated to social landlords by councils in the future. The Home Office is still consulting on the best process for doing this.
- 4.5 **Public Space Protection Order (PSPO)** – The PSPO is designed to stop individuals or groups from committing anti social behaviour or disorder in a public space. Local Authorities can issue PSPOs after consulting with local Police and the local police crime commissioner (in London this is the Mayor's Office for Policing and Crime)The order can include a number of requirements or restrictions, such as keeping dogs on leads, or to give up any alcohol containers to a police officer when requested.
- 4.6 **Closure Notices / Orders** – The local authority and the police can issue a closure notice and apply for a closure order from the court on any property where they believe is ASB or disorder is or is likely to take place. The Closure Notice is closes down the property to everyone but the owner for up to 48 hours, and the closure Order closes the property down to everyone but a police officer for up to 3 months.
- 4.7 **Absolute Ground for Possession** – the act introduces the new absolute ground for possession of secure and assured tenancies associated with ASB and criminality. The purpose of this ground is to speed up the process in cases where ASB or criminality has already been proven in another court. Landlords will no longer have to prove that it is reasonable to be granted a possession order, but instead the court must grant possession if the landlord has followed the correct procedure and can demonstrate at least one of the following conditions has been met: a conviction for a serious criminal offence; breach of injunction or criminal behaviour order; obtaining a premises closure order; conviction for breach of abatement notice.
- 4.8 **Community Trigger** – The Act created the new Community Trigger where relevant bodies in an area (local authority, police, health and

social housing) must undertake a ASB case review if someone makes an application for a review and the locally agreed threshold is met. The Crime Reduction Service has coordinated local consultation with partners and protocol for the execution of the community trigger process has been agreed and implemented. This is now available to the public to utilise via an application form on the Council's website.

5. Council Priorities

- 5.1 The powers contained in the act will assist the council in meeting its priority of making the borough 'safer' as set within the Sustainable Communities Strategy 2008 - 2020. It will assist the council in taking actions to meet the Safer Lewisham Partnership Priorities of reducing reoffending, reducing anti social behaviour, reducing youth crime and violence against women and girls.

6. Financial Implications

- 6.1 The cost of using any of these enforcement powers will be met through re-prioritising existing resources and budgets with no additional cost to the Council.

7. Legal Implications

- 7.1 Section 17 of the Crime and Disorder Act 1988 remains in force and requires local authorities to consider the community safety implications of all their activities. "it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area."
- 7.2 The 2014 Act has been brought into force to " put the victim at the heart of the response to anti social behaviour by providing professionals and organisations with greater flexibility to deal with any given situation." (Foreword to the 2014 Act)
- 7.3 The extent of the powers provided by the 2014 Act together with their relevant service areas and proposed officer delegations, are set out within Appendix 1 to this report.
- 7.4 Public Authorities are under a duty to act compatibly with the Human Rights Convention in the exercise of their functions. The Home Secretary has confirmed that the provisions of the 2014 Act are compatible with the Convention rights.
- 7.5 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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

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

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

7.8 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

7.9 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

7.10 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

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

8. Crime and Disorder Implications

8.1 Crime, disorder and anti social behaviour can have devastating effects on individuals, families and communities. The Council has a duty to respond to issues of crime and anti social behaviour, and by exercising these powers correctly the council is taking steps to improve the quality of life of residents in the borough.

9. Equalities Implications

9.1 There are no equality implications in this report. Incidents of ASB will continue to be dealt with in line with Crime Reduction Service protocols. Protocols have been updated to include the use of the new powers under the act.

10. Environmental Implications

10.1 There are no environmental implications in this report.

11. Background Papers and Report Author

Document	Date
The Anti Social Behaviour, Crime & Policing Act 2014 http://www.legislation.gov.uk/ukpga/2014/12/content/s/enacted	March 2014
The Anti Social Behaviour, Crime & Policing Act 2014: Reform of Anti Social Behaviour Powers Statutory Guidance for frontline professionals https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf	July 2014

If you require any further information about this report, please contact Lisa Hooper, Neighbourhood Community Safety Manager on 020 8314 6324.

Appendix I

Changes to legislation and functions

Repealed legislation: Function and legislation currently in the scheme	Replaced with: Function and legislation under new act to be delegated	Functions under new Act	To be delegated to:
<p>Anti-Social Behaviour Act 2003 — Part 6: The Environment Crime and Disorder Act 1998— (a)sections 1 to 1K (anti-social behaviour orders etc); (b)section 4 (appeals against orders); (c)section 8A (parenting orders on breach of anti-social behaviour order) are repealed.</p> <p>Violent Crime Reduction Act 2006 (c. 38) 44The following provisions of the Violent Crime Reduction Act 2006 (which relate to drinking banning orders) are repealed— (a)sections 1 to 7;</p>	<p>ASB, Crime & Policing act 2014 – Part 1 – Civil injunctions</p>	<ul style="list-style-type: none"> • To seek a Civil Injunction in accordance with Part 1 of the ASB, Crime & Policing Act 2014 to include exclusion of a person from their home in cases of violence or risk of harm. 	<p>Executive Directors for Community Services and Customer Services</p> <p>Any officer authorised by the Executive Directors for Community Services and Customer Services</p>

<p>(b)section 8(1) to (6); (c)sections 9 to 14. 45Section 27 of that Act (directions to individuals who represent a risk of disorder) is repealed.</p> <p>Crime and Security Act 2010 (c. 17) 46Sections 40 and 41 of the Crime and Security Act 2010 (anti-social behaviour orders: report on family circumstances and parenting orders on breach) are repealed.</p> <p>Housing Act 1996 (c. 52) In the Housing Act 1996, sections 153A to 158 and Schedule 15 (injunctions against housing-related anti-social behaviour) are repealed.</p>			
<p>Anti-Social Behaviour Act 2003 — Part 9: Miscellaneous powers are repealed</p>	<p>ASB, Crime & Policing act 2014 – Part 2 – Criminal Behaviour orders</p>	<ul style="list-style-type: none"> • To request a Criminal Behaviour Order alongside 	<p>Executive Directors for Community Services and Customer Services</p>

		Criminal Conviction	Any officer authorised by the Executive Directors for Community Services and Customer Services
<p>Clean Neighbourhoods and Environment Act 2005 (c. 16) Sections 55 to 64, 66 and 67 of the Clean Neighbourhoods and Environment Act 2005 are repealed.</p> <p>Part 2 – vehicles Part 3 – litter clearing notices and refuse Part 4 – graffiti and other defacement Part 5 - waste Part 6 – dogs & dog control orders Part 7 – noise Part 9 – miscellaneous</p> <p>Environmental Protection Act 1990, sections 92 to 94A (litter abatement notices, litter clearing notices and street litter control notices) are repealed.</p>	<p>ASB, Crime & Policing act 2014 – Part 4 – Chapter 1 – Community Protection Notices Part 4 – Chapter 2 – Public Space Protection Orders</p>	<ul style="list-style-type: none"> • To issue a community protection notice • To serve a notice or carry out work to remedy a breach of a CPN • To issue fixed penalty notices for failure to comply with a CPN • To determine level of fixed penalty notice for failure to comply with a CPN • To prosecute for failure to comply with a CPN • To authorise other persons (such as RSLs) to issue community protection notices • To Make, vary or 	<p>Executive Directors for Community Services and Customer Services</p> <p>Any officer authorised by the Executive Directors for Community Services and Customer Services</p>

<p>Sections 12 to 16 of the Criminal Justice and Police Act 2001 (alcohol consumption in designated public places) are repealed</p>		<p>discharge a Public Space Protection Order (PSPO)</p> <ul style="list-style-type: none">• To impose a requirement in breach of a prohibition under PSPO• To issue FPNs for the offence of failure to comply with a requirement in breach of a prohibition under a PSPO• To prosecute for the offence to comply with a requirement in breach of a prohibition under a PSPO• To determine level of FPN for failure to comply with PSPO• To issue, Cancel or vary a closure notice covering a	
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		<p>period of up to 48 hours</p> <ul style="list-style-type: none"> • To apply for a closure order • To apply for reimbursement of costs incurred in clearing, securing or maintaining premises subject to a closure order • To prosecute for contravention of a closure order 	
<p>Anti-Social Behaviour Act 2003 — Part 1 & 1A: Closure orders</p> <p>Licensing Act 2003 (c. 17) 34Sections 161 to 166 of the Licensing Act 2003 (closure orders of identified premises) are repealed. Section 169 of that Act (enforcement of closure order) is repealed. Anti-social Behaviour Act 2003 (c. 38) 41The following provisions of</p>	<p>ASB, Crime & Policing act 2014 – Part 4 – Chapter 3 – Closure Powers</p>	<ul style="list-style-type: none"> • To issue, cancel or vary a closure notice covering a period of up to 48 hours • To apply for a closure order • To apply for reimbursement of costs incurred in clearing, securing or maintaining premises subject to a closure order • To prosecute for 	<p>Executive Directors for Community Services and Customer Services</p> <p>Any officer authorised by the Executive Directors for Community Services and Customer Services</p>

<p>the Anti-social Behaviour Act 2003 are repealed— (a)Part 1 (closure of premises where drugs used unlawfully); (b)Part 1A (closure of premises associated with persistent disorder or nuisance); (c)Part 4 (dispersal of groups etc); (d)sections 40 and 41 (closure of noisy premises); (e)sections 48 to 52 (removal of graffiti and fly-posting) and the cross-heading before section 48.</p>		<p>contravention of a closure order</p>	
	<p>ASB, Crime & Policing act 2014 – Part 5 – Absolute Ground for Possession</p>	<ul style="list-style-type: none"> • Make applications for a possession order in relation to council properties whether on discretionary or mandatory grounds and action required 	<p>Executive Directors for Community Services and Customer Services</p> <p>Any officer authorised by the Executive Directors for Community Services and Customer Services</p>

		to enforce such an order	
	ASB, Crime & Policing act 2014 – Part 3 – Chapter 6 – Community Trigger	<ul style="list-style-type: none"> To oversee the operation of the community trigger process set out in part 6 of the Act in accordance with adopted procedures 	<p>Executive Directors for Community Services and Customer Services</p> <p>Any officer authorised by the Executive Directors for Community Services and Customer Services</p>

Agenda Item 7

Chief Officer Confirmation of Report Submission	
Report for: Mayor	<input type="checkbox"/>
Mayor and Cabinet	<input checked="" type="checkbox"/>
Mayor and Cabinet (Contracts)	<input type="checkbox"/>
Executive Director	<input type="checkbox"/>
Information <input type="checkbox"/> Part 1 <input checked="" type="checkbox"/> Part 2 <input type="checkbox"/> Key Decision <input type="checkbox"/>	

Date of Meeting	9 September 2015	
Title of Report	Approval of Enforcement policy for various regulatory functions	
Originator of Report	Executive Director for Community Services / Head of Crime Reduction and Supporting People / Strategic Crime, Enforcement & Regulation Manager	Ext. 49569

At the time of submission for the Agenda, I confirm that the report has:

Category	Yes	No
Financial Comments from Exec Director for Resources		
Legal Comments from the Head of Law		
Crime & Disorder Implications		
Environmental Implications		
Equality Implications/Impact Assessment (as appropriate)		
Confirmed Adherence to Budget & Policy Framework		
Risk Assessment Comments (as appropriate)		
Reason for Urgency (as appropriate)		

Signed  Director/Head of Service
(Aileen Buckton)

Date August, 2015

Signed  Cabinet Member
(Cllr Janet Daby/Cllr Rachel Onokosi)

Date August, 2015

Control Record by Committee Support

Action	Date
Listed on Schedule of Business/Forward Plan (if appropriate)	
Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)	
Submitted Report from CO Received by Committee Support	
Scheduled Date for Call-in (if appropriate)	
To be Referred to Full Council	

Chief Officer Confirmation of Report Submission

Report for: Mayor Mayor and Cabinet Mayor and Cabinet (Contracts) Executive Director

Information Part 1 Part 2 Key Decision

Date of Meeting	9 September 2015	
Title of Report	Approval of Enforcement policy for various regulatory functions	
Originator of Report	Executive Director for Community Services / Head of Crime Reduction and Supporting People / Strategic Crime, Enforcement & Regulation Manager	Ext. 49569

At the time of submission for the Agenda, I confirm that the report has:

Category	Yes	No
Financial Comments from Exec Director for Resources		
Legal Comments from the Head of Law		
Crime & Disorder Implications		
Environmental Implications		
Equality Implications/Impact Assessment (as appropriate)		
Confirmed Adherence to Budget & Policy Framework		
Risk Assessment Comments (as appropriate)		
Reason for Urgency (as appropriate)		

Signed  Director/Head of Service
(Aileen Buckton)

Date August, 2015

Signed  Cabinet Member
(Cllr Janet Daby/Cllr Rachel Onokosi)

Date August, 2015

Control Record by Committee Support

Action	Date
Listed on Schedule of Business/Forward Plan (if appropriate)	
Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)	
Submitted Report from CO Received by Committee Support	
Scheduled Date for Call-in (if appropriate)	
To be Referred to Full Council	

MAYOR AND CABINET		
Report Title	Approval Of Enforcement Policy For Various Regulatory Functions	
Key Decision	No	Item No.
Ward	All	
Contributors	Executive Director-Community Services. Head of Crime Reduction & Supporting People, Strategic Crime, Enforcement & Regulation Manager	
Class	Part 1	9 September 2015

1. Introduction

1.1 This report requests approval of an enforcement policy for the following Lewisham Council Regulatory functions namely:-

Those to be performed by the Environmental Health Service i.e.

- Food Safety - Enforcement and regulation of food safety, food standards and hygiene laws.
- Environmental Protection – Monitoring and regulation of noise, air and land quality to control pollution.
- Health and Safety - Enforcement and regulation of health and safety laws.

Those to be performed by the Crime Enforcement & Regulation Service i.e.

- Community Safety - Enforcement against persistent offenders of anti-social behaviour, crime and disorder using toolkit provided by the Anti Social Behaviour, Crime & Policing Act 2014 and any other relevant legislation.
- Licensing - Enforcement & Administration of the Licensing Act 2003, Gambling Act 2005, Scrap Metal Dealers Act 2013, Special Treatment Premises, Sex Establishments & various animal related legislation.
- Public Health & Nuisance – Enforcement & regulation to deal with issues such as amplified noise, smell, bonfires, drainage & other matters causing statutory nuisance.
- Trading Standards – Enforcement & administration of consumer protection and fair trading law

The following other services i.e.

- Clean Streets – Enforcement & regulation of abandoned and hazardous vehicles, fly-tipping & trade waste requirements, shop front licensing
- Markets – regulation of markets and street trading

1.2 It is intended that other regulatory services and functions will be subject to this policy as the law requires or as it is considered necessary and/or appropriate

1.3 By adopting a regulatory function approach as opposed to one based on specialist teams, this policy will be applicable irrespective of the regulatory service delivery model which may be in place in future.

2. Purpose of the Report

2.1 To approve the enforcement policy and enforcement standards set out as Appendix A1 and A2 to the report in place of that previously approved on 6 October 2010.

3. Policy Context

3.1 Section 21 of the Legislative and Regulatory Reform Act 2006 requires local authority regulators to have regard to the following principles when exercising their functions namely that:-

(a) regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent;

(b) regulatory activities should be targeted only at cases in which action is needed.

3.2 Regulators must also have regard to the Regulators' Code when determining any general regulatory policy or principles.

3.3 Lewisham's Sustainable Community Strategy contains the shared priorities for the borough. It sets out a framework for improving the quality of life and life chances for all who live in the borough. The Council has outlined ten corporate priorities which enables the delivery of the Sustainable Community strategy. Some examples of how the regulatory services which are the subject of this report can contribute to addressing these priorities are set out in the following paragraphs.

3.4 Successful street markets can help address the corporate priority of 'strengthening the local economy' by playing a role in the regeneration of our town centres and helping to make them vibrant attractive and safer places to shop and work . Markets can also provide opportunities to new businesses and assist in promoting a sustainable environment through recycling of market

waste and reducing the need for car travel by enabling residents to 'shop local'.

- 3.5 The success of local businesses can be supported via advice provided on health & safety, trading standards and food issues, to enable them to 'get it right first time'.
- 3.6 Trading standards, environmental enforcement and environmental protection functions address the priorities of '*safety, security and a visible presence*' and '*clean, green and liveable*' through activities aimed at reducing anti-social behaviour connected with the sale of alcohol and other restricted goods to children, tackling noise nuisance, air and land pollution, graffiti, fly-tipping and abandoned vehicles.
- 3.7 It should also be noted that community safety & licensing functions also contribute to a safer Lewisham. A joint trading standards & community safety approach to tackling scams and rogue doorstep sellers has been adopted to enhance positive impacts for vulnerable residents.
- 3.8 Environmental Health food enforcement activities to monitor that food hygiene and compositional standards are met contributes to the priority of ensuring active 'healthy citizens' as do health & safety activities in ensuring that workers at and visitors to commercial premises in the borough, are not at risk in the workplace.
- 3.9 The various functions seek to adopt a joined up approach whenever appropriate and practical and also work in partnership with other public service partners such as the Police, HMRC, Environment Agency, Public Health professionals.

4. Recommendation

It is recommended that the Mayor:

- 4.1 Agrees that the enforcement policy and enforcement standards at Appendix A1 and A2 to this report be adopted as applying to the regulatory functions referred to in this report to replace the policy agreed on 6 October 2010.
- 4.2 Agrees that those Council enforcement and regulatory functions not specifically mentioned in this report should have regard to the enforcement policy and enforcement standards at Appendix A1 and A2 to this report where applicable
- 4.3 That minor amendments and additions to the enforcement policy and enforcement standards relating to officer or service contact details or to changes in legislation applicable, be effected when necessary by relevant service managers without reference back to Mayor & Cabinet

5. Background

5.1 The regulatory functions to which this report applies comprise:-

Those to be performed by the Environmental Health Service i.e.

- Food Safety - Enforcement and regulation of food safety, food standards and hygiene laws.
- Environmental Protection – Monitoring and regulation of noise, air and land quality to control pollution.
- Health and Safety - Enforcement and regulation of health and safety laws.

Those to be performed by the Crime Enforcement & Regulation Service i.e.

- Community Safety - Enforcement against persistent offenders of anti-social behaviour, crime and disorder using toolkit provided by the Anti Social Behaviour, Crime & Policing Act 2014 and any other relevant legislation.
- Licensing - Enforcement & Administration of the Licensing Act 2003, Gambling Act 2005, Scrap Metal Dealers Act 2013, Special Treatment Premises, Sex Establishments & various animal related legislation.
- Public Health & Nuisance – Enforcement & regulation to deal with issues such as amplified noise, smell, bonfires, drainage & other matters causing statutory nuisance.
- Trading Standards – Enforcement & administration of consumer protection and fair trading law

The following other services i.e.

- Clean Streets – Enforcement & regulation of abandoned and hazardous vehicles, fly-tipping & trade waste requirements, shop front licensing
- Markets – regulation of markets and street trading

5.2 Each of these functions has statutory enforcement and regulatory duties making them subject to the requirements of the Legislative and Regulatory Reform Act 2006

5.3 In April 2014, the current statutory Regulators' Code, driven by the Better Regulation Delivery Office (BRDO) replaced the former Regulators' Compliance Code. Both were preceded by a voluntary Concordat on Good Enforcement.

- 5.4 The enforcement policy in place at the time of writing is that agreed when all functions above, with the exceptions of Licensing & Community Safety, were located in Environment Division. Given the organisational changes within enforcement & regulation that took place in June 2014 and considering proposed further changes along with the new statutory Regulators' Code it is appropriate that the enforcement policy is now revised.
- 5.5 The stated aim of the Code is to promote efficient and effective approaches to regulatory inspection and enforcement, improving the outcome of regulation without imposing unnecessary burdens upon business. The actions required by the Code reflect the principles of better regulation identified by BRDO that regulatory activities should be carried out in a way which is consistent, transparent, accountable, proportionate and targeted.
- 5.6 The regulator is not bound to follow a provision of the Code if they properly conclude that the provision is either not relevant or is outweighed by another relevant consideration. They must however ensure that any decision to depart from any provision of the Code is properly reasoned and based on material evidence.
- 5.7 The Code requires regulators to draw up and publish an enforcement policy and service standards. The policy and standards at appendix A to this report is based on BRDO templates and supersede any previous general provisions in place for the regulatory functions referred to in paragraph 5.1 above and addresses the following key principles of the Regulators' Code :-
- Regulators should carry out their activities in a way that supports those they regulate to comply and grow
 - Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views
 - Regulators should base their regulatory activities on risk
 - Regulators should share information about compliance and risk
 - Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
 - Regulators should ensure that their approach to their regulatory activities is transparent
- 5.8 Specific policies for functional areas are still permissible as long as they comply with the overarching principles of the Regulators' Code.

6. Financial Implications

- 6.1 This report has no specific financial implications.

7. Legal Implications

- 7.1 The Legislative and Regulatory Reform Act 2006 provides that regulatory activities should be carried out in a manner which is transparent, accountable, proportionate and consistent and that they should be targeted only at cases in which action is deemed necessary.
- 7.2 By virtue of the 2006 Act a Code of Practice, namely the Regulators Code has been issued in relation to the exercise of regulatory functions, replacing a previous code. Regulators must have regard to the Code of Practice when determining any general policy or principles by which they exercise their regulatory functions.
- 7.3 Compliance with the Regulators' Compliance Code is mandatory and actual enforcement decisions on a case by case basis remains with the local authority regulator and ultimately, in the cases of matters proceeding to court, with the Head of Law following a review of the relevant evidence and any other factors applicable at the time. If a prosecution on behalf of Lewisham Council is being considered then both the enforcing service concerned and the Head of Law separately will apply the current code of practice for Crown Prosecutors when considering undertaking criminal proceedings.
- 7.4 Public Authorities are under a duty to act compatibly with Convention rights under the Human Rights Act 1998.
- 7.5 Article 6(1) of the Convention provides that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial hearing established by law.

8. Crime and Disorder Implications

- 8.1 The regulatory activities described in this report can play a key role in helping to ensure a safe community and reduce anti-social behaviour. This can be evidenced by community safety and licensing activities, and also trading standards actions to combat the illegal sale of alcohol and knives to children and to combat the activities of rogue doorstep sellers. Environmental enforcement actions against fly-tipping and graffiti as part of a joined up approach with services such as cleansing can also play a very significant part in reducing the fear of crime.

9. Equalities Implications

- 9.1 Persons on low and fixed incomes and other vulnerable groups may particularly suffer adverse effects as a result of businesses and others failing to comply with regulatory obligations. Targeted regulatory and enforcement action can serve to support those at most risk and help safeguard personal and economic well being

- 9.2 The policy recognises that sensitivity to both the needs of local residents and the trading community is key to taking an ‘even handed’ approach to enforcement and regulation. Whilst the law applies to all, it must be administered in a manner appropriate to the diverse nature and range of Lewisham’s residential and business communities.
- 9.3 The Equality Act 2010 makes it unlawful to discriminate against, harass or victimise any person on the grounds of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage or civil partnership, pregnancy or maternity in the discharge of an authorised persons powers. This applies to the exercise of powers of entry.
- 9.4 A basic equalities analysis assessment has been undertaken and has concluded that although any enforcement action may have the potential for a low negative impact upon the protected characteristics of race and religious beliefs, the existence of policy and its sensitive application will minimise such impact and actually has the potential to promote positive impacts.

10. Environmental Implications

- 10.1 The regulatory activities described herein significantly impact upon numerous environmental issues. For example environmental enforcement action against those who fly tip helps to ensure a clean and green as well as a healthy environment. Licensing & public health & nuisance functions impact upon noise and alcohol induced anti-social behaviour. Environmental protection helps to ensure acceptable levels of air quality and that land pollution is controlled. Markets can have positive effects on the character and community of the surrounding area and can play a key role in the vibrancy and attractiveness of town centres. Their locations may also contribute to reduced carbon footprints and less waste in the packaging often associated with food retailing.

11. Background papers and report author

Document	Date
Regulators’ Code	April 2014
Legislative & Regulatory Reform Act 2006 – Part 2	

- 11.1 Please contact Gary Connors – Strategic Crime Enforcement & Regulation Manager

APPENDIX A1

Lewisham Council - Enforcement Policy For Regulatory Functions

Contents:

- 1. Introduction**
- 2. The purpose of this policy document**
- 3. The Principles of Good Regulation & The Regulators' Code**
- 4. Human Rights & data protection**
- 5. Our Enforcement Strategy**
- 6. Enforcement Decisions-Dealing With Non –Compliance**
- 7. The Conduct of investigations**
- 8. Formal Approval & review of this policy**
- 9. Comments and complaints**

1. Introduction

1.1 This document sets out the enforcement policy for the following regulatory functions of Lewisham Council namely:-

Those performed by the Environmental Health Service i.e.

- Food Safety - Enforcement and regulation of food safety, food standards and hygiene laws.
- Environmental Protection – Monitoring and regulation of noise, air and land quality to control pollution.
- Health and Safety - Enforcement and regulation of health and safety laws.

Those performed by the Crime Enforcement & Regulation Service i.e.

- Community Safety - Enforcement against persistent offenders of anti-social behaviour, crime and disorder using toolkit provided by the Anti Social Behaviour, Crime & Policing Act 2014 and any other relevant legislation.
- Licensing - Enforcement & Administration of the Licensing Act 2003, Gambling Act 2005, Scrap Metal Dealers Act 2013, Special Treatment Premises, Sex Establishments & various animal related legislation.

- Public Health & Nuisance – Enforcement & regulation to deal with issues such as amplified noise, smell, bonfires, drainage & other matters causing statutory nuisance.
- Trading Standards – Enforcement & administration of consumer protection and fair trading law

The following other services i.e.

- Clean Streets – Enforcement & regulation of abandoned and hazardous vehicles, fly-tipping & trade waste requirements, shop front licensing
- Markets – regulation of markets and street trading

Other regulatory services and functions may be subject to this policy as the law requires or as Lewisham Council considers necessary and/or appropriate

1.2 By 'enforcement' we mean ensuring that legal requirements are complied with.

1.3 Enforcement can take a number of forms ranging from the giving of advice right up to prosecution and occurs when a breach of relevant legislation is discovered by one of the services mentioned above.

1.4 This policy document should be read in conjunction with the document entitled '**Service Standards - What you can expect from Regulatory Services in the London Borough of Lewisham**'.

2. The purpose of this policy document

2.1 The policy explains, in general terms, the approach adopted by the above services when carrying out the Council's role in enforcing a wide range of legislation. Whilst some or all of the services concerned may have their own local policies & procedures for specific activities (e.g. Council Licensing Policy), they will be developed and applied in accordance with this document. We will also have regard to any statutory or other nationally recognised guidance which may be applicable such as that produced by The Health & Safety Executive (HSE), The Food Standards Agency (FSA), The Department for the Environment, Food & Rural Affairs (DEFRA), The Home Office and The Department for Business Innovation & Skills.

2.2 The purpose of this policy is to help ensure efficient and effective compliance with legislation while minimising the burden this might impose on individuals, businesses and others subject to regulation. Ultimately however it must be remembered that all regulatory service functions have a role to play in protecting the public, honest businesses and promoting and maintaining community well-being.

2.3 Officers of Lewisham Council must have regard to this policy when performing their duties.

3. The Principles of Good Regulation & The Regulators' Code

3.1 The Legislative and Regulatory Reform Act 2006, Part 2, requires Lewisham Council to have regard to the Principles of Good Regulation when exercising a specified regulatory function. For local authorities, the specified functions include those carried out by our environmental health, trading standards and licensing services.

We will exercise our regulatory activities in a way which is:

- (i) Proportionate – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence,
- (ii) Accountable – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures,
- (iii) Consistent – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities,
- (iv) Transparent – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return, and
- (v) Targeted – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities.

3.2 We have had regard to the **Regulators' Code** in the preparation of this policy. The Regulator's Code has been devised by the government's better Regulation Delivery Office (BRDO) and sets out a framework for how regulators should carry out their functions. Further details can be obtained at <https://www.gov.uk/government/publications/regulators-code>.

3.3 In certain instances we may conclude that a provision in the Code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented..

4. Human Rights Act, Data Protection & Avoiding Discrimination

4.1 Lewisham Council is a public authority for the purposes of the Human Rights Act 1998. We therefore apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms. This Policy and all associated enforcement decisions take account of the provisions of the Human Rights Act 1998. In particular, due regard is had to the right to a fair trial and the right to respect for private and family life, home and correspondence.

4.2 Where there is a need for us to share enforcement information with other agencies, we will follow the provisions of the Data Protection Act 1988 and any other relevant legislation that may apply.

4.3 The Equality Act 2010 makes it unlawful to discriminate against, harass or victimise any person on the grounds of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage or civil partnership, pregnancy or maternity in the discharge of an authorised persons powers. This applies to the exercise of powers of entry.

5. Our Enforcement Strategy

5.1 Our enforcement strategy is made up of 3 elements namely:-

- Education and information:- in order to assist businesses, members of the public and other stakeholders to understand their obligations and how to comply with them
- Monitoring and ensuring compliance through planned risk and intelligence-based inspection visits, enforcement projects and taking follow up action as needed where breaches are found. For example compliance with the law prohibiting the sale of alcohol to children is assessed by volunteers attempting test purchases.
- Investigating complaints and information received alleging breaches of the law or suggesting that particular trade related activities are causing concern.

5.2 Each element is used when and where considered most appropriate and effective. Occasions may arise where more than one element is applied at the same time. Each regulatory service reserves the right to decide which element is the most appropriate to be applied in any given circumstances.

6. Exercising Powers of Entry, Inspection & Enforcement

When exercising powers of entry , inspection and enforcement our officers will have regard to the following namely:-

- The specific legislation conferring the power
- The Protection of Freedoms Act 2012 and any code of practice or guidance issued there under
- The Consumer Rights Act 2015 and any code of practice or guidance issued there under
- The Police & Criminal Evidence Act 1984 and any code of practice or guidance issued there under
- Food Law (Code of Practice) England
- Feed Law Enforcement (Code of Practice) England

- Any other relevant applicable guidance or code of practice

7. Enforcement Decisions-Dealing With Non -Compliance

7.1 There are a number of enforcement options available in the event we discover a breach of legislation (non-compliance). These range from verbal advice on compliance through to prosecution. In order for us to determine the correct and proportionate level of action in a particular case, the following are considered:-

• How serious is the matter?

- Was there disregard for the law?
- Was there significant gain, dishonesty or intention to deceive?
- Has there been reckless disregard for safety?
- Has there been serious injury, harm, economic or other loss or public alarm?
- Are there multiple offences?
- Is the case connected with a major area of local concern?

• What is the previous history?

- Is it a repeat offence?
- Has previous advice on how to comply with the law been taken notice of or ignored?
- In the case of businesses new to the area, what steps have they taken to get information about compliance?
- Is the action proposed likely to be effective in preventing recurrence of the offence?
- Are there serious consequences resulting from a failure to comply with a legal requirement?

Those who ignore advice on compliance are more likely to be subject to a higher level of enforcement action where it is available.

7.2 Our available enforcement options are explained in the appendix to this document. **Please note that they are not available in all circumstances and some apply only to certain specialist teams. More than one option may be used in some circumstances.**

7.3 Special criteria need to be applied when a prosecution or simple caution is being considered and these are explained further below

Simple Caution

Simple cautions are used as an alternative to prosecution. Although not as serious an option as prosecution, a simple caution is recorded in a Central Register of Convictions and also held on record by the Council on. In the event of future breaches, it may then be cited in any subsequent court action that is taken against the person (or legal entity) subject to the simple caution.

The procedure for simple cautions is the subject of guidance Home Office guidance (<http://www.homeoffice.gov.uk/about-us/publications/home-office-circulars/circulars-2008/016-2008/>) and the following conditions must be met before one can be issued:

- there must be evidence of the offender's guilt sufficient to give a realistic prospect of a conviction
- the offender must admit the offence
- the offender must understand the significance of the Caution and give informed consent to being Cautioned

A Simple Caution will **NOT** be considered if:

- the evidence available does not meet the burden of proof for cases tried in the criminal courts or
- the offender does not make a clear and reliable admission of the offence (e.g. if intent is denied or there are doubts about his/her mental health or intellectual capacity) or
- it is not in the public interest.

If the option of a simple caution is offered but refused, the Council will proceed to prosecution.

Prosecution

The decision to prosecute is a significant one and is not considered lightly. Prosecution will, in general, be confined to those persons who deliberately and blatantly disregard the law, act recklessly, carelessly or fraudulently, refuse to achieve even the basic minimum legal requirements, often following previous contact with the authority, or who put the public at serious risk. We believe that, fortunately, such persons are in the minority.

Prosecutions are taken when it is felt to be in the public interest and we apply the principles set out in the **code of practice for crown prosecutors** when making our decision.

http://www.cps.gov.uk/publications/code_for_crown_prosecutors/

Factors to be considered in assessing the public interest include:-

- The seriousness of the offence.
- The cost and time involved in bringing the matter before the courts.
- The age, circumstances or mental state of the offender.
- Their attitude and the likelihood of them re-offending.
- Their previous history and whether they have acted on previous advice given
- Whether there has been negligence and the possibility of avoiding offences.
- The views of anyone aggrieved by the offence.
- The length of time since the offence took place.
- The local / national context of the offence.

If we do decide to prosecute, we will seek to recover the full economic costs of prosecuting offenders.

The following offences are most likely to warrant prosecution

- Assault against or obstruction of an Officer.
- Organised premeditated and deliberate offences.
- Targeting of vulnerable groups.
- Harassment.
- Failure to comply with formal notices served by the Council.
- Where Government or other public body guidance requires strict enforcement, for example, offences under the Food Safety law where a proprietor fails to control a serious food safety hazard.
- Where there has been a serious risk of danger to life or limb,
- Where there has been an imminent or serious risk to public health
- Where there has been a fatality or serious injury.
- Where a particular contravention has caused serious public alarm.
- Where there has been substantial financial gain.
- Where there has been a deliberate and significant fraud.
- Where there is a serious nuisance or pollution risk.

6.4 Proceeds of Crime and Asset Recovery

In appropriate cases, the Council will also look to apply the legal provisions enabling confiscation of any assets suspected of having been acquired from the proceeds of crime. This may occur with or without prosecution

8. The Conduct of investigations

8.1 All investigations will be carried out under the following legislation and in accordance with any associated guidance or codes of practice, in so far as they relate to Lewisham Council

- the Police and Criminal Evidence Act 1984 (searching premises, interviewing suspects, etc)
- the Criminal Procedure and Investigations Act 1996 (disclosure of evidence & information to suspects)
- the Regulation of Investigatory Powers Act 2000 (surveillance & access to communications data)
- the Criminal Justice and Police Act 2001 (the seizing & 'sifting' of evidence)
- the Human Rights Act 1998 (the right to a fair trial & the right to privacy etc)

These Acts and associated guidance control how evidence is collected and used and give a range of protections to citizens and potential defendants.

Our authorised officers will also comply with the requirements of the particular legislation under which they are acting, and with any associated guidance or codes of practice.

8.2 The powers of our authorised officers are set out in the document '**Service Standards - What you can expect from Regulatory Services in the London Borough of Lewisham**', which should be read in conjunction with this policy .

8.3 Regulatory services will have due regard to and comply with, any statutory time limits which may apply to investigatory actions or to the bringing of any legal proceedings.

8.4 We will also have regard to any primary authority arrangement that may apply to any business or person we are investigating. This is an arrangement whereby a particular local authority liaises with the business concerned on behalf of all other local authorities. Please however note that such arrangements do not mean that enforcement action will not be taken where considered appropriate.

9. Formal approval & review of this policy

9.1 This policy will be continually kept under review and formally reviewed every 5 years or when circumstances dictate that it is appropriate.

9.2 Formal approval of this policy by The Mayor & Cabinet of Lewisham Council will be sought and obtained following each formal review.

9.3 Please note that Should any changes to any contact details referred to herein , or to the appendix occur, this document will be amended as necessary. Such changes are not considered as being significant to the operation of the policy. Future significant changes will require formal approval by the Mayor & Cabinet of Lewisham Council as stated in 8.2 above..

10. Service Complaints and Appeals against Enforcement Action

10.1 Where legislation provides a formal right of appeal against enforcement action, written details of the appeals procedure will be provided at the time of action or as soon thereafter as practicable.

10.2 In addition, the regulatory services to which this policy applies are subject to the Lewisham Council service complaints procedure. In the first instance, complaints should be made to the manager for the service concerned using the contact details given below. The manager will investigate and advise of the outcome within 10 working days. Full details of the Council's complaints procedure can be found on the Lewisham website:

<http://www.lewisham.gov.uk/CouncilAndDemocracy/HavingYourSay/CommentsComplaintsAndCompliments/ComplaintsProcedure.htm>

We welcome comments on this policy statement and its application. Please contact the appropriate manager listed below or visit <http://www.lewisham.gov.uk/mayorandcouncil/complaints-and-feedback/Pages/default.aspx>

The contact and web site details provided herein are those applicable at the time of approval of this policy. The enforcement options set out in the appendix are also those available at the time of approval of this policy.

Summary of Enforcement Options

Enforcement Options	When Likely To Be Used
Verbal advice/warning	For the most minor 'one off' types of breach
'On the Spot' written advice/ warning	Where the above has recurred or Where the breach, whilst more serious is still relatively minor and can be easily remedied and we are confident it will be dealt with and/or Where it is considered necessary to make a follow up visit to ensure compliance is achieved. Any such advice/warnings issued will be taken into account in deciding action on future breaches
Formal advisory letter	Where it is felt necessary to formally draw attention to the matter and remind the business concerned of the legal obligation imposed. The letter may also include some guidance and best practice advice which will be clearly distinguished from legal requirements
Notices Requiring Improvement	Where there are recurring matters not resolved informally; or significant contraventions; or risks to health or the environment Once we have served a notice requiring improvement we will continue to provide advice and support to ensure that the recipient understands it and is able to comply with it fully. We will regard failure to comply with a notice as a serious matter which will normally result in either a formal caution (for example in the case of a first offence) or prosecution. Before formal enforcement action is taken, officers will provide an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference and agree time scales for

	compliance. In the case of vulnerable groups we will consult with any appropriate representatives.
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Enforcement options	When likely to be used
Work in Default	Where we have served an improvement notice and the person receiving the notice does not comply with it we will exercise powers available to us to arrange for the improvement work to be carried out at their expense. This is known as 'work in default' and we always seek to recover our full costs from the person receiving the original notice.
Notices Requiring Information	Used to help identify responsibility for matters we are investigating. Failure to comply with a notice may result in either a formal caution or prosecution.
Notices Prohibiting Activities	Where an activity poses a significant risk to health, safety or the environment. Where the risk exists at the time of the action or is imminent we will immediately use powers available to close premises or parts of premises, seize or detain articles, equipment or food to remove the risk effectively. Where we consider immediate notice action is necessary, we will give an explanation of why such action is needed at the time and confirm in writing in the notice served at that time. If requested, we will provide further written explanation of our decision. Where we serve an Emergency Prohibition Notice under the Food Safety Act, we will also give immediate notice of an intention to apply to Magistrates for an Emergency Prohibition Order. Copies of such orders and notices will be displayed at the premises to inform the public what action has been taken.
Weights & Measures Notice	Where we find weighing or measuring equipment in use for trade which is inaccurate, we will issue a notice requiring the equipment to be adjusted within a deadline specified in the notice.
Seizure of goods, equipment or documents	Used to prevent the occurrence of an incident or to ensure that an activity ceases, or to ensure that it does not recur or When items are required as evidence . We will explain at the time the powers we are exercising and the reason why . We will also provide a written explanation.

Enforcement options	When likely to be used
Suspension Notices	<p>May be used as an alternative to seizure Where we find goods on sale which we believe infringe consumer safety legislation. Usually used where seizure is considered impractical</p> <p>Where immediate suspension action is considered necessary, we will give an explanation of why such action is needed at the time and subsequently confirm this in writing .</p>
Forfeiture	<p>This is where application is made to the Court for the trader to be permanently deprived of non compliant items. In some situations prosecution is not necessary for this to happen. Normally used in very serious cases or where the business has not cooperated in resolving problems.</p>
Voluntary Surrender	<p>Where traders voluntarily sign non compliant goods over to BRS for disposal. Normally used where traders have co-operated in resolving problems.</p>
Fair Trade Undertakings	<p>Used where we feel a trader persistently engages in conduct detrimental to consumers. The undertaking is a voluntary written assurance that the trader will stop.</p>
Fair Trading Enforcement Order	<p>Used where the trader refuses to give an undertaking or where immediate action is considered necessary. This is an order imposed by a Court. Failure to comply can lead to prosecution.</p>
Licence and Registration Conditions	<p>In many cases, where we issue licences or registrations, we may apply conditions. Any conditions which we apply will be proportionate to the risks involved. We will consult the applicant or licence/registration holder and anyone else with an interest before imposing conditions. In cases where we discover non-compliances we may amend and strengthen conditions. Ultimately we may consider revocation of the licence/registration</p>
Fixed Penalty Notices [FPN] and Penalty Notices	<p>In effect an 'on the spot fine'. These can be issued in respect of matters such as the sale</p>

For Disorder [PND]	of alcohol to a person under 18, failure to display a 'no smoking' sign in enclosed public premises subject to no smoking restriction or littering or leaving waste on the streets. Failure to pay an FPN or PND can lead to subsequent prosecution.
Enforcement options	When likely to be used
Penalty Charge Notice [PCN]	This is similar to an FPN and can be issued for matters such as marketing a house for sale without commissioning an energy performance certificate]. Failure to pay a PCN can lead to civil enforcement action to recover costs.
Simple Cautions-	Used where there is clear evidence and acceptance of a reasonably serious offence by the offender. Their purpose is to deal quickly and simply with the matter to avoid unnecessary appearances in criminal courts to reduce chances of re-offending. to deal with cases where it is not felt to be in the public interest to prosecute The offender must sign a declaration admitting the offence
Prosecution	Used for the most serious matters where there is a good probability of securing a conviction and where felt to be in the public interest. Used as a last resort.
Anti Social Behaviour (ASB) interventions	A number of intervention methods can be used to address anti-social behaviour. A written warning to the individual or premises involved An informal agreement such as an Acceptable Behaviour Contract (ABC), Responsible Retailer Agreement (RRA) or a Good neighbour Agreement (GNA).
ASB Injunction	Used to stop or prevent individuals engaging in anti-social behaviour or behaviour likely to cause harassment, alarm or distress.

	Injunction application to be made to county court and can include prohibitions and positive requirements to address underlying causes of behaviour. Breach of injunction must be proved to criminal standard and will be treated as contempt of court.
Criminal Behaviour Order	Can be sought against a person on conviction who has caused or is likely to cause harassment, alarm or distress to any person. The ASB does not need to be part of criminal offence. Order to include prohibitions and positive requirements to address underlying causes of behaviour. Breach of order is a criminal offence and must be proved to criminal standard.
Enforcement options	When likely to be used
Community Protection Notice	To stop an individual, business or organisation committing anti-social behaviour which spoils the communities quality of life. Behaviour has to have a detrimental effect on the quality of life of those in the locality; be of a persistent and continuing nature and be unreasonable. Written warning to be issued informing perpetrator of problem behaviour, requesting them to stop, and the consequences of continuing. Breach is a criminal offence, with a penalty of a FPN of £100 if appropriate or level 4 fine.
ASB Closure Notice & Closure Order	Used to close a premises quickly which is being used or likely to be used to commit anti-social behaviour, nuisance or disorder. A closure notice can be issued to close a premises for up to 48hours where there has, or is to be, nuisance to the public or disorder near the premises. A closure order for up to 3 months can be sought at county court if a closure notice has been issued and there is evidence to demonstrate there is disorderly, offensive or criminal behaviour; serious nuisance to the public; or disorder near the premises.
Public Space Protection	Used to stop individuals or groups committing

Order	anti-social behaviour in a public space. Behaviour can be restricted where it has or is likely to have a detrimental effect on the quality of life of those in the locality; be persistent or continuing in nature and be unreasonable. Breach is a criminal offence.
Asset Recovery	Where appropriate and in connection with any relevant breach of legislation, the Council will apply the provisions of the Proceeds of Crime Act [POCA] to confiscate the assets of any person suspected of acquiring them from the proceeds of crime. This may occur whether or not the Council prosecutes in a particular matter.
Restricted Premises or Restricted Sale Orders for the sale of tobacco for persons under 18	These can be applied for if a business or person is convicted of selling tobacco products to persons under 18 years of age and in addition has also been found to have done so on at least 2 other occasion in the previous 2 years .
Enforcement options	When likely to be used
Closure Orders, Licence Suspension & Revocation for the sale of alcohol to persons under 18.	A closure order preventing the sale of alcohol can be applied for if a sale of alcohol to an individual under 18 at the same premise has occurred on two or more different occasions within a period of three consecutive months. Licence suspension or revocation may also be applied for in some circumstances following the sale of alcohol to persons under 18

Appendix A2

Service Standards - What you can expect from Regulatory Functions in the London Borough of Lewisham

Contents:

1. Introduction
2. The services to which this document applies
3. How we deliver our services
4. Working with you
5. Helping you to get it right
6. Inspections and other compliance visits
7. Officer Identification, rights of entry & powers
8. Responding to non-compliance
9. Requests for our service
10. How to contact us
11. Working with others
12. Having your say

1. Introduction

This document explains what you can expect of Regulatory functions in the London Borough of Lewisham]. Whether you are run a business, are an employee or a member of the public, we are committed to providing you with an efficient, courteous and helpful service and this document tells you how we aim to do that and what standards we will meet.

2. The functions to which this document applies are:-

Those performed by the Environmental Health Service i.e.

- Food Safety - Enforcement and regulation of food safety, food standards and hygiene laws.
- Environmental Protection – Monitoring and regulation of noise, air and land quality to control pollution.
- Health and Safety - Enforcement and regulation of health and safety laws.

Those performed by the Crime Enforcement & Regulation Service i.e.

- Community Safety - Enforcement against persistent offenders of anti-social behaviour, crime and disorder using toolkit provided by the Anti Social Behaviour, Crime & Policing Act 2014 and any other relevant legislation.
- Licensing - Enforcement & Administration of the Licensing Act 2003, Gambling Act 2005, Scrap Metal Dealers Act 2013, Special Treatment Premises, Sex Establishments & various animal related legislation.
- Public Health & Nuisance – Enforcement & regulation to deal with issues such as amplified noise, smell, bonfires, drainage & other matters causing statutory nuisance.
- Trading Standards – Enforcement & administration of consumer protection and fair trading law

The following other services i.e.

- Clean Streets – Enforcement & regulation of abandoned and hazardous vehicles, fly-tipping & trade waste requirements, shop front licensing
- Markets – regulation of markets and street trading

Other regulatory services and functions may be subject to this policy as the law requires or as Lewisham Council considers necessary and/or appropriate

Our vision is to help make Lewisham the best place in London to live, work, learn and do business.

3. How we deliver our services

We believe we can make a valuable contribution to the maintenance and improvement of public health, quality of life, the economy, safety and wellbeing. Our aims are to:

- Protect the public, businesses and the environment from harm, including economic detriment from trading malpractice
- Support the local economy to grow and prosper

In striving for this we will have regard to Lewisham Council's strategic priorities as stated in the Sustainable Community Strategy 2008-2020 namely:

- **Ambitious and achieving** – where people are inspired and supported to fulfil their potential.
- **Safer** – where people feel safe and live free from crime, antisocial behaviour and abuse.
- **Empowered and responsible** – where people are actively involved in their local area and contribute to supportive communities.
- **Clean, green and liveable** – where people live in high quality housing and can care for and enjoy their environment.
- **Healthy, active and enjoyable** – where people can actively participate in maintaining and improving their health and well-being.
- **Dynamic and prosperous** – where people are part of vibrant communities and town centres, well connected to London and beyond.

Our guiding regulatory principles are:

Targeting: to prioritise and direct our regulatory action using intelligence and relevant risk assessment schemes. Such risk assessments will have regard to all available relevant and good quality data. We will take into consideration the combined effect of the potential impact of non-compliance and the likelihood of non-compliance. This will enable us to focus our resources on the areas of greatest risk and ensure that persistent offenders are identified more readily.

Proportionality: to ensure, via our enforcement policy, that action taken relates directly to the actual or potential risk to health, safety, the environment, or economic

disadvantage to consumers or businesses, and that the sanctions applied are meaningful including firm enforcement action where necessary.

Accountability: to be accountable for the efficiency and effectiveness of our activities, making them accessible and open to scrutiny. We encourage feedback from interested parties regarding the behaviour and activity of enforcement staff, and are subject to the Council's complaints procedure.

Consistency: to ensure a similar approach is taken in similar circumstances to achieve consistent results. We will give positive feedback to businesses where it is due.

Openness: to ensure that the enforcement action taken by the Council is easily understood by individuals, organisations and businesses required to comply with legislation, that advice and information on compliance requirements is available, and that clear distinctions are made between legal requirements and what is desirable or 'best practice' but not compulsory

Supporting the local economy: to facilitate and encourage economic progress, while maintaining consumer protection and public safety. Wherever possible we will work with traders, members of the public and businesses, to assist them in meeting their obligations without unnecessary expense.

Reducing enforcement burdens: where there is a shared enforcement role with other regulatory services, e.g. HMRC, the Police, internal departments and other stakeholders we will consider co-ordinating with these agencies to minimise duplication and maximise overall effectiveness.

Objectivity: to ensure that decisions are not influenced by reason of ethnicity, gender, disability, sexual orientation, age, class, income, employment status, or religious beliefs of the offender, victim or witnesses.

Equality: to ensure that specific consideration is given to meet any special needs of business owners and the public where appropriate. Sensitive consideration will be given where persons involved are children, have a disability or are elderly, infirm or suffering from a mental disorder. Enforcement visits may be made outside normal office hours to meet appropriate public and business needs. Where required, interpreting and translation facilities will be made available in appropriate circumstances for persons whose first language is not English or require information in a 'non standard' format'. The Equality Act 2010 makes it unlawful to discriminate against, harass or victimise any person on the grounds of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage or civil partnership, pregnancy or maternity in the discharge of an authorised persons powers. This applies to the exercise of powers of entry.

In rare instances we may conclude that a particular principle is outweighed by either the wider public interest or by another of the principles. If this does occur we will ensure that any such decision will be properly reasoned, based on material evidence, and documented.

We will seek to provide Information on our work via 'Lewisham online' at www.lewisham.gov.uk. This will include information on performance where appropriate.

We strive to carry out our activities in a way that supports those we regulate to comply whilst allowing business to grow:

We will try to ensure that information, guidance and advice is available to help you to meet any legal requirements (see [Helping you to get it right](#)) and to be aware of your rights and entitlements.

When we carry out inspections and other activities to check compliance with legal requirements, we try to target these where we believe they are most needed (see [Inspections and other compliance visits](#)).

We will seek to deal proportionately with breaches of the law as set out in our Enforcement Policy, including taking firm enforcement action when necessary (see [Responding to non-compliance](#)).

We provide a range of services to businesses, including

- Compliance advice
- Weights and measures testing
- Food hygiene registration
- Licensing and registration for the storage & sale of fireworks
- Licensing for street trading
- Licensing for premises to sell alcohol & provide entertainment

Our services to business will be delivered in accordance with the requirements of the [Regulators' Code](#).

We can also provide residents with access to information on relevant rights and obligations. Depending upon the circumstances this may either be directly or via other facilities such as web based information or partner agencies such as Citizens Advice Consumer Service.

4. Working with you

In all your dealings with us you can expect the following:-

- Politeness & courtesy from officers who will always identify themselves by name in dealings with you, and provide you with contact details and how to discuss any concerns you may have
- An attempt to gain an understanding of how regulated businesses operate and acknowledgement where best practice is in evidence
- In order to help businesses and others we regulate to meet their obligations, advice and information on regulatory legal requirements will be provided in writing on request, where there is a legal requirement to do so, or where an officer may otherwise decide it appropriate.
- Advice given by officers will be given as clearly and simply as possible and by appropriate means. Where possible, we will give reasons why advice provided should be acted upon. Time-scales for action will be given as necessary and appropriate and legal requirements clearly distinguished from general guidance and best practice advice.
- The implications and consequences of failing to comply with legal requirements or act upon advice given will be explained.

- Unless immediate formal enforcement action against a business or individual is considered necessary without notice, officers will provide an opportunity to discuss the matter and, if possible, resolve points of difference.
- Written notice before formal enforcement action will be given where there is a legal requirement to do so or where otherwise considered necessary
- Reasons for immediate enforcement action will be given to business and where necessary we will also account for decisions not to act.
- Where there are formal rights of appeal against enforcement action, clear written details of the appeal mechanism will be given at the time of the action or as soon as possible thereafter. Where no formal rights of appeal exist, details of the Lewisham Council service complaints procedure will be provided but this does not mean that enforcement action will be ceased or suspended should a complaint be made.
- Timescales, expectations and preferred methods of communication will be confirmed with you
- You will be kept informed of progress on any outstanding issues.
- We recognise that businesses may be subject to attention from other regulators and we will do our best to work and liaise with them when reasonable and appropriate to do so.

5. Helping businesses to get it right

Wherever reasonable we want to help your business to be compliant and successful and it is important to us that you feel able to come to us for advice when you need it. We won't take enforcement action just because you tell us that you have a problem. We will make information and guidance on meeting legal requirements available via Lewisham online (www.lewisham.gov.uk) , business fact sheets & other information sources such as ERWIN (Everything regulation whenever it's needed) <http://www.everythingregulation.org.uk/Pages/home.aspx> or Trading Standards Business Companion <http://www.businesscompanion.info/>.

Where your business requires advice that is tailored to your particular needs and circumstances we will:

- Discuss with you what is required to achieve compliance
- Provide reliable advice that supports compliance is clear and which can be easily understood and implemented
- Distinguish legal requirements from suggested good practice
- Ensure that any verbal advice you receive is confirmed in writing if requested
- Acknowledge good practice and compliance.

If your business has branches or operates nationally or regionally, we will have regard to any primary or home authority arrangement that may be in place when dealing with you. These are arrangements whereby a particular local authority liaises with the business concerned on behalf of all other local authorities. Please however note that such arrangements do not mean that enforcement action will not be taken where considered appropriate.

Whilst we do not currently charge for advice provided on an individual basis, we do make a charge for attendance at courses we run on topics such as food hygiene and age restricted sales. Costs will be made available either on request or will be provided when courses are advertised.

6. Inspections and other compliance visits

We monitor and support compliance in a number of different ways including through inspections, sampling visits, test purchases, advisory visits and complaint investigations. These visits will always be based on an assessment of the actual or potential risk presented by any breach and the likelihood of it occurring – we won't visit without a reason. Visits will also be made based on suitable intelligence received or collated.

Currently we usually visit businesses unannounced but may give notice of our intention to call if we consider it more practical or appropriate even though we have no obligation to do so.

When we visit you our officers will:

- Explain the reason and purpose of the visit
- Carry their identification card at all times, and present it on request when visiting your premises
- Exercise discretion in front of your customers and staff
- Have regard to your approach to compliance, and use this information to inform future interactions with you
- Provide information, guidance and advice to support you in meeting your statutory obligations, if required
- Provide a written record of the visit if legally required or if otherwise felt appropriate.

Currently we make no charge for inspection or compliance visits. However in the case of visits associated with some alleged statutory nuisances, failure to act to resolve the problem on the part of the person responsible for causing it, may result in a works in default charge being levied if the Council has to engage a contractor to take remedial action. In these instances the person concerned will be made aware of this possibility and where practicable, before the remedial action commences.

7. Exercising Powers of Entry, Inspection & Enforcement

When exercising powers of entry , inspection and enforcement our officers will have regard to the following namely:-

- The specific legislation conferring the power
- The Protection of Freedoms Act 2012 and any code of practice or guidance issued there under
- The Consumer Rights Act 2015 and any code of practice or guidance issued there under
- The Police & Criminal Evidence Act 1984 and any code of practice or guidance issued there under

- Food Law (Code of Practice) England
- Feed Law Enforcement (Code of Practice) England
- Any other relevant applicable guidance or code of practice

Identification: All officers carry formal photographic identification and are instructed that this must be shown as soon as is practicable when carrying out visits on official duties except in situations when covert operation is required. Identification must be produced to anyone reasonably asking for it and failure to do so constitutes grounds for service complaint. Additionally, in some circumstances, if an officer fails to produce identification, this would give justifiable grounds for objecting to the exercise of their powers until production is forthcoming.

Rights of entry: Whilst authorised officers can exercise the right of entry to trade premises at any reasonable time without notice and without a court warrant, when considered appropriate however, or when required by statute, notice of intention to inspect or visit will be given. When visits are made to domestic premises, permission is normally sought from the occupier. Premise occupiers are entitled to receive a notice of their rights when entry to premises takes place.

Warrants to enter business or domestic premises (by force if necessary) may be obtained and executed to secure evidence or carry out works in default if permission to enter is not granted, or in the officer's opinion, likely to be refused, or if the premises are unoccupied.

Generally, a reasonable time to visit a business premises is considered to be when it is open for business, although there are some exceptions to this (e.g. entry under warrant). Decisions to visit will be based on an assessment of the actual or potential risk presented by any breach and the likelihood of it occurring, or will be based on suitable intelligence.

As well as explaining the reason for any visit, officers will try to reduce any inconvenience their presence may cause bearing in mind the need for them to carry out their duties.

Officer powers: Officers are specifically authorised to act on behalf of the Council in respect of each piece of relevant legislation. Authorisations enable officers to exercise responsibilities and powers which the relevant legislation confers. Similarly officers must comply with any obligations and requirements legislation imposes. A schedule of delegated functions is held centrally by the Service and is available for inspection upon application.

Officers will make clear as appropriate which of their powers are exercisable without consent. Where a course of action requires consent, or compliance with a request is voluntary, officers will also make this clear.

The power to seize goods, request production of and to take copies of or seize original documents or other business records exists in certain circumstances [usually on reasonable suspicion that an offence has been committed].

Where powers dependent upon the belief or suspicion of non-compliance are to be exercised, a notice of rights may be issued to the premise occupier or other appropriate person at the time of action or as soon thereafter as possible.

A receipt for any items seized will be issued at the time of action and written confirmation of seizure subsequently provided.

Seized items will be made available for subsequent inspection by the owner if reasonably practical to do so. If not considered practical, written confirmation with reasons will be given. Reasonable steps will be taken to ensure the security, integrity and continuity of items seized

When immediate enforcement action without notice is taken, an explanation of the reasons why will be given at the time and confirmed in writing within 10 working days [5 working days in most cases].

Please note that failure to permit an officer carrying out official duties to enter premises, preventing them from exercising their powers, or failure to provide reasonable co-operation, may constitute obstruction and render you liable to prosecution.

8. Responding to non-compliance

Where we identify any failure to meet legal obligations, we will respond proportionately, taking account of the circumstances, in line with our Enforcement Policy which complements this document

Where we require you to take action to remedy any failings and without prejudice to any associated enforcement action or investigation we will:

- Explain the nature of the non-compliance
- Discuss what is required to achieve compliance, taking into account your circumstances
- Clearly explain any advice, actions required or decisions that we have taken
- Agree timescales that are acceptable to both you and us, in relation to any actions required
- Provide in writing details of how to appeal against any advice provided, actions required or decisions taken, including any statutory rights to appeal
- Explain what will happen next
- Keep in touch with you, where required or as we deem appropriate, until the matter is resolved

9. Requests for our services

We will clearly explain the services that we offer, including details of any fees and charges that apply.

In responding to requests for our services, including requests for advice and complaints about breaches of the law, we will:

- Acknowledge your request within 5 working days
- Tell you when you can expect a substantive response

- Seek to fully understand the nature of your request
- Explain what we may or may not be able to do, so that you know what to expect
- Keep you informed of progress throughout our involvement
- Inform you of the outcome as appropriate

10. How to contact us (TBA)

You can contact us by:

Telephone: [insert number]

Email: [insert email address]

Web: [insert website address]

By post: [insert address]

Or in person: [insert address and opening hours]

We will seek to work with you in the most appropriate way to meet your individual needs. We can make information available in different formats, and have access to translation and interpretation services.

If you contact us we will ask you for your name and contact details to enable us to keep in touch with you as the matter progresses. We treat all contact with the service in confidence unless you have given us permission to share your details with others as part of the matter we are dealing with on your behalf or there is an operational reason why we need to do so. We will respond to anonymous complaints and enquiries where we judge it appropriate to do so.

Personal data will be managed in accordance with Lewisham Council's Data Protection Policy.

11. Working with others

We do try to work closely with other council services and also other regulatory agencies when possible. Where specialist knowledge is required in an area outside of our expertise we will signpost you to the most appropriate place for advice and guidance. We will share information and data on compliance and risk with other regulators and services, where the law allows, to help target regulatory resources.

12. Having your say

Complaints and appeals

Where we take enforcement action and if there is a statutory right to appeal, we will always tell you about this at the appropriate time.

If it is reasonable we are always willing to discuss with you the reasons why we have acted in a particular way, or asked you to act in a particular way. We manage complaints about our service, or about the conduct of our officers, through Lewisham Council's Corporate Complaints Policy. Details can be found at <http://www.lewisham.gov.uk/mayorandcouncil/Complaints-and-feedback/Pages/complaints-procedure.aspxFeedback>.

Feedback

We are happy to consider feedback from you to help us ensure our service is meeting your needs. We would like to hear from you whether your experience of us

has been good or in need of improvement. This helps us to ensure we keep doing the right things and make changes where we need to. You can provide feedback in the following ways: **TBA**

Telephone: [insert number]

Email: [insert email address]

Web: *[insert website address]*

By post: *[insert address]*

Or in person: *[insert address and opening hours]*

Any feedback that we receive will be acknowledged, considered and responded to.

Dated: *[insert date]*

Name: Job title:

Agenda Item 8

Chief Officer Confirmation of Report Submission	
Report for: Mayor	<input type="checkbox"/>
Mayor and Cabinet	<input checked="" type="checkbox"/>
Mayor and Cabinet (Contracts)	<input type="checkbox"/>
Executive Director	<input type="checkbox"/>
Information <input type="checkbox"/> Part 1 <input checked="" type="checkbox"/> Part 2 <input type="checkbox"/> Key Decision <input type="checkbox"/>	

Date of Meeting	9 September 2015	
Title of Report	Response to Safer Stronger Communities Select Committee – Violence Against Women and Girls: Awareness raising and prevention review	
Originator of Report	Executive Director for Community Services / Head of Crime Reduction and Supporting People / Strategic Crime, Enforcement & Regulation Manager	Ext. 49569

At the time of submission for the Agenda, I confirm that the report has:

Category	Yes	No
Financial Comments from Exec Director for Resources		
Legal Comments from the Head of Law		
Crime & Disorder Implications		
Environmental Implications		
Equality Implications/Impact Assessment (as appropriate)		
Confirmed Adherence to Budget & Policy Framework		
Risk Assessment Comments (as appropriate)		
Reason for Urgency (as appropriate)		

Signed  Director/Head of Service
(Aileen Buckton)

Date

Signed  Cabinet Member
(Cllr Janet Daby)

Date 24/8/15

Control Record by Committee Support

Action	Date
Listed on Schedule of Business/Forward Plan (if appropriate)	
Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)	
Submitted Report from CO Received by Committee Support	
Scheduled Date for Call-in (if appropriate)	
To be Referred to Full Council	

MAYOR AND CABINET			
Report Title	Response to the Comments of the Safer Stronger Communities Select Committee on Violence Against Women and Girls: awareness raising and prevention review		
Key Decision	No	Item No.	
Ward	All		
Contributors	Executive Director for Community Services		
Class	Part 1	Date: 9 September 2015	

1. Purpose

- 1.1 This report sets out the response to the views and comments of the Safer Stronger Communities Select Committee arising from their in depth review of Violence Against women and girls raising awareness and prevention review. The review was scoped in September 2014 and three evidence gathering sessions were held in December 2014, January 2015 and March 2015. The Committee agreed the report and the recommendations in May 2015.

2. Recommendations

It is recommended that the Mayor:

- 2.1 Approve the responses from the Executive Director for Community Services to the comments from the Safer Stronger Select Committee.
- 2.2 Agree that this report should be forwarded to the Safer Stronger Select Committee.

3. Policy Context

- 3.1 The Mayor of London has committed that, as part of its work to reduce youth violence, the London Crime Reduction Board will ensure that by 2017:

‘Access to prevention programmes in all London state schools and educational establishments will be available, enabling children and young people to make positive life choices. Every ‘at risk’ child will receive targeted support for a positive transition to secondary school
 Troubled Families, Multi-Agency Safeguarding Hubs and other family support and safeguarding mechanisms should understand and address gang issues’

(Mayor of London; strategic ambitions for London (2014); gangs and serious youth violence, p26)

3.2 The MOPAC strategic framework for responding to gang associated women and girls recommends that services in boroughs for girls and women affected by gang violence should include:

- Prevention work/healthy relationships that covers gang-association and violence against women and girls (VAWG) delivered in schools, pupil referral units and in out of school youth-based settings.
- Early intervention and diversionary work such as mentoring and peer support to support young women on the peripheries of gangs.
- Crisis support such as advocacy, exit provision that is safe and provided by women that addresses the holistic needs of young women and girls (as above).
- Longer-term support such as specialist counselling to support young women and girls to overcome the trauma of gang-associated VAWG. Counselling services should be specialised as inappropriate responses can exacerbate the effects of sexual violence as they can damage the victim's positive sense of self or lead to higher levels of psychological symptoms and poorer recovery.
- Interventions to promote self-esteem and confidence.
- Education, training and employment opportunities tailored for young women and girls. A women-centred approach to education, training and employment should be about ensuring young women and girls have access to a broad and diverse range of opportunities and that appropriate systems and support are put in place to address their specific needs.

3.3 Lewisham's violence against women and girls strategy

In May 15 the Council commissioned a single violence against women and girls service to develop a coordinated approach to violence against women and girls in the borough. The service provides a single point of contact for services in the borough. The ambition is that this increased level of coordination will improve the following outcomes:

- An increase in the number of referrals to the service.
- Increasing the number of victims and families made safe and who stay safe.
- A reduction in repeat reports of domestic violence and abuse.
- Increased interventions and therefore reductions in risk and cases of significant harm.
- Successful work with perpetrators, such as change in the behaviour of perpetrators and an awareness of the impacts of their behaviour.
- Improving outcomes for individuals and groups in other areas of their lives.
- Increased and improved service user involvement

3.4 Some of the broader expected outcomes of the new VAWG service include;

- Reduced repeat victimisation.
- Reduced repeat perpetrators and positive changes in perpetrator behaviour.
- Increased reports and criminal justice outcomes e.g. sanction detections
- Increase in the number of referrals to the service for support.
- Improved safety for children and young people
- Reducing the risk of children and young people becoming a future victim / perpetrator of domestic abuse

3.5 The overall vision for Lewisham is established in the Sustainable Community Strategy. The issues covered in this report relate to the strategy's strategic priority - Safer. Additionally it links to Council priority 4, Safety, security and a visible presence.

4. Background

4.1 At its meeting on 15 July 2014, when deciding on its annual work programme, the Safer Stronger Select Committee discussed its concerns about the prevalence of violence against women and girls. Members of the Committee highlighted information published in the national press (and reported by the Safer London Foundation¹) about the dangers posed to women and girls by gangs². Members were alarmed at these reports and sought to further understand the actions being taken by Partner organisations in Lewisham to protect women and girls from gang violence.

4.2 In response to the Committee's concerns, officers provided additional information about the development and delivery of Lewisham's Violence Against Women and Girls (VAWG) strategy at the Committee's meeting on 10 September 2014. The Council's Head of Crime Reduction and Supporting People and the Lead Police Sergeant for Lewisham's gangs unit also answered questions about the Safer Lewisham Partnership's approach to tackling violence against women and girls, including its work with gang associated women and girls.

4.3 After consideration of the information provided and questioning of officers, the Committee resolved to carry out a review into the issues facing gang associated women and girls in the borough, which would focus on preventative work, awareness raising and early intervention.

¹ *Gangs draw up lists of girls to rape as proxy attack on rivals* in the Guardian (19-07-14), accessed online at: <http://www.theguardian.com/society/2014/jul/19/gangs-rape-lists-sex-assault>

² *Sexual Violence in parts of UK as bad as warzones*, <http://www.theguardian.com/society/2013/nov/26/gangs-sexual-violence-warzones>

Meeting the criteria for a review

- 4.4 At its meeting on 3 November 2014, the Committee received a scoping report for the review, which set out the background, proposed key lines of enquiry and suggested key questions for the review.
- 4.5 It was agreed that a review of prevention work for gang associated women and girls would meet the criteria for carrying out a scrutiny review, because:
1. it was a strategic and significant issue
 2. it affected a number of people living in Lewisham
 3. the Council was in the process of tendering a service for the provision of services to prevent, and reduce the impacts of, violence against women and girls
 4. the Council was required to make a major reduction to its budget, which would reduce resources available to community and voluntary organisations, public health, supported housing, youth offending and schools improvement services.

Key lines of inquiry

- 4.6 In order to successfully complete this review, the Committee agreed that it would seek answers to the following questions:
- What data is available about the extent of issues affecting gang associated girls and women in Lewisham?
 - What services exist to prevent women and girls from becoming associated with gangs?
 - What is the pattern of take up of prevention services?
 - What is the current level of resource for prevention services in Lewisham?
 - Are there examples of effective practice in other areas?
 - What are the future challenges to delivering successful prevention and awareness raising work?

Review questions:

- How do Lewisham and its partner organisations work to prevent women and girls from becoming associated with gangs?
 - What could be done to enhance the effectiveness of work in this area?
- 4.7 Issues agreed to be outside of the scope of the review:
- Dealing with individual cases or casework

5.0 Responses to the Referrals

5.1 Referral 1

Further work is required on mapping the scale of the issues highlighted in this report. It is clear that the Council and its partners hold information about issues relating to gang associated women and girls in the borough who are at the highest level of risk, however, Mayor and Cabinet should task officers with developing a coordinated approach to mapping and monitoring the extent of violence against gang associated women and girls in Lewisham.

Response:

The Youth MARAC remains the principal forum through which information on vulnerable gang-associated young girls is captured in a coordinated way. Given the scale of under recording it is important to note that sources are not confined to police reports, they include A and E and schools for example.

Mapping and monitoring also includes having operational strategies for safeguarding the welfare of female siblings, partners, and gang members. This is built into the multi-agency gangs MATRIX meetings which take place between the police and local authority partners.

From September 2015 additional resources will be allocated to proactive enforcement against gangs nominals and those involved in the exploitation of children for criminal enterprises. A strategic evaluation of the effectiveness of the borough's response will also be undertaken in autumn 2015 as part of the council's Strategic Assessment and reflected in subsequent Action Plans

5.2 Referral 2

Officers should work with neighbouring boroughs to review ideas for best practice in preventing violence against gang associated women and girls - and to share information, where appropriate.

Response:

The council will continue to work through pan London forums such as the MOPAC Gang Exit Forum and Home Office Ending Gang and Youth Violence forum. Lewisham works closely with a number of other boroughs currently. A *leads list* of gang-affected girls is shared between some boroughs and Lewisham to ensure consistent monitoring of affected girls moving between boroughs. The Head of Crime Reduction and Supporting people chairs 2 pan London boards where crime reduction, youth justice and issues such as this are discussed : best practice, information sharing and joint working are key aspects of these forums.

5.3 Referral 3

The Council should write to the Head Teacher and Chair of Governors of every school in the borough to highlight the issue of violence against gang associated women and girls and to make schools aware of sources of information, support and advice available.

Response:

The Head of Crime Reduction and Supporting People and Children and Young people's Service directorate continues to ensure updated circulars on current risks and referral pathways for at risk children are issued to Safeguarding Leads and school governors. These circulars have relevant and useful information on what resources are available to schools, safeguarding professionals, and education staff including local and pan-London resources. These will continue alongside regular meetings and briefings directly with Heads.

5.4 Referral 4

Working with partners in the support and advice sector, the Council should ensure that it maintains a comprehensive record of services and support being offered in the borough's schools.

Response:

A rolling audit is to be carried out to collate an inventory of services, and ensure it meets standard of training delivered via the Lewisham Safeguarding Children's Board's sub group of Policies, Procedures and Training (PPT), including working closely with partners in Voluntary Action Lewisham (VAL).

The council will ensure the latter training is delivered to all Safeguarding Leads throughout the year and ensure relevant police teams are engaged in this process across the borough

5.5 Referral 5

The Committee notes the important work being carried out by the Safer London Foundation and requests that the Council and its partners give full consideration to securing future funding of the Empower programme in Lewisham.

Response:

The *empower* programme has had very positive feedback to date. The service for Lewisham includes six days' worth of training for professionals and six days' worth of training for young people in educational settings.

The empower programme is funded by the London Mayor's Office on Police and Crime (MOPAC) Victims Fund until September 2015. Proposals have been put forward to extend this programme for another year. Council officers recognise the advantages conferred by this resource and are engaged in discussion with MOPAC to secure ongoing funding for this service.

6. Financial Implications

- 6.1 There are no direct financial implications arising from this response however Services noted within the review are either delivered by Council officers, commissioned or provided via external funds. Within a climate of overall reductions in resources across the Council there may be impacts on this agenda.

7. Legal Implications

- 7.1 There are no specific legal implications arising from this response, save for noting that the Council's Constitution provides that the Executive may respond to reports and recommendations by the Overview and Scrutiny Committee.

8. Crime and Disorder Implications

- 8.1 The Violence Against Women and Girls agenda is a priority set by the Safer Lewisham Partnership and the impact on victims and management of offenders in relation to these strands are critical in the overall work and impact on Crime and Disorder..

9. Equalities Implications

- 9.1 The Safer Lewisham Partnership priorities impact on large sections of the community, including the most vulnerable (e.g. victims of Domestic Violence , victimisation of women and young people). The focus on effective interventions in the Criminal Justice System ensures that Human Rights remain essential to the strategy's vision, strategic themes and monitoring processes.
- 9.2 One of the Partnership's key outcomes is to ensure equity in representation and that equality and diversity issues are followed in the work of the partnership.

10. Environmental Implications

- 10.1 There are no environmental implications arising from this response.

Background Papers

Mayor and cabinet report – 3rd June 15

Matters referred by Safer Stronger Communities Select Committee – Violence Against Women and Girls: awareness raising and prevention review

Overview and Scrutiny – Violence against Women and Girls: awareness raising and prevention review – Safer Stronger Select committee – Spring 2015

For further information please contact Geeta Subramaniam-Mooney, Head of Crime Reduction and Supporting People on 020 8314 9569.

Agenda Item 9

Chief Officer Confirmation of Report Submission		
Cabinet Member Confirmation of Briefing		
Report for: Mayor		<input type="checkbox"/>
Mayor and Cabinet		<input checked="" type="checkbox"/>
Mayor and Cabinet (Contracts)		<input type="checkbox"/>
Executive Director		<input type="checkbox"/>
Information	<input type="checkbox"/> Part 1	<input checked="" type="checkbox"/> Part 2
		<input type="checkbox"/> Key Decision

Date of Meeting	9 September 2015
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Title of Report	Response to referral by the Sustainable Development Select Committee on Flood and River Related Consultations
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Originator of Report	Martin O'Brien	Ext.46605
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At the time of submission for the Agenda, I confirm that the report has:

Category	Yes	No
Financial Comments from Exec Director for Resources	X	
Legal Comments from the Head of Law	X	
Crime & Disorder Implications	X	
Environmental Implications	X	
Equality Implications/Impact Assessment (as appropriate)	X	
Confirmed Adherence to Budget & Policy Framework	X	
Risk Assessment Comments (as appropriate)		
Reason for Urgency (as appropriate)		

Signed:  _____ Councillor Alan Smith

Date: 28th August 2015

Signed:  _____ Director/Head of Service

Date 28-8-2015

Control Record by Committee Support

Action	Date
Listed on Schedule of Business/Forward Plan (if appropriate)	
Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)	
Submitted Report from CO Received by Committee Support	
Scheduled Date for Call-in (if appropriate)	
To be Referred to Full Council	

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Mayor & Cabinet		
Report Title	Response to referral by the Sustainable Development Select Committee on Flood and River Related Consultations	
Key Decision	No	Item No.
Ward	All	
Contributors	Executive Director of Resources and Regeneration	
Class	Part 1	Date: 9 September 2015

1. Purpose

- 1.1 This report sets out the Mayor's response to the referral from the Sustainable Development Select Committee on Flood and River Related Consultations.

2. Summary

- 2.1 The Sustainable Development Select Committee held a meeting on 11th May 2015 and referred a report from that meeting to the Mayor on 3rd June 2015. The committee report made a number of recommendations for the Mayor to consider. This report provides the detail of how officers have responded to these recommendations.

3. Recommendation

- 3.1 The Mayor is recommended to:

Approve the responses from the Executive Director for Resources and Regeneration to the Sustainable Development Select Committees.

Agree that this report should be forwarded to the Sustainable Development Select Committee.

4. Policy Context

- 4.1 The contents of this report are consistent with the Council's policy framework.

5. Background

- 5.1 On 11th May 2015, the Sustainable Development Select Committee received a report on the preliminary results of the consultation on the Rivers Supplementary Planning Document (SPD) and the Flood Risk Management strategy. The select committee referred a report from that meeting to the Mayor and Cabinet meeting on 3rd June 2015. This report provides the response from the Mayor to the Select Committee.

6. Issues raised by the Sustainable Development Select Committee in relation to Lewisham's Local Flood Risk Management Strategy

6.1 The referral report recommended at paragraph 3.3 that the Mayor be advised of a number of matters. These are set out below together with the officer response.

a) That Mayor and Cabinet [should] support the opening of the culvert at Southend Park and naturalising the river to aid flood mitigation in the borough.

Opening the culvert at Southend Park and associated benefits including naturalising the river has been identified within the action plan for Lewisham's Flood Risk Management Strategy agreed at Mayor and Cabinet in June 2015.

The Council's ability to progress individual actions, including in relation to Southend Park, depends on accessing funding. A key priority therefore in implementing the overall strategy is to identify relevant funding opportunities. This could potentially include the European River Corridors Improvement Programme which the Council has successfully used previously.

b) That Mayor and Cabinet [should] ensure that as part of the Council's planning policy guidance on home extensions and renovations, applicants are asked to consider permeable paving for their driveways and gardens. There should also be a borough wide communications campaign that encourages the construction of permeable paving for driveways.

In October 2008, the Government introduced changes to the General Permitted Development Order, making the hard surfacing of more than five square metres of domestic front gardens permitted development where the surface in question is rendered permeable. As Permitted Development there is no need to make a planning application and as such the Council's Local Plan does not contain any policy on this matter. Where planning permission is needed the Core Strategy policy 10 'reducing the risk of flooding' does require applicants to demonstrate that their proposals will reduce the risk of flooding by for example the use of sustainable urban drainage systems (SUDS). The Planning Service is about to start work on revising the Residential Standards Supplementary Planning Document and this will provide an opportunity to put further policy guidance on permeable surface for front gardens.

The Government in collaboration with the Environment Agency has produced a leaflet titled 'Guidance on the permeable surfacing of front gardens', which provides advice on how to design and construct permeable surfaces for a front garden driveway. This advice leaflet is on the Planning Portal which is used by most applicants for planning permission. However, to improve communications on this important matter it could be added to the appropriate part of the Lewisham Development Management webpage. This would provide a borough specific link to encourage permeable paving on driveways.

c) That Mayor and Cabinet [should] investigate who has responsibility for the section of the River Quaggy that runs close to Lewisham Police Station; and whether any development is possible to keep the bus stops in that location.

The Lewisham Gateway development will result in significant changes to the highway in Lewisham Central. One of the impacts of this is the proposed relocation of the bus

stops in the vicinity of Lewisham Police Station. Following discussions with residents Transport for London is considering ways in which the impact of any changes can be minimised. Officers will continue to liaise with Transport for London on these issues as the wider scheme progresses.

d) That Mayor and Cabinet [should] publicise to the borough's residents the Council's policy on mitigating flood risk, or any other assistance/help the Council may provide.

Under the Civil Contingencies Act duties to 'put in place arrangements to make information available to the public' and 'provide advice and assistance to businesses and voluntary organisations about business continuity' the Council provides a range of general information and advice to residents and businesses on preparing for emergencies via its website.

There are also specific details on steps residents and businesses can take to prepare for flooding emergencies which have been prepared in conjunction with the Environment Agency.

<http://www.lewisham.gov.uk/inmyarea/publicsafety/emergencies/What-to-do-in-an-emergency/Pages/What-to-do-in-a-flood.aspx>

During a flood emergency, or when the risk of a flooding event is high (such as on receipt of a flood alert) these pages are promoted on the Lewisham.gov home page.

e) The Mayor and Cabinet should assure themselves and the Council that the Local Authority and key partners, such as University Hospital Lewisham and commuter networks alongside utilities, have robust action plans in place for dealing with disasters; and for higher likelihood events such as flooding the Council should actively pursue their feedback and engagement with its policies, and the Mayor should allocate resource to seek a response from all of these key stakeholders, for this strategy and others as they arise.

The Lewisham Borough Resilience Forum (BRF) is a statutory requirement under the Civil Contingencies Act with the purpose of facilitating cooperation and information sharing in relation to emergencies at the Borough level. The BRF is chaired by the Council and brings together a range of local partners including the emergency services, Environment Agency and health sector organisations.

The risk of a flooding type emergency is assessed through a local risk assessment process as a high priority. This risk-based approach ensures the Council and local partners adopt a proportionate approach to emergency planning – preparing for those risks assessed as high priority rather than every type of emergency.

The BRF has developed and maintains specific arrangements in relation to the complex and diverse nature of flooding and the consequences that could arise, which requires a comprehensive and often sustained response. These arrangements are detailed in the Lewisham Multi-Agency Flood Plan (MAFP) which aims to ensure a coordinated local multi-agency response to a flooding emergency. The MAFP was last reviewed in March 2015 and will again be reviewed following the publication of the Environment Agency lessons from the groundwater events of winter 2013/14.

In October 2015 the Council and key local partners are participating in an exercise which will rehearse our arrangements to a flooding emergency. Learning from this

event will be captured and used to inform the continuing improvement of the Council and multi-agency emergency arrangements.

f) The Mayor and Cabinet [should] investigate who is responsible for the 'ground water' issues that are affecting properties in some parts of the borough, and what the responsible authority is doing to tackle this on-going problem.

Lewisham's Flood Risk Management Strategy, agreed at Mayor and Cabinet in June 2015, includes a number of actions to investigate groundwater flooding, identify and prioritise risk and develop and implement measures to respond to this. These are at a borough-wide and across a number of specific locations.

The Council's ability to progress individual actions from the Strategy depends on accessing funding. A key priority therefore in implementing the overall strategy is to identify relevant funding opportunities.

g) The Mayor and Cabinet [should] safeguard the land adjacent to the railway to the north of Lower Sydenham Station to ensure that there will be scope for development close to the Pool River, which could include the development and/or relocation of Lower Sydenham Rail Station.

Transport Officers will need to examine the feasibility and viability of relocating Lower Sydenham Station to the north. In view of the Bakerloo Line extension proposals, it may now be appropriate to examine the possibility of relocation of the Station. If feasibility work showed a positive result the safeguarding of any land would be a legal and technical matter that could be done via a review of the Borough local plan or as part of the enabling work for the Bakerloo Line extension.

7 Legal implications

7.1 The Council's Constitution sets out the procedures relating to reports referred to the Mayor from a scrutiny committee. The Constitution sets a timescale of two months (not including recess) for a formal reply from receipt of such reports.

7.2 The Council is a Lead Local Flood Authority and Risk Management Authority under the Flood and Water Management Act 2010. As a lead Local Flood Authority it must develop, maintain, apply and monitor a strategy for local flood risk management in its area.

8. Financial Implications

8.1 There are no specific financial implications arising from this report.

8.2 The flood management budget set aside within the Regeneration & Asset Management Division for 2015/16 stands at £103k. This is not expected to fund implementation of Flood Risk Management Strategy and therefore schemes will be dependent on funding from external sources. A range of external funding sources have been highlighted in Section 5 of the strategy document from which funding can be sought in the first instance. Any

additional funding requirements with financial implications for the Council will be subject to the approval of Mayor and Cabinet or the Executive Director of Resources within delegated limits.

9 Crime and disorder implications

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

10 Equalities implications

10.1 Lewisham's Comprehensive Equalities Scheme (CES) 2012-16 describes the Council's commitment to equality for citizens, service users and employees. The CES is underpinned by a set of high level strategic objectives which incorporate the requirements of the Equality Act 2010 and the Public Sector Equality Duty:

- tackle victimisation, harassment and discrimination
- to improve access to services
- to close the gap in outcomes for citizens
- to increase understanding and mutual respect between communities
- to increase participation and engagement

10.2 Lewisham's Local Flood Risk Management Strategy has sought to reflect and respond to the equalities implications of flooding for the borough and includes (Appendix F) an assessment on social vulnerability on climate change.

11 Environmental implications

11.1 Reducing, mitigating and effectively managing flood risk in the Borough will contribute significantly to our multi-agency approach to climate change adaptation, given projections of increased severe weather events.

11.2 The Local Flood Risk Management Strategy has been subject to Strategic Environmental Screening Analysis and Scoping processes against sustainability objectives. The strategy is accompanied by a Strategic Environmental & Habitats Regulations Assessment which has been subject to public and statutory stakeholder consultation.

12 Conclusion

12.1 The recommendations referred to the Mayor from the Sustainable Development Select Committee have been answered in section 6 of this report and it is proposed that this response is referred back to the committee.

Background documents

Report to Mayor and Cabinet 3 June 2015 : “Local Flood Risk Management Strategy – Approval to Publish”

<http://councilmeetings.lewisham.gov.uk/documents/s36760/Local%20Flood%20Risk%20Management%20Strategy.pdf>

Report to Mayor and Cabinet 3 June 2015: “Sustainable Development Select Committee, Comments of the Committee on Flood and River Related Consultations”

<http://councilmeetings.lewisham.gov.uk/documents/s36857/SDSC%20Referral%20Flood%20and%20River%20Related%20Consultations%20-%20Preliminary%20Results.pdf>

Chief Officer Confirmation of Report Submission			
Cabinet Member Confirmation of Briefing			
Report for:	Mayor	<input type="checkbox"/>	
	Mayor and Cabinet	<input checked="" type="checkbox"/>	
	Mayor and Cabinet (Contracts)	<input type="checkbox"/>	
	Executive Director	<input type="checkbox"/>	
Information	<input type="checkbox"/>	Part 1	<input checked="" type="checkbox"/>
		Part 2	<input type="checkbox"/>
		Key Decision	<input type="checkbox"/>

Date of Meeting	9 th September 2015
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Title of Report	Local Authority Governor Nomination
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Originator of Report	Sara Williams	Ext. 46142
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At the time of submission for the Agenda, I confirm that the report has:

Category	Yes	No
Financial Comments from Exec Director for Resources	X	
Legal Comments from the Head of Law	√	
Crime & Disorder Implications	X	
Environmental Implications	X	
Equality Implications/Impact Assessment (as appropriate)	√	
Confirmed Adherence to Budget & Policy Framework		
Risk Assessment Comments (as appropriate)		
Reason for Urgency (as appropriate)		

Signed: 

Executive Member

Date: 1st September 2015

Signed: 

Executive Director

Date: 1st September 2015

Control Record by Committee Support

Action	Date
Listed on Schedule of Business/Forward Plan (if appropriate)	
Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)	
Submitted Report from CO Received by Committee Support	
Scheduled Date for Call-in (if appropriate)	
To be Referred to Full Council	

MAYOR AND CABINET			
Report Title	Local Authority Governor Nominations		
Key Decision	No	Item No.	
Ward	Sydenham, Telegraph Hill		
Contributors	Executive Director for Children and Young People Head of Law		
Class	Part 1	Date:	9 September 2015

1. Summary

- 1.1 In May 2014, amendments to the School Governance (Constitution) (England) Regulations 2012 (The Constitution Regulations 2012) were made and laid before Parliament. The Department for Education (DfE) also published statutory guidance on the constitution of maintained schools which governing bodies and Local Authorities must have regard to. The most recent version of this Guidance was issued in August 2015.
- 1.2 The Constitution Regulations 2012 determine the size and membership of governing bodies. Previously local authorities were able to appoint Local Authority governors to governing bodies, however amendments to the Regulations now permit a Local Authority only to nominate such a person, it will be a matter for the governing body to appoint. For the local authority governor position, the local authority would nominate a governor for "appointment" by the governing body.
- 1.3 This report is to request the nomination of Local Authority governors for schools where a Local Authority governor vacancy will arise.

2. Purpose

- 2.1 To consider and approve the nomination of the Local Authority governors detailed in paragraph 6 below.

3. Recommendation/s

The Mayor is recommended to:

- 3.1 note the information concerning the recommended nominated governors in Appendix 1.

- 3.2 agree to nominate the persons set out in paragraph 6 as local authority governors;

4. Policy Context

- 4.1 Lewisham's Children & Young People's Plan sets out our vision for improving outcomes for all children. The main purpose of a governing body is to ensure the achievement of children and young people in their schools.
- 4.2 The appointment of governors supports the broad priorities within Lewisham's Sustainable Community strategy, in particular those of being "ambitious and achieving" and "empowered and responsible". Governors help inspire our young people to achieve their full potential and they also promote volunteering which allows them to be involved in their local area.
- 4.3 Two specific corporate priorities that are relevant pertain to "community leadership and empowerment" and "young people's achievement and involvement".

5. Background

- 5.1 Under Section 19 of the Education Act 2002 and School Governance (Constitution) (England) Regulations 2012, every governing body is required to have at least one representative of the Local Authority as part of its membership. Governing bodies reconstituted under The School Governance (Constitution) (England) Regulations 2012 only allows for one Local Authority governor. Free schools and Academies are exempt from this requirement.
- 5.2 The Constitution Regulations 2012 and Guidance highlight the importance of governors having the appropriate skills to contribute to the effective governance and success of the school.
- 5.3 The suggested nominees have the requisite skills and experience required to be effective in their role as a Local Authority nominated governor.
- 5.4 Those governing bodies who have already reconstituted do not need to go through the reconstitution process but need to be mindful of the new skills based criteria when filling 'appointed' governor places.
- 5.5 A Local Authority governor vacancy will arise on the governing body of the schools listed in paragraph 6. Appointments to school governing bodies are usually for a four-year term, unless stipulated otherwise in the Instrument of Government. The individuals set out in paragraph 6 would serve the normal 4 years if appointed and are currently the Local Authority appointed governors. The governing body of each school would like to re-appoint them to the role of Local Authority governor at the next

governing body meeting and thus a nomination is required to enable this to happen.

5.6 Appendix 1 highlights the skills and experience that the individuals possess which will enable them to be effective members of a governing body. The governing body of each school supports the nomination of the candidates.

6. Governors recommended for Nomination as Local Authority governor for governing bodies constituted under the School Governance (Constitution) (England) Regulations 2012 .

Name	School
Annette Tee-Bangura	St Bartholomew's CE Primary
Councillor Stella Jeffrey	Chelwood Nursery

7. Financial implications

7.1 There are no financial implications arising from this report.

8. Legal implications

8.1 Sections 19 of the Education Act 2002 and School Governance (Constitution) (England) Regulations 2012 require every governing body to have at least one representative of the Local Authority as part of its membership. Governing bodies reconstituting under The School Governance (Constitution) (England) Regulations 2012 only allows for one Local Authority governor. Academies are exempt from this requirement.

8.2 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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

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

- foster good relations between people who share a protected characteristic and those who do not.
- 8.4 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 8.5 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:
<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 8.6 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 8.7 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

9 Crime and Disorder Implications

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

10. Equalities Implications

10.1 Lewisham Council's policy is to encourage all sections of the community to be represented as Local Authority governors. In particular, we would encourage further representation from the black community and minority groups including disabled people, who are currently under-represented as governors. The numbers of governors in these groups is kept under review

11. Environmental Implications

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

12. Conclusion

12.1 The individuals detailed in Appendix 1 view being a governor as a way of utilising their skills and experience to make a difference to the lives of children and young people in Lewisham schools. Section 19 of the Education Act 2002 and School Governance (Constitution) (England) Regulations 2012 made under it require every governing body to have one representative of the Local Authority as part of its membership. A vacancy will arise on the governing body of the schools listed in paragraph 6 and a nomination is required.

12.2 Appointments to school governing bodies are usually for a four-year term, unless stipulated otherwise in the Instrument of Government. The persons listed in paragraph 6 would serve the normal 4 years.

Background Documents

There are no background papers.

If there are any queries arising from this report, please contact Suhaib Saeed, Strategic Lead Governors' Services and School Leadership, Governors' Services, 3rd Floor, Laurence House, telephone 020 8314 767

LA Governor nominations

APPENDIX 1

Name	School	Occupation	Residential Area	Précis of Suitability and Skills to be considered as a school governor	Governor Monitoring Information
Annette Tee-Bangura	St Bartholomew's CE Primary	Chartered Accountant	SE23	<p>Ms. Tee-Bangura qualified as a chartered accountant in 1997 and has experience of preparing accounts for charities, limited companies, partnership and sole traders. She also audits these accounts and can advise businesses on tax and business planning.</p> <p>She trains and mentors trainees and leads committees relating to staff and professional development.</p> <p>Ms. Tee-Bangura has been the Local Authority appointed governor at St. Bartholomew's CE Primary school for 4 years and is the link governor for IT.</p>	Female Black

LA Governor nominations	APPENDIX 1
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Name	School	Occupation	Residential Area	Précis of Suitability and Skills to be considered as a school governor	Governor Monitoring Information
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Councillor Stella Jeffrey	Chelwood Nursery	Retired	SE13	<p>Councillor Stella Jeffrey has been a school governor for more than 30 years and has served on the finance committee and as lead governor for personnel and as Chair of governors for a number of years. As a councillor she is also a member of the governing body of the Virtual School. Councillor Stella Jeffrey is a former teacher and has an M.A. in Education.</p>	Female White
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Chief Officer Confirmation of Report Submission			
Cabinet Member Confirmation of Briefing			
Report for:	Mayor	<input type="checkbox"/>	
	Mayor and Cabinet	<input checked="" type="checkbox"/>	
	Mayor and Cabinet (Contracts)	<input type="checkbox"/>	
	Executive Director	<input type="checkbox"/>	
Information	<input type="checkbox"/>	Part 1 <input checked="" type="checkbox"/>	Part 2 <input type="checkbox"/>
			Key Decision <input type="checkbox"/>

Date of Meeting	9 th September 2015
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Title of Report	Local Authority Member Appointment
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Originator of Report	Sara Williams	Ext. 46142
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At the time of submission for the Agenda, I confirm that the report has:

Category	Yes	No
Financial Comments from Exec Director for Resources	X	
Legal Comments from the Head of Law	√	
Crime & Disorder Implications	X	
Environmental Implications	X	
Equality Implications/Impact Assessment (as appropriate)	√	
Confirmed Adherence to Budget & Policy Framework		
Risk Assessment Comments (as appropriate)		
Reason for Urgency (as appropriate)		

Signed:  Executive Member

Date: 1st September 2015

Signed:  Executive Director

Date: 1st September 2015

Control Record by Committee Support

Action	Date
Listed on Schedule of Business/Forward Plan (if appropriate)	
Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)	
Submitted Report from CO Received by Committee Support	
Scheduled Date for Call-in (if appropriate)	
To be Referred to Full Council	

MAYOR AND CABINET			
Report Title	Local Authority Member Appointment		
Key Decision	No	Item No.	
Ward	Lee Green , Ladywell		
Contributors	Executive Director for Children and Young People Head of Law		
Class	Part 1	Date:	9 September 2015

1. Summary

- 1.1 This report is to request an appointment of a Local Authority appointed member to the Abbey Manor College Management Committee. Abbey Manor College is Lewisham's Pupil Referral Unit.

2. Purpose

- 2.1 To consider and approve the appointment of the Local Authority member detailed in paragraph 6 below.

3. Recommendation/s

The Mayor is recommended to:

- 3.1 note the information concerning the recommended member in Appendix 1.
- 3.2 agree to appoint Adam Bates as a Local Authority appointed member to the Abbey Manor College Management Committee. Abbey Manor College is Lewisham's Pupil Referral Unit.

4. Policy Context

- 4.1 Lewisham's Children & Young People's Plan sets out our vision for improving outcomes for all children.
- 4.2 Regulations require Local Authorities to establish management committees to run Pupil Referral Units in their area, to make provision for the constitution (including composition) and procedures of management committees, and to delegate specific powers to management committees. The management committee must have a strategic role setting out and monitoring the aims and objectives of the unit to ensure children are safe, have their needs met and receive a good standard of education.

5. Background

5.1 A school established and maintained by a local authority to provide suitable education for children who, by reason of illness, permanent exclusion or otherwise, may not receive such education is known as a Pupil Referral Unit. Lewisham has one secondary Pupil Referral Unit – Abbey Manor College. The Pupil Referral Unit is split across two sites catering for Key Stage 3 and 4 provision. In addition, there is a 6th Form.

5.2 The Education (Pupil Referral Units) (Management Committees etc.) (England) Regulations 2007 as amended by the Pupil Referral Units (Miscellaneous Amendments) (England) Regulations 2012, specify the composition of management committees and provide that the number of community members must outnumber all the other members of the management committee.

5.3 The Education (Pupil Referral Units) (Management Committees etc.) (England) Regulations 2007 (as amended) also requires that the “authority appointed member” be a person who is appointed as a member by the authority (other than a staff member, a community member, or a sponsor member appointed by the authority). A person is disqualified from appointment as an authority appointed member if he is eligible to be a staff member.

5.4 There must be no fewer than 7 members on a management committee and the maximum permitted is 20 members (disregarding any sponsor members). The proportions of places allocated to each of the categories are as follows:

Community members: the number of places must exceed all other members by one or more;

Parent members: at least one place but no more than one-fifth;

Staff members: at least one place, but no more than one-third, including the teacher-in-charge (in practice this will be the Executive Headteacher);

Local Authority members: at least one place, but no more than one-third; and;

In addition, the management committee may appoint one or two Sponsor members. Sponsor members are persons who give substantial assistance to the Pupil Referral Unit, financially or in kind, or who provide services to the Pupil Referral Unit. This is an optional category.

5.5 The current membership of the management committee is as follows:-

Category	Numbers	Members
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Community	8	Steve Grant Sid Hughes Michael Mensah Rev Bridget Shepherd Louise Spence Barbara Williams Geraldine Wills 1 vacancy
Parent	2	Bill Dishington 1 vacancy
Staff	3	Liz Jones (Executive Head Teacher) Nancy Stanger Phil Stutely
Local Authority	2	Councillor Jim Mallory (Chair) 1 vacancy (to be appointed)

5.6 A vacancy for a Local Authority appointed member exists and the individual highlighted in paragraph 6 below is recommended for appointment to the management committee. In addition, the Chair, Councillor Jim Mallory, supports the appointment.

6. Individual recommended for appointment as Local Authority member.

Name	School	New appointment
Adam Bates	Abbey Manor College (Pupil Referral Unit)	Yes

7. Financial implications

7.1 There are no financial implications arising from this report.

8. Legal implications

8.1 Section 19 of the Education Act 1996 requires Local Authorities to make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them. Any school established and maintained by a Local Authority which is specifically organised to provide education for such pupils is known as a Pupil Referral Unit.

The legal requirements in relation to the composition of a management committee for a Pupil Referral Unit are set out at Paragraph 5 of this Report.

- 8.2 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.3 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 8.4 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 8.5 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:
<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 8.6 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty

- 8.7 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

9 Crime and Disorder Implications

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

10. Equalities Implications

- 10.1 The category of community member, the largest category, gives the management committee the necessary flexibility to ensure that the committee is representative of the community it serves.

11. Environmental Implications

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

12. Conclusion

- 12.1 The individual detailed in Appendix 1 views being a member of the management committee as a way of utilising their skills and experience to make a difference to the lives of children and young people in Lewisham schools.
- 12.2 Appointments are usually for a four-year term, unless stipulated otherwise in the Instrument of Government. The individual listed in paragraph 6 would serve the normal 4 years.

Background Documents

<u>Short Title of Document</u>	<u>Date</u>	<u>File Location</u>	<u>Contact Officer</u>
The Education (Pupil Referral Units) (Management Committees etc.) (England) Regulations 2007 No. 2978	2007	http://www.legislation.gov.uk/ukxi/2007/2978/contents/made	Suhaib Saeed

The Pupil Referral Units 2012 <http://www.legislation.gov.uk/uksi/2012/1825/made> Suhaib Saeed
(Miscellaneous
Amendments) (England)
Regulations 2012 No.
1825

If there are any queries arising from this report, please contact Suhaib Saeed,
Strategic Lead Governors' Services and School Leadership, Governors'
Services, 3rd Floor, Laurence House, telephone 020 8314 7670

APPENDIX 1

Name	School	Occupation	Residential Area	Précis of Suitability and Skills to be considered as a Local Authority member of the management committee	Monitoring Information
Adam Bates	Abbey Manor College (Pupil Referral Unit)	Consultant Ophthalmologist (Medical doctor)	SE12	<p>Mr Bates has been a medical doctor since 1994 and has held the post of Consultant Ophthalmologist since 2006.</p> <p>He has taken on a number of leadership roles including 3 years as College Tutor responsible for all the Ophthalmology trainees rotating through the trust, 3 years as Lead Consultant acting as liaison between the consultant ophthalmologists and the general management of the department and Medical Director of the trust and 4 years as Training Programme Director of the Kent, Surrey and Sussex region with responsibility for ensuring the quality of ophthalmology training and well-being of the trainees.</p> <p>His clinical practice is two-thirds paediatric ophthalmology and he has extensive experience in gaining the confidence of children and young people and their parents.</p> <p>The management committee would benefit with having a member with Mr Bates skills and experience.</p>	Male White British

Chief Officer Confirmation of Report Submission	
Cabinet Member Confirmation of Briefing	
Report for: Mayor	<input type="checkbox"/>
Mayor and Cabinet	<input checked="" type="checkbox"/>
Mayor and Cabinet (Contracts)	<input type="checkbox"/>
Executive Director	<input type="checkbox"/>
Information <input type="checkbox"/> Part 1 <input checked="" type="checkbox"/> Part 2 <input type="checkbox"/> Key Decision <input type="checkbox"/>	

Date of Meeting	9 th September 2015
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Title of Report	School Organisation: Proposal to close St Winifred's Infant School and St Winifred's Junior School and open St Winifred's Primary School.
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Originator of Report	Chris Threlfall	Ext. 49974
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At the time of submission for the Agenda, I confirm that the report has:

Category	Yes	No
Financial Comments from Exec Director for Resources	√	
Legal Comments from the Head of Law	√	
Crime & Disorder Implications	X	
Environmental Implications	X	
Equality Implications/Impact Assessment (as appropriate)	√	
Confirmed Adherence to Budget & Policy Framework		
Risk Assessment Comments (as appropriate)	√	
Reason for Urgency (as appropriate)		

Signed: _____ Executive Member



Date: 3 September 2015

Signed: _____ Executive Director



Date: 3 September 2015

Control Record by Committee Support

Action	Date
Listed on Schedule of Business/Forward Plan (if appropriate)	
Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)	
Submitted Report from CO Received by Committee Support	
Scheduled Date for Call-in (if appropriate)	
To be Referred to Full Council	

MAYOR AND CABINET			
Report Title	School Organisation: Proposal to close St Winifred's Infant School & St Winifred's Junior School and open St Winifred's Primary School.		
Key Decision	Yes	Item No.	
Ward	Lee Green		
Contributors	Executive Director for Children and Young People, Executive Director Regeneration & Resources, Head of Law		
Class	Part 1	Date:	September 9 2015

Reasons for Urgency LATE SUBMISSION

The reason for the delay of this item is that key information relating to the consultation was not available in time for the publication date. It is not possible to defer this decision beyond the 9 September Mayor and Cabinet meeting. The Regulations governing the opening and closing of schools prescribe that the decision-maker (usually the LA) must decide proposals within 2 months of the end of the representation period or decision defaults to the School Adjudicator. The Representation period ran from July 1st to July 28th and therefore the decision must be taken prior to the end of September.

1. Summary

- 1.1 This report informs the Mayor of a proposal made by the Archdiocese of Southwark, following discussions by the governing bodies of St Winifred's Infant School and St Winifred's Junior School, to amalgamate the two schools. The report seeks the Mayor's determination of the proposal as the decision maker for these purposes.

2. Purpose

- 2.1 The report requests the Mayor, as decision maker for local school organisation proposals, to agree the proposal.

3. Recommendation

That the Mayor:

- 3.1 agree the proposal that St Winifred's Infant School and St Winifred's Junior School should close on March 31st 2016 and that St Winifred's Primary school should open on April 1st 2016.

4. Policy Context

- 4.1 The proposals within this report are consistent with 'Shaping Our Future: Lewisham's Sustainable Community Strategy' and the Council's corporate priorities. In particular, they relate to the Council's priorities regarding young people's achievement and involvement, including inspiring and supporting young people to achieve their potential, the protection of children and young people and ensuring efficiency, effectiveness and equity in the delivery of excellent services to meet the needs of the community.
- 4.2 In aiming to improve on the provision of facilities for primary education in Lewisham which are appropriate for the 21st century, the implementation of a successful primary places strategy will contribute to the delivery of the corporate priority Young people's achievement and involvement: raising educational attainment and improving facilities for young people through partnership working.
- 4.3 It supports the delivery of Lewisham's Children & Young People's Plan (CYPP), which sets out the Council's vision for improving outcomes for all children and young people, and in so doing reducing the achievement gap between our most disadvantaged pupils and their peers. It also articulates the objective of improving outcomes for children with identified SEN and disabilities by ensuring that their needs are met.
- 4.4 Dependent upon future central government decisions on capital delivery, it is proposed that the borough's Places Programme will continue to be governed by the following criteria as set out in the 2008 PSfC:
- Provide sufficient places at the right time to meet future needs within and between planning localities in the Borough
 - Improve conditions and suitability of schools in order to raise standards
 - Increase the influence of successful and popular schools
 - Maximise the efficient delivery of education in relation to the size of the school, removing half-form entries and promoting continuity of education
 - Enable school extended services for pupils, parents and communities
 - Optimise the Council's capital resources available for investment.

School Organisation Requirements

- 4.5 The guidance for proposers and decision makers in maintained schools was revised in January 2014 with the publication of School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and (Establishment and Discontinuance of Schools) Regulations 2013. The Regulations came into force on 28 January 2014.
- 4.6 The new School Organisation Regulations have been introduced to support the government's aim of increasing school autonomy and reducing bureaucracy. The guidance on the regulations can be found at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/278418/School_Organisation_Guidance_2014.pdf

- 4.7 In respect of amalgamations/mergers the guidance states “The LA or governing body (depending on school category) can publish a proposal to close two (or more) schools and the LA or a proposer other than the LA (e.g. diocese, faith or parent group, Trust) depending on category, can publish a proposal to open a new school or academy.”
- 4.8 The guidance on the Regulations requires governing bodies to follow the statutory process as set out below.

Stage 1	Publication	Statutory proposal published -1 day
Stage 2	Representation (formal consultation)	Must be 4 weeks, as prescribed in regulations
Stage 3	Decision	The decision-maker (usually the LA) must decide proposals within 2 months of the end of the representation period or decision defaults to the School Adjudicator. Any appeal to the adjudicator must be made within 4 weeks of the decision,
Stage 4	Implementation	There is no prescribed timescale, but must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker

- 4.9 The Local Authority is the Decision maker for proposals to create a new school following the closure of two schools.
- 4.10 This report sets out how those requirements have been met.

5. Background

5.1 Alignment of proposal with wider place planning

The proposal supports the LA’s continuing ambition to maintain and improve the standards of education by increasing the influence of popular and successful schools.

5.2 St Winifred’s Infant School and St Winifred’s Junior School

5.2.1 St Winifred’s Infant School and St Winifred’s Junior School are 1.5 FE schools located in Lee Green and serving practising Catholic families who are resident in the parish of Our Lady of Lourdes, Lee. Children from the Infant school automatically transfer to the Junior School.

5.2.2 St Winifred’s Infant School has been judged by Ofsted to be Outstanding (December 2009), and has had a light-touch inspection regime since then. The school is visited and monitored by Lewisham’s school improvement

service who confirm that the standard has been maintained. The school currently has one bulge class.

- 5.2.3 After Ofsted judgements of “Requires Improvement” at St Winifred’s Junior School in 2011 and 2012, compounded by difficulties in appointing to the substantive post of Headteacher, the governing bodies of the two St Winifred schools agreed to a collaborative partnership with the head of the Infant school becoming the Executive Headteacher across the Infant and Junior schools.
- 5.2.4 Ofsted inspected the Junior School in October 2014 and returned a judgement of “Good”. In their section on Leadership and Management they commented that *“Leaders have created a good school which has improved steadily since the previous inspection. The momentum of improvement is being sustained and driven forward by the new headteacher. Staff, governors and parents share her vision and ambition to provide the best possible learning and experiences for pupils. In a short space of time at the junior school she, along with the governing body, has made important decisions and changes that are already having a very positive impact on the pupils’ achievements.*
- 5.2.5 The Ofsted inspectors also commented that *“The local authority has supported the school very effectively to ensure stability after many changes in its leadership over the past few years. It is currently supporting the headteacher in her leadership of both the infant and junior schools following the establishment of the collaborative partnership. The local authority has great confidence in the leadership. It supports the school’s own evaluation that it is now a good school. The inspectors agree with this view.”*
- 5.2.6 The increased integration across the schools is demonstrated by the fact that Year 2 are now housed on the Junior School site. This has enabled the Infant School to respond to the increased demand for places by offering an additional 15 places since 2012, making it 2FE throughout. There are ongoing discussions about the potential for the amalgamated school to become 2FE throughout, with the school consolidated on the Newstead Road site. The proposal is subject to the disposal of the site of the Infant School with the capital receipt being a contribution to the cost of the enlarged school. This proposal would support the local authority’s policy of eliminating half forms of entry where possible.

6 Consultation

- 6.1 Having received the Ofsted report, and after discussion with the Archdiocese of Southwark, the governing bodies of the two schools agreed to launch a consultation on amalgamation with parents. A leaflet (Appendix One) was circulated in March and a parents meeting was held on May 6th. Ten responses were received to the consultation, nine expressing support and one raising the following issues:

Issue	Response
Concern at the loss of the special environment and the impact on younger children	Concerns about the impact on younger children are addressed within primary schools by careful leadership and effective management; this will enable younger pupils to be supported appropriately as they start their school career, including having the opportunity to mix with, and learn from older pupils in a managed way
Concern that the proposal is about saving money and enhanced profits in the short term	The proposals are driven foremost by the desire to raise standards and to produce positive outcomes for all children who attend the single school. Any financial savings realised by the amalgamation of the schools will be used for the continued provision of Catholic education in accordance with the Diocesan Trust Deed.

6.2. At the same time a leaflet (Appendix Two) was circulated to the community and other stakeholders inviting a response to the proposal. No responses were received to this leaflet.

6.3 The consultation materials make reference to the option currently under discussion to expand the school to 2 forms of entry with both Key Stages accommodated on the Junior School site in Newstead Road. The proposal to amalgamate the two schools is not dependent on this further option.

6.4 The governing bodies have consulted with the Council's School Improvement team and the Place Manager has attended meetings of the governing body during the development of the proposal.

6.5 On June 2nd 2015, the governing bodies of the two schools held a joint meeting to discuss the results of the consultation as set out above. After a comprehensive discussion of all the issues which was supported by representatives of the Archdiocese of Southwark, the governing bodies separated in order to vote.

6.5.1 The governing body of St Winifred's Junior School unanimously resolved that

"The governing body of St Winifred's Catholic Junior School having considered all of the responses made to the public consultation proposing to close the school on 31st March 2016 and that the Archdiocese of Southwark opening St Winifred's Catholic Primary School on 1st April 2016 agrees to proceed with the proposal as published in the consultation document"

6.5.2 The governing body of St Winifred's Infant School unanimously resolved that

"The governing body of St Winifred's Catholic Infant School having considered all of the responses made to the public consultation proposing to close the

school on 31st March 2016 and that the Archdiocese of Southwark opening St Winifred's Catholic Primary School on 1st April 2016 agrees to proceed with the proposal as published in the consultation document."

7. Representation

7.1 In line with the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 covering proposals for the discontinuance of schools, the governing bodies published the proposal on the websites of the two schools and in the *Newshopper* which has a wide local circulation. The full list of consultees can be found at Appendix Four.

7.2 As required the notification of the proposals contained a statement detailing how copies of the proposals might be obtained and how any person might object to or comment on the proposals and the address of the local authority to which any objections or comments should be sent and the date by which such objections or comments must be sent.

7.2.1 The statutory notice states that "the school will initially be situated on the sites presently occupied by St Winifred's Catholic Nursery and Infant School and St Winifred's Catholic Junior School. There are conditional plans for the new school to be wholly situated on the present St Winifred's Catholic Junior School site from an agreed date after 1st September 2016." It also gives notice that the Planned Admission Number of the new school will be 420. This reflects current planning that the school should enlarge from 1.5 FE to 2 FE in response to the demand for pupil places.

7.2.2 The proposals for enlargement are still under development and a further report will be brought to the Mayor if a suitable scheme is agreed, requesting permission for its inclusion in the capital programme.

7.3 The representation period ran from July 1st to July 28th. No comments or objections were received during this period.

8. Factors relevant to a making a decision on school organisation proposals

When making a decision on a school organisation proposal the decision maker must consider the following factors:

8.1 Consideration of consultation and representation period

The decision-maker will need to be satisfied that the appropriate consultation and/or representation period has been carried out and that the proposer has had regard to the responses received. If the proposer has failed to meet the statutory requirements, a proposal may be deemed invalid and therefore should be rejected. The decision-maker must consider all the views submitted, including all support for, objections to and comments on the proposal.

The consultation has been undertaken in accordance with the statutory requirements and the results of the consultation are reported on paragraph 6. Stakeholders have been involved in the development of the proposal. The notice has been published as required. During the representation period no comments or objections were received.

8.2 Education standards and diversity of provision

Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the aspirations of parents, raise local standards and narrow attainment gaps.

The decision maker has received information that the range and on the schools in the relevant area, including the aspirations of parents.

The decision-maker should also take into account the extent to which the proposal is consistent with the government's policy on academies as set out on the department's website.

The proposal does not have a bearing on government policy on academies.

8.3 Demand

In assessing the demand for new school places the decision-maker should consider the evidence presented for any projected increase in pupil population (such as planned housing developments) and any new provision opening in the area (including free schools).

The proposal does not increase the number of school places available in the locality.

The decision-maker should take into account the quality and popularity of the schools in which spare capacity exists and evidence of parents' aspirations for a new school or for places in a school proposed for expansion. The existence of surplus capacity in neighbouring less popular schools should not in itself prevent the addition of new places.

The proposal does not increase the number of school places available in the locality.

Reducing surplus places is not a priority (unless running at very high levels). For parental choice to work effectively there may be some surplus capacity in the system as a whole. Competition from additional schools and places in the system will lead to pressure on existing schools to improve standards.

The proposal does not cover the removal of surplus places.

8.4 School size

Decision-makers should not make blanket assumptions that schools should be of a certain size to be good schools, although the viability and cost-effectiveness of a proposal is an important factor for consideration. The decision-maker should also consider the impact on the local authority's budget of the need to provide additional funding to a small school to compensate for its size.

The proposal does not involve an increase in forms of entry above that of the predecessor schools. The Decision maker has received advice about the financial implications of the proposal.

8.5 Proposed admission arrangements (including post-16 provision)

In assessing demand the decision-maker should consider all expected admission applications, not only those from the area of the LA in which the school is situated.

Before approving a proposal that is likely to affect admissions to the school the decision-maker should confirm that the admission arrangements of the school are compliant with the School Admissions Code. Although the decision-maker cannot modify proposed admission arrangements, the decision-maker should inform the proposer where arrangements seem unsatisfactory and the admission authority should be given the opportunity to revise them.

The proposal does not involve changes to admissions arrangements.

8.6 National Curriculum

All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community.

The Decision maker has been advised of the outcomes of Ofsted inspections of the predecessor schools, which confirm that they followed the National Curriculum.

8.7 Equal opportunity issues

The decision-maker must have regard to the Public Sector Equality Duty (PSED) of LAs/governing bodies, which requires them to have 'due regard' to the need to:

- eliminate discrimination;
- advance equality of opportunity; and
- foster good relations.

The decision-maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example that where there is a proposed change to single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly there should be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

There are no changes relating to the closure of the two schools and the opening of a replacement 5-11 Primary School which have Equal Opportunity consequences.

8.8 Community cohesion

Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from and about each other; by encouraging, through their teaching, an understanding of, and respect for,

other cultures, faiths and communities. When considering a proposal, the decision-maker must consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different sections within the community.

There are opportunities to increase collaboration further in the creation of a 5-11 Primary school which in turn will impact positively on community cohesion. The consultation indicated broad community support for the proposal. .

8.9 Travel and accessibility

Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes.

A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

The proposal will not change the current sites for Infant and Junior provision which are only half a mile apart.

8.10 Capital

The decision-maker should be satisfied that any land, premises or capital required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement. A proposal cannot be approved conditionally upon funding being made available.

Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available; nor can any allocation 'in principle' be increased. In such circumstances the proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.

The Decision maker has been advised that the school will initially be situated on the sites presently occupied by St Winifred's Catholic Nursery and Infant School and St Winifred's Catholic Junior School. The proposal does not require additional capital resource.

8.11 School premises and playing fields

Under the School Premises Regulations all schools are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely. Guidelines setting out suggested areas for pitches and games courts

are in place although the department has been clear that these are non-statutory.

The proposal does not involve changes to the existing outdoor space available to the two predecessor schools.

9. Decision

- 9.1 The Local Authority is the decision maker for proposals. On the basis of the support for the proposal shown by the school community and the strengthening collaboration between the two schools, supported by the local authority, the Mayor is recommended to agree the proposals that St Winifred's Infant School and St Winifred's Junior School should close on March 31st 2016 and that St Winifred's Primary School should open on April 1st 2016.

10 Financial implications

10.1 Capital Financial Implications

There are no capital financial implications arising from the decision in this report. The continuation of education and the permanent provision of 1.5FE requires no capital expenditure by the Council.

10.2 Revenue Financial Implications

The revenue costs of running the amalgamated school will be funded from the Dedicated Schools Grant with no burden falling on the General Fund resources of the Council. The Infant and Junior Schools both receive a lump sum (£131k) under the national formula funding regulations. A combined school will receive only one lump sum. This will be offset by the reduced overheads of running a single institution.

11 Legal Implications

- 11.1 The Human Rights Act 1998 safeguards the rights of children in the Borough to educational provision, which the Council is empowered to provide in accordance with its duties under domestic legislation.
- 11.2 Section 14 of the Education Act 1996 obliges each local authority to ensure that there are sufficient primary and secondary schools available for its area i.e. the London Borough of Lewisham, although there is no requirement that those places should be exclusively in the borough. The Authority is not itself obliged to provide all the schools required, but to secure that they are available.
- 11.3 In exercising its responsibilities under section 14 of the Education Act 1996 a local authority must do so with a view to securing diversity in the provision of schools and increasing opportunities for parental choice.
- 11.4 Section 11(1A) of the education and Inspections Act 2006 (as amended) enables proposals for the establishment of a new voluntary aided school without the necessity of Secretary of State's consent or complying with the

academy presumption or conducting a school competition under section 7 of the Act.

- 11.5 The proposers have consulted with all relevant stakeholders as required under the Regulations. The results are set out at paragraph 6.
- 11.6 The relevant Guidance advises that the Mayor will need to be satisfied that the appropriate consultation and/or representation period has been carried out and that the proposer has had regard to the responses received. The Mayor must consider all the views submitted, including all support for, objections to and comments on the proposals.
- 11.7 Any decision to the closure of St Winifred's Infants and Junior Schools and the establishment of the proposed new voluntary aided school should be taken in the light of the representations received to the statutory consultation and the DfE Guidance attached at Appendix 6.
- 11.8 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 11.9 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 11.10 The duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 11.11 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:
<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

- 11.12 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 11.13 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:
<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>
- 11.14 In deciding whether to agree the recommendations of this report, the Mayor must be satisfied that to do so is a reasonable exercise of his discretion on a consideration of all relevant matters and disregarding irrelevancies and having regard to all Guidance that he is statutorily required to consider.

12 Crime and Disorder Implications

- 12.1 There are no crime and disorder implications.

13 Equalities Implications

- 13.1 This report supports the delivery of the Council's equalities objectives by ensuring that all children whose parents /carers require a place in a Lewisham school will be able to access one.

14 Environmental Implications

- 14.1 There are no environmental implications arising from this report.

15 Risk assessment

- 15.1 Should the proposal to enlarge the school not proceed the governing body of the new school will need to re-consult on the Planned Admission Number.

16 Conclusion

- 16.1 The borough's Primary Capital Programme is governed by the following criteria:

- Provide sufficient places at the right time to meet future needs within and between planning localities in the Borough
- Improve conditions and suitability of schools in order to raise standards
- Increase the influence of successful and popular schools
- Maximise the efficient delivery of education in relation to the size of the school, removing half-form entries and promoting continuity of education
- Enable school extended services for pupils, parents and communities

16.2 This proposal will support the criteria to *increase the influence of successful and popular schools* and, subject to the successful conclusion of discussions about the disposal of the site in Effingham Road, will *maximise the efficient delivery of education in relation to the size of the school, removing half-form entries and promoting continuity of education*.

16.3 The Mayor is therefore recommended to agree the proposal of the governing bodies of St Winifred Infant School and St Winifred Junior School that the two schools should close on March 31st 2016 to be replaced by St Winifred Primary School from April 1st 2016.

Background Documents

Guidance on school organisation changes

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/278418/School_Organisation_Guidance_2014.pdf

Summary of demand for school places:

Children and Young People Select Committee January 2014

<http://councilmeetings.lewisham.gov.uk/documents/s26896/06PrimaryAndSecondarySchoolPlacesPlanning29012014.pdf>

*If there are any queries arising from this report, please contact
Chris Threlfall, Head of Education Infrastructure, ext 49971*

Appendix One	Consultation leaflet to parents/carers
Appendix Two	Consultation leaflet to other stakeholders
Appendix Three	Statutory Notice
Appendix Four	List of consultees
Appendix Five	Full proposal
Appendix Six	Statutory guidance

APPENDIX ONE – CONSULTATION LEAFLET TO PARENTS/CARERS



ST WINIFRED'S CATHOLIC NURSERY, INFANT AND JUNIOR COLLABORATIVE PARTNERSHIP



St Winifred's Year 2 & Junior Site:
Years Site:
Newstead Road
Lee
London
SE12 0SJ
Tel: 0208 857 8792

St Winifred's Early
103 Effingham Road
Lee
London
SE12 8NS
Tel: 0208 852 0187

Email: admin@st-winifreds-jun.lewisham.sch.uk
admin@stwinifredsinfant.lewisham.sch.uk

Email:

CONSULTATION

What is being proposed?

The governing bodies of St Winifred's Catholic Nursery and Infant School and St Winifred's Catholic Junior School, are proposing to discontinue having two separate schools and have one Catholic Primary School for pupils ages 3 – 11.

Why is this being proposed?

Having one school for pupils aged 3 to 11 will mean parents will only have to apply for a place in Reception year and not again at the end of Year 2. Pupils who start in the school in Reception will continue in the same school until the end of Year 6. Having one school will mean that all pupils will benefit from the expertise of more staff and the availability of more resources so ensuring they continue to achieve very high standards. The distinctive characters of both schools will continue to be a strength in the new school.

How will this be done?

On 31st March 2016 both schools will close and on 1st April 2016 the new school will open.

Where will the school be?

Initially the new school will continue on the Effingham Road and Newstead Road sites. There is a building programme supported by Lewisham Council and the Archdiocese of Southwark to provide new state of the art buildings on the Newstead Road site for all pupils scheduled to open in the 2016/17 school year.

Will the new school have a new name?

No. The school will continue to be St Winifred's but will be Primary rather than separate Nursery and Infants and Juniors.

Will it be a Catholic school?

Yes. The designated character of the new school will be Roman Catholic and the admission arrangements will still give priority to baptised Catholic children.

Will parents have to re-apply for places?

No. Pupils already in the school will continue as they are. Once the new school starts there will be only one admission process at Reception. Parents of children in the Nursery will still have to make an application for admission to Reception.

Will there be new staff?

The members of staff of the schools will continue to work in the new school.

Will there be new Governors?

There will only be one Governing Body and many of the existing Governors will be appointed to serve on the new Governing Body.

Will there be more pupils?

Yes. At the moment both schools have an admission number of 45 pupils in each year group. In the past three years the Infant school has taken 60 pupils per year at the request of Lewisham Council and the Archdiocese of Southwark to meet the demand for more school places in the area. This is one of the reasons for the new school, as the support for the new building programme from Lewisham Council and the Archdiocese of Southwark will ensure there is sufficient room and resources to provide for a first class curriculum for 60 children in each year group.

What happens next?

We want to know what you think. Please let us know if you support these proposals or if you wish to object or express any concerns. These must reach us by **29th May** either by email to Claire.cottington@educationcommission.org.uk or in writing to St Winifred's Schools' Proposal, c/o Education Commission, St Edwards House, St Paul's Wood Hill, Orpington BR5 2SR. In reply please indicate who you are e.g. Parent, Resident, Member of Staff etc.

**There will be an Open Drop-In Meeting at St Winifred's Junior School,
Newstead Road, London SE12 0SJ on 6th May 2015 from 6.30 pm – 8.00 pm.**

APPENDIX TWO – CONSULATION LEAFLET TO OTHER STAKEHOLDERS



ST WINIFRED'S CATHOLIC NURSERY, INFANT AND JUNIOR



COLLABORATIVE PARTNERSHIP

St Winifred's Year 2 & Junior Site:

Newstead Road

Lee

London

SE12 0SJ

Tel: 0208 857 8792

St Winifred's Early Years Site:

103 Effingham Road

Lee

London

SE12 8NS

Tel: 0208 852 0187

Email: admin@st-winifreds-jun.lewisham.sch.uk

Email: admin@stwinifredsinfant.lewisham.sch.uk

Consultation on the proposal to discontinue (close) St Winifred's Nursery and Infant School, Effingham Road, London, SE12 8NS and St Winifred's Catholic Junior School, Newstead Road, London, SE12 0SJ and establishing a new Catholic Voluntary Aided Primary School for pupils aged 3 to 11.

To whom it may concern

A Consultation Document has been sent out giving more detail on the proposal set out above.

There will be an opportunity for anyone to reply to the consultation process stating their support, objection or expressing other views.

The process is

- The public consultation period will run until Friday 29th May 2015
- The Governing Bodies of both schools will consider all responses made to the consultation.
- Having considered the responses the Governing Bodies will decide if they wish to proceed with the proposal.
- If the decision is to proceed the Governing Bodies of the two schools will publish a Public Statutory Notice in a local newspaper and through other media including the schools' websites, proposing to close the two schools. This will be a 'Related Proposal' in that the closure of the two schools is dependent on a new Catholic Voluntary Aided Primary School for pupils aged 3-11 years being established and opening immediately upon the closure of the two existing schools.
- The Establishment of the new Catholic Voluntary Aided School will be proposed by the Trustees of the Roman Catholic Archdiocese of Southwark. The new school would be in the trusteeship of the Roman Catholic Archdiocese of Southwark.

- The new school will be Voluntary Aided and be designated as having a Roman Catholic religious character.
- Once the Public Statutory Notice is published there will be a four week period for anyone to make representation to the Local Authority, Lewisham Council.
- The Local Authority considers any representation and publishes it's decision within two months. Where permitted appeals must be made within four weeks of the decision.
- If the Local Authority decision is to allow the proposals to go ahead then they must be implemented according to the Public Statutory Notice subject to any modifications made by the decision maker.

This explanatory note forms part of the public consultation documentation and should be read in conjunction with the Consultation Document.

If you require another copy of the Consultation Document please contact either school office.

10th April 2015

APPENDIX THREE – STATUTORY NOTICE

Notice to Close St Winifred’s Catholic Infant and Nursery School and St Winifred’s Catholic Junior School and establish a new primary voluntary aided Catholic school.

Part 1

Notice is given that in accordance with Section 15(2) of the Education and Inspections Act 2006 and The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 that:

- The Governing Body of St Winifred’s Catholic Infant and Nursery School intends to discontinue St Winifred’s Catholic Infant and Nursery School, 103 Effingham Road, London SE12 8NS on 31st March 2016.
- The Governing Body of St Winifred’s Catholic Junior School intends to discontinue St Winifred’s Catholic Junior School, Newstead Road, London, SE12 0SJ on 31st March 2016.

It is proposed all pupils attending both schools at the date of closure will continue their education uninterrupted in the new voluntary aided Catholic school that is proposed to be established on 1st April 2016 to replace the separate Infant and junior schools.

These proposals are related to the proposal in Part 2 of this notice

Part 2

Notice is given that in accordance with Section 11 (A) the Education and Inspections Act 2006, as amended by the Education Act 2011 and The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 that:

- The Trustees of the Roman Catholic Diocese of Southwark, 59 Westminster Bridge Road, London SE1 7JE, intend to establish a new voluntary aided primary school.

It is proposed the new voluntary aided school will open on 1 April 2016 following the discontinuance of St Winifred’s Catholic Nursery and Infant School and St Winifred’s Catholic Junior School on 31 March 2016.

The proposer intends to apply to the Secretary of State for the new school to be designated as having a Roman Catholic religious character.

The school will initially be situated on the sites presently occupied by St Winifred’s Catholic Nursery and Infant School and St Winifred’s Catholic Junior School. There are conditional plans for the new school to be wholly situated on the present St Winifred’s Catholic Junior School site from an agreed date after 1st September 2016.

It is proposed the new school will continue the commitment to high standards of achievement and inclusion in all areas, as presently found in the two existing schools. It will work in partnership with the Local Authority, The Diocese and other educational providers to ensure all pupils, irrespective of ability, will benefit from a broad and balanced curriculum, tailored to individual needs, and a range of extra-curricular opportunities to support pupils to develop their individual talents and skills.

The new school will cater for girls and boys from age 3 to age 11 and will provide places for 420 pupils when it reaches its capacity in 2019/20. In addition to this number 20 fulltime equivalent places will be provided for nursery pupils.

The admission number for pupils entering Year R will be 60 when the new school opens.

The Governing Body of the new school will be the Admission Authority. As is the policy for the two existing schools, it is proposed priority in admission for pupils to the new school will be given to children baptised or received into the Roman Catholic Church. In the event of

oversubscription the following order will apply: looked after and former looked after Catholic children; Catholic children residing in the Catholic parish of Our Lady of Lourdes, Lee, London SE12; Catholic children residing elsewhere; all other looked after and former looked after children; children baptised in Eastern Orthodox Churches; children from other member Churches of Churches Together in England; children with no faith affiliation.

The new school will base its transport of pupils to school plan on the Sustainable Travel: Active, Responsible, Safe (STARS) criteria. St Winifred's Catholic Infant and Nursery School has achieved STARS Gold Mark and St Winifred's Catholic Junior Schools has achieved the Silver Mark.

This Proposal is related to the proposals in Part 1 of this notice.

This notice is an extract of the complete proposal. Copies of the complete proposal can be obtained at www.stwinifredsinfant.lewisham.sch.uk and www.stwinifreds juniors.co.uk A hard copy can be obtained by writing to the School Secretary, St Winifred's Catholic Junior School, Newstead Road, London SE12 0SJ

Within 28 days the date of the publication of this notice, any person make object to or comment on the proposals by sending them to Ms Margaret Brightman, Place Planning Manager, Lewisham Education, Laurence House, 1 Catford Road, London, SE6 4RU.

Date of Publication; 1st July 2015.

APPENDIX FOUR – LIST OF CONSULTEES

Establishments and individuals consulted on the proposal to close St Winifred Infant school and St Winifred Junior School and establish St Winifred Primary School.

The Diocese of Southwark (Church of England) Director of Education,

The Trustees of the Archdiocese of Southwark

The Area Bishop

The Area Dean

Heidi Alexander MP

Director of Children's Services, Lewisham, Bromley, Croydon, Greenwich, Southwark

The Parish of Lady of Lourdes, Lee

The Headteachers and Chairs of Governors to all other local schools

The Headteachers and Chairs of Governors of all Catholic schools in Lewisham and the secondary Catholic schools in the Local Authorities listed above

APPENDIX FIVE – FULL PROPOSAL

Statutory Proposals for the closure of St Winifred’s Catholic Infant and Nursery School and St Winifred’s Catholic Junior School and the establishment of a new 3-11 voluntary aided Catholic Primary School

The Complete Proposal

Having carried out a public consultation from 10 April 2015 to 29 May 2015 a Statutory Notice was published on 1 July 2015 by the respective Governing Bodies of St Winifred’s Catholic Infant and Nursery School, 103 Effingham Road, London SE12 8NS and St Winifred’s Catholic Junior School Newstead Road, London SE12 0SJ proposing to discontinue both schools with effect from 31st March 2016 together with a related proposal by the Trustees of the of the Roman Catholic Diocese of Southwark, 59 Westminster Bridge Road, London SE1 7JE, to establish a new voluntary aided Catholic primary school for pupils aged 3-11 with effect from 1st April 2016.

[Notice to Close St Winifred’s Catholic Infant and Nursery School and St Winifred’s Catholic Junior School and establish a new voluntary aided Catholic primary school.](#)

Part 1

Notice is given that in accordance with Section 15(2)(a) of the Education and Inspections Act 2006 and The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 that:

- The Governing Body of St Winifred’s Catholic Infant and Nursery School intends to discontinue St Winifred’s Catholic Infant and Nursery School, 103 Effingham Road, London SE12 8NS on 31st March 2016.
- The Governing Body of St Winifred’s Catholic Junior School intends to discontinue St Winifred’s Catholic Junior School, Newstead Road, London, SE12 0SJ on 31st March 2016.

It is proposed all pupils attending both schools at the date of closure will continue their education uninterrupted in the new voluntary aided Catholic primary school that is proposed to be established on 1st April 2016 to replace the separate Infant and Junior schools.

These proposals are related to the proposal in Part 2 of this notice

**Signed by: Ms Claire Hoff, Chair of Governors,
St Winifred’s Catholic Infant and Nursery School.**

**Signed by: Dr Tony Lawrence, Chair of Governors,
St Winifred’s Catholic Junior School.**

Part 2

Notice is given that in accordance with Section 11 (1A) the Education and Inspections Act 2006, as amended by the Education Act 2011, and The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 that:

- The Trustees of the Roman Catholic Diocese of Southwark, 59 Westminster Bridge Road, London SE1 7JE, intend to establish a new voluntary aided Catholic primary school.

It is proposed the new voluntary aided Catholic primary school will open on 1 April 2016 following the discontinuance of St Winifred's Catholic Nursery and Infant School and St Winifred's Catholic Junior School on 31 March 2016.

The proposer intends to apply to the Secretary of State for the new school to be designated as having a Roman Catholic religious character.

The school will initially be situated on the sites presently occupied by St Winifred's Catholic Nursery and Infant School and St Winifred's Catholic Junior School. There are conditional plans for the new school to be wholly situated on the present St Winifred's Catholic Junior School site from an agreed date after 1st September 2016.

The proposed new school will continue with the same policy for admissions as the existing schools by first serving the local Catholic faith community and then welcoming those of other or no faiths if there are places available in accordance with the proposed admissions criteria as explained further on in this notice.

It is proposed the new school will continue the commitment to high standards of achievement and inclusion in all areas, as presently found in the two existing schools. It will work in partnership with the Local Authority, the Diocese and other educational providers to ensure all pupils, irrespective of ability or need, will benefit from a broad and balanced curriculum, tailored to individual needs, and a range of extra-curricular opportunities to support pupils to develop their individual talents and skills.

The new school will cater for girls and boys of all abilities from age 3 to age 11 and will provide places for 420 pupils when it reaches its capacity in 2019/20. In addition to this number 20 full time equivalent places will be provided for nursery pupils.

The admission number for pupils entering Year R will be 60 when the proposed new school opens.

The Governing Body of the proposed new school will be the Admission Authority. As is the policy for the two existing schools, it is proposed priority in admission for pupils to the new school will be given to children baptised or received into the Roman Catholic Church. In the event of oversubscription the following order will apply: looked after and former looked after Catholic children; Catholic children residing in the Catholic parish of Our Lady of Lourdes, Lee, London SE12; Catholic children residing elsewhere; all other looked after and former looked after children; children baptised in Eastern Orthodox Churches; children from other member Churches of Churches Together in England; children of other faiths; children with no faith affiliation.

The new school will base its Transport of Pupils to School Plan on the Sustainable Travel: Active, Responsible, Safe (STARS) criteria. St Winifred's Catholic Infant and Nursery School has achieved STARS Gold Mark and St Winifred's Catholic Junior Schools has achieved the Silver Mark.

This Proposal is related to the proposals in Part 1 of this notice.

**Signed by Dr Anne Bamford,
Director of Education, Catholic Diocese of Southwark.**

This notice is an extract of the complete proposal. Copies of the complete proposal can be obtained at www.stwinifredsinfant.lewisham.sch.uk and www.stwinifredsjuniors.co.uk. A hard copy can be obtained by writing to the School Secretary, St Winifred's Catholic Junior School, Newstead Road, London SE12 0SJ or admin@st-winifreds-jun.lewisham.sch.uk

Within 28 days from the date of the publication of this notice, any person may object to or comment on the proposals by sending them to Mrs Margaret Brightman, Places Manager, Children and Young People, 3rd Floor, Laurence House, 1 Catford Road, London, SE6 4RU or Margaret.brightman@lewisham.gov.uk

Date of Publication: 1st July 2015.

This document is the "Full Proposal" to accompany the Public Notice published on 1st July 2015 by the Governing Body of St Winifred's Catholic Infant and Nursery School and the Governing Body of St Winifred's Catholic Junior School.

Contact Details

St Winifred's Catholic Infant and Nursery School,
103 Effingham Road,
London SE12 8NS

St Winifred's Catholic Junior School,
Newstead Road,
London SE12 0SJ

The Trustees of the Roman Catholic Diocese of Southwark,
59 Westminster Bridge Road,
London SE1 7JE

Implementation

It is proposed that the closure of the two existing schools takes place with effect from 31st March 2016.

It is proposed that the opening of the proposed new voluntary aided Catholic primary school takes place with effect from 1st April 2016.

Reason for closure and for establishing a new school

Historically, the two existing schools have worked together and in recent years have collaborated closely. In effect the existing schools are working as one school already and the proposal to close both schools and establish a new school will benefit the existing school. The new school in effect replaces the two existing schools. The benefits for the new school and the wider community are:

- Continuity of the child’s experience of education as the proposed new school will provide an uninterrupted education for pupils. Transition between schools is often a stressful time for children, when there is a risk that attainment can fall and progress slows for some pupils. Moving from Year 2 to Year 3 in a through primary school can help remove this risk.
- Continuity of the curriculum. The school can engage in long term curriculum planning across seven years, ensuring coherence and progression. Subject leaders in through primary schools have opportunities for a wider understanding of the developmental stages in their subject, being better able to support colleagues in Key Stage1 (KS1) or KS2 in making provision for pupils of all abilities including the more able and pupils with learning challenges.
- Continuity of assessment. In through primaries, teachers can more easily engage in joint moderated assessment across key stages so ensuring there is a robust tracking system for individual pupil attainment and progress from Reception to Year 6.
- Coherence of assessment means more accurate assessment and better pupil tracking, leading to better planning of appropriate work for children through a more individualised learning program allowing each pupil to access the curriculum and extracurricular activities to help them to reach their full potential.
- Greater flexibility in the use of staff skills and those of colleagues benefitting from their wider experience which in turn benefits pupils learning. Teachers can move between KS1 and KS2, helping develop their own professional skills with the school benefiting from their wider experience.
- Continuity of school ethos, policy and practice. The leadership, management and governance of a through primary can ensure that children experience consistency of values, social codes of behaviour, pastoral care, day to day routines and quality of relationships within the ethos of a Catholic school where the development and welfare of the whole child is central.
- Continuity in the school’s knowledge of the child/family context including any special circumstances and need, so strengthening a personalisation of educational provision.
- Continuity in the experience of parents. Parents are better able to understand school policies and practices, and see the “bigger picture”. Parents will now only have to relate to one school in the knowledge that they will only have to apply for admission in Reception.
- Economies, more efficient use of resources and benefits of scale – greater sharing of resources across the larger through school.
- Proposed plans that new buildings will be provided on the present St Winifred’s Junior School site with sufficient accommodation for a 3-11 Primary School.

The proposed new school will replace the existing provision.

Category

The proposers want to establish a new Voluntary Aided Catholic school so that the status of the two existing schools continues.

Ethos and Religious Character

The proposers will apply to the Secretary of State for the proposed new school to be designated as having a Roman Catholic religious character which the two existing schools already have.

The increase in demand for places in Reception at St Winifred’s Infant and Nursery School demonstrates that there is a need for places in Catholic schools in the area.

As in all Roman Catholic schools in the Diocese of Southwark in accordance with its published admission arrangements the proposed new school will be for pupils of all abilities in which a personalised curriculum approach will support all pupils to reach the highest standards possible within a Christian environment that nurtures high academic standards, high expectations of good behaviour supported by a first class pastoral care system where the welfare of the child is central.

Pupils Numbers and Admissions

The two existing schools have been working in partnership with Lewisham Council in providing extra places to help meet the acute demand for more primary places in the area. The present Planned Admission Number (PAN) for each of the existing schools is 45 and it is proposed that the PAN for the new school will be 60 at Reception and the new school will reach capacity in 2019/20.

All pupils in the two existing schools will without exception continue their education uninterrupted in the proposed new school. There will be no loss of school places but there will be an increase by 15 per school year.

At present St Winifred's Catholic Infant and Nursery School caters for 20 Full Time Equivalent (FTE) Nursery pupils and has the following number of pupils in each of the other classes within the school:

- Reception – 60 pupils
- Year 1 – 60 pupils
- Year 2 – 46 pupils
- Year 3 – 45 pupils
- Year 4 – 39 pupils
- Year 5 – 43 pupils
- Year 6 – 45 pupils

When the proposed new school reaches capacity in 2019/20 the Full Time Equivalent (FTE) capacity will be 420 pupils plus 20 FTE Nursery places.

The Governing Body of the proposed new school will be the lawful admission authority and has a duty to ensure that the admission arrangements conform to the Schools Admissions Code published by the Department for Education (DfE), a copy of which can be found at:

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/389388/School Admissions Code 2014 - 19 Dec.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/389388/School_Admissions_Code_2014_-_19_Dec.pdf)

The Governing Body must have regard to guidance on admissions to Catholic schools in the Diocese of Southwark a copy of which can be obtained from:

<http://www.educationcommission.org.uk/SiteFiles/64.pdf>

The admission arrangements will be based on the existing St Winifred's Infant and Nursery School and a copy of the schools admission procedure is attached as Appendix 1

Displaced Pupils

No pupil currently in either of the two existing schools will be displaced by this proposal as all will continue their education uninterrupted in the proposed new school.

Early Years Provision

The Early Years Foundation Stage (EYFS) setting provides a caring and stimulating environment which has been specially planned according to The Early Foundation Stage Curriculum with the needs of preschool children in mind. The children learn through purposeful play and a range of first-hand experiences in a learning environment where they can feel secure and confident. Social contact with other children is fostered and encouraged as well as the child's personal growth towards independence and self-reliance.

This provision is currently judged to be Outstanding by OfSTED.

The proposed new school will continue this area of excellence using the expertise that exists currently in the school and will work in partnership with other childcare services to ensure that pupil's needs are catered for on an individual basis.

The Early Years provision is presently at capacity.

Presently in St Winifred's Catholic Infant and Nursery School there are two Reception classes and each class has 30 children organised by age. Each class has a class teacher and a Teaching Assistant. There is an additional Teaching Assistant who supports children in both classes.

Maintained Nursery School

There are no planned changes to the existing Nursery provision.

Presently the Nursery class offers places to 40 children on a part time (four half days and 1 full day) basis and is staffed by a teacher and a nursery nurse.

Children are extremely well prepared both academically and in terms of their learning behaviours for the next stage of their education. A highly stimulating environment and an excellent educational programme provides rich, varied and imaginative experiences that meet the needs of all children exceedingly well.

This provision is currently judged to be Outstanding by OfSTED.

The proposed new school will continue this area of excellence using the expertise that exists currently in the school to ensure that pupil's needs are catered for on an individual basis.

Impact on the community

The public consultation, which included a public meeting, showed overwhelming support for these proposals.

A further public meeting was held outside of the formal consultation regarding plans for new buildings on the present St Winifred's Junior School site. Neighbours were invited to this meeting and comments received at the meeting were welcomed and noted as part of the consultative process.

The proposals are beneficial to the local community as the proposals will increase the number of school places available in line with the Local Authorities duty to provide school places for all children particularly in this area where there will be acute demand.

The plan to have the proposed new school on one site at a time after September 2016 will be beneficial to the local community as it will reduce significantly the number of parent journeys to and from school. It must be stated at this stage that the proposed plans for the new buildings are at consultation stage and the proposals set out in this document are not reliant on the building plans being confirmed.

Special Educational Needs (SEN) Provision

The philosophy of the existing schools is founded on a belief that all children, whatever their ability, should have the best possible access to a broad and balanced education. Many children during their school life will encounter some difficulty in learning and these needs are addressed through effective teaching, planning, close monitoring and assessment.

The existing schools define a child with SEND as one who has significantly greater need for help than their peers in a particular aspect of the curriculum, or in their general learning. The existing schools believe parents have an important role to play and they strive to involve them as much as is possible in their child's education.

The SEN provision in the proposed new school will be based on the excellence achieved in this area in the existing schools.

Details of the Local Offer made by the existing schools can be found at Appendix 2

Details of the SEND Policy of the existing schools can be found at Appendix 3

Balance of Denominational Provision

There will be no reduction in the number of denominational places available and there will be an increase to cater for parental choice in the area.

Curriculum

The existing schools are committed to ensuring a high quality of education through a broad and balanced curriculum, in order to enable all pupils to achieve their full potential. Aiming to provide a safe, happy and stimulating environment for all our pupils so that learning can take place in a relaxed and secure atmosphere.

The existing schools are Rights Respecting Schools and therefore teach the children about their right to be educated, to be healthy, to be heard, and their right to childhood in relation to the UN convention on the rights of the child (CRC).

By recognising that ensuring a high quality of education at the existing schools is the responsibility of the whole school community: teachers, headteacher, governors, and support staff and parents, the existing schools are committed to fully involving all of these members of our community.

A wide range of structures is in place in the existing schools to ensure that both teaching and learning are effective (policies and schemes etc.). These structures are documented and issued to each member of the school community as appropriate, and are regularly reviewed.

The existing schools recognise the importance of the teaching of literacy and numeracy in order to ensure full access to all other areas of learning. Children of all abilities receive high levels of support. The schools devote a significant percentage of teaching time to these areas which reflects the very strong commitment to ensuring that all children leave, having attained high levels of achievement in basic skills. The existing schools have a separate statement which outlines the principles and practise in these areas.

The existing schools have agreed on the common aims and principles which form the basis of all teaching and learning in our school.

We aim to enable all children to:

- become independent learners
- have access to the whole curriculum:
 - aesthetic and creative
 - moral and spiritual
 - linguistic and literary
 - mathematical
 - scientific
 - technological
 - social
- be aware of their rights and the rights of others according to the UN Convention on the rights of the child (CRC)
- develop self-awareness, self-esteem and confidence
- develop their potential, their gifts and abilities, and their interests
- develop the ability to persevere
- develop curiosity and an enquiring and questioning attitude
- develop the ability to identify and solve problems
- develop the ability to work and play collaboratively
- develop relationships
- take pride in themselves and their work
- recognise and celebrate diversity
- develop understanding, empathy and tolerance
- develop understanding of how their actions and decisions affect themselves and others

We aim to achieve this:

- through our Mission as a Catholic school
- through the whole curriculum
- effective planning, record keeping and assessment
- target setting, monitoring and evaluating
- in a happy, safe, secure, stimulating environment
- with the support and involvement of the whole community

Relevant experience of Proposers

There are 171 Catholic schools and colleges in the Roman Catholic Diocese of Southwark. Of these 153 are within the Trusteeship of the Diocese which also has oversight of the 17 Catholic schools that are within the Trusteeship of other Catholic Religious Trustees.

The composition of Catholic schools in the Diocese is:

- 6 Infant Schools
- 6 Junior Schools
- 120 Primary Schools
- 32 Secondary Schools
- 3 All through Primary and Secondary Schools
- 4 Sixth Form Colleges

Of these:

- 27 Primary Schools are Academies
- 13 Secondary Schools are Academies

The Roman Catholic Diocese of Southwark is a DfE approved Sponsor and was the first in England to establish Catholic Academies, namely:

St Paul's Academy,
51 Finchale Road,
Abbey Wood,
London SE2 9PX

St Matthew Academy,
St Joseph's Vale,
Blackheath,
London SE3 0XX

Standards

The Education Commission, which is the Diocesan agency overseeing Catholic schools, supports schools in a variety of ways including improving standards. The Education Commission is committed to drive up standards across all schools and has recently published how this will be done through its Excellence Strategy, a copy of which can be accessed at:

<http://www.educationcommission.org.uk/Resource/Display?searchtype=3&subtype=1>

Approximately 90% of schools in the Diocese are currently Outstanding or Good according to their last S5 inspection report

Effects on Standards

The proposed new school will continue to strive to reach excellence in all standards as achieved presently in the existing schools. The key aims for the existing schools for 2015/2016 are:

Achievement and Enjoyment

EYFS

- 2014 outcomes for GLD are exceeded (80%)
- Increase the proportion of pupils meeting the ELGs for mathematics

KS1 & 2

- Key entitlement is to ensure children progress at expected levels throughout Key Stage 2 and secure expected achievement in English and mathematics by the end of KS2
- The majority of children in Year 1 – 6 are working at age-related expectations as set out in the new curriculum
- Children who are secure at age-related expectations are appropriately challenged within their year group curriculum
- Children working well below (or well above) age-related expectations to make expected progress (negotiated pupil by pupil based on knowledge of the child and prior attainment)
- Achievement in R.E. is in line with performance in the core subjects

Quality of Teaching and Learning (including Behaviour)

- To ensure 100% teaching over time is at least good by July 2015 and increase the percentage of outstanding, particularly in reading and writing
- Review and amend current pupil target-setting and tracking systems, which identify cohorts and target groups for early intervention, in readiness for new assessment procedures in summer 2016
- Ensure CPD and Performance Management systems are directly linked to individual, key stage and team targets for improved outcomes

Developing leadership and high quality CPD

- Ensure school self-evaluation systems are robust and accurately inform school development planning
- Ensure consistency of senior and middle leaders' skills in data analysis, use of data to inform development plans, and monitoring and evaluation of impact
- Ensure a structure of clear accountability for pupil attainment and progress

Strategy for the future

- Clear project management ensures the successful transition to the new school and includes:
 - Realistic timelines for moving to one through primary school that are clearly defined and shared with all stakeholders
 - Roles and responsibilities for all activities within the project, ensuring that school leaders are not distracted from their core duties
 - Systems that ensure the new school is financially ready to open and all statutory, personnel and any other duties are fully met
 - Provision for any recruitment or restructures so that these are completed well in advance
 - Regular communication with all stakeholders across both schools to ensure that the community understands and supports the process

Location and Costs

The proposed new school will continue on the present sites occupied by St Winifred's Catholic Infant and Nursery School and St Winifred's Catholic Junior School.

There is a proposed building plan for the St Winifred's Junior site which will allow the new school to operate on one site. There will be a tremendous benefit if this is achieved but the realisation of the building plan is not dependent on these proposals.

If successful this plan will be implemented at a date after 1 September 2016.

The proposed new school will continue to serve the local area presently served by the existing schools.

Both the existing Infant and Nursery School and Junior School sites are in the ownership of the Trustees of the Roman Catholic Diocese of Southwark on freehold.

As the plan for the new buildings is at an early stage and is not related to the proposal for the discontinuance of the two existing schools it is not possible to give a cost for construction at this stage. The consultation process for this building plan meets all statutory requirements and if the decision is to go ahead then planning permission will be sought under present regulations.

Travel

The proposed new school will continue with the existing schools commitment to Sustainable Travel Active Reliable Safe (STARS) Travel Plan using criteria to ensure that both parents

and pupils are involved in safe journeys to and from school. The aim of the STARS Travel Plan is to reduce the number of motor vehicle journeys to and from school and encourage walking and cycling to and from school. This will form the basis of the proposed new schools Travel Plan.

Voluntary Aided Schools

The proposed new school will be located on sites wholly within the ownership of the Trustees of the Roman Catholic Diocese of Southwark.

Confirmation is hereby given that the Governing Body of the proposed new school will be able and willing to carry out their obligations under Schedule 3 of The School Standards and Framework Act 1998

Any person wishing to object or comment on the proposals may do so within 28 days of the date of publication of these statutory proposals by writing to:

Mrs Margaret Brightman,
Places Manager,
Children and Young People,
3rd Floor, Laurence House,
1 Catford Road, London, SE6 4RU

or by emailing:

Margaret.brightman@lewisham.gov.uk

Date of Publication: 1st July 2015.



ADMISSIONS POLICY 2016-17
FOR
ST WINIFRED'S CATHOLIC INFANT
SCHOOL
LEE

For admissions in September 2016

ST WINIFRED'S CATHOLIC INFANT SCHOOL

ADMISSIONS POLICY

St Winifred's Catholic Infant School is a Voluntary Aided school in the Archdiocese of Southwark. It was founded by the Catholic Church to provide education for children of Catholic families. The school is conducted by its Governing Body as part of the Catholic Church in accordance with its trust deed and instrument of government, and seeks at all times to be a witness to Jesus Christ.

The Governing Body has sole responsibility for admissions to this school and intends to admit 60 pupils to the Reception Class in the school year, which begins in September 2016.

The school participates in the Co-ordinated Admission Scheme for primary schools, operated by Lewisham LA.

Oversubscription Criteria

When a vacancy arises, a place will be allocated to an applicant on the waiting list. **Where there are more applicants on the waiting list for places than the number of places available, places will be offered according to the following order of priority:**

1. Looked after baptised Catholic children or looked after children in the care of Catholic families and previously looked after baptised Catholic children who have been adopted or who have become the subject of a residence or guardianship order. See note (i)
2. Baptised Catholic children who have a brother or sister at either St. Winifred's Catholic Infant School or St. Winifred's Catholic Junior school at the intended date of admission. See note (ii)
3. Baptised Catholic children from practising Catholic families who are resident in the parish of Our Lady of Lourdes, Lee
4. Other Baptised Catholic children from practising Catholic families
5. Other Baptised Catholic children
6. Children enrolled in the catechumenate. Evidence of enrolment in the catechumenate will be required.
7. Non-Catholic children who have a brother or sister at either St. Winifred's Catholic Infant School or St. Winifred's Catholic Junior school at the intended date of admission. See note (ii)
8. Other looked after children and other previously looked after children who have been adopted or who have become the subject of a residence or guardianship order (see note i).
9. Children who are members of Eastern Orthodox churches
10. Children of families who are members of other Christian denominations that are part of Churches Together in England. Evidence of Baptism (or dedication) provided by a priest or minister of a designated place of worship will be required
11. Children of other faiths

12. Other applicants

Tie Break

Where the offer of places to all the applicants in any one of the sub categories listed above will lead to oversubscription, the places will be allocated up to the admission number will be offered according to the following criteria:

1. Evidence of an exceptional social, medical, pastoral or other need of the child, supported by a statement from a relevant professional body which sets out the reasons why this school is the most suitable for the child in question and the difficulties that would be caused if the child had to attend another school
2. Frequency of Mass attendance, with those who attend more often being ranked higher (see note v)
3. Those living nearest to the school (see note vi)
4. Where the last remaining place is to be allocated and two or more children are deemed to live at the same distance from the school the place will be decided by the drawing of lots

Notes (these notes form part of the Admission criteria)

- (i) 'a looked after child' or a child who was previously looked after but immediately after being looked after, became subject to an adoption, child arrangements, or special guardianship order. A looked after child who is a) in the care of a local authority or b) being provided with accommodation by a local authority in the exercise of their social services functions (see definition in Section 22(1) of the Children Act 1989).
- (ii) 'brother or sister' means children who live as brother and sister, including natural brothers and sisters, adopted siblings, step-brothers or sisters and foster brothers or sisters
- (iii) 'families' are defined as being the child's natural or adoptive parents or officially designated carers
- (iv) 'Catholic' In the context of school admissions Catholic children are defined as children who are baptised or received into the Catholic Church, children baptised or received into the Eastern Churches in union with Rome and children of members of the Ordinariate. This will normally be evidenced by a certificate of baptism in a Catholic Church or evidence of reception into the Catholic Church. Evidence of Baptism will be required and an original baptism certificate (or a copy certified as a correct copy) should accompany the Supplementary Form. Any offer of a place may be withdrawn if evidence of baptism is shown to be false.
- (v) 'practising Catholic families' means those who worship at Mass and whose application is supported by a Catholic priest. This practice must be verified by a reference from a priest and the child's Baptismal certificate. Applicants will be ranked according to how often they attend Mass with those who attend more often being ranked higher. If a family practices at more than one church it may be beneficial to their application to get verification from ALL the churches attended on a regular basis.

- (vi) 'resident in the parish means living and having a permanent address within the parish boundary (see attached map and notes). For the purposes of this policy, parish boundaries are as shown on the attached map. All distances will be measured to a central nodal point in the school premises, using digitised mapping software of the area, from a nodal point in the applicant's permanent home address.
- (vii) proof of address will require the production of current council tax or utility bills. If a false address has been given and an offer made on the basis of that information, the offer of a place may be withdrawn.
- (viii) 'Eastern Orthodox Church' is usually evidenced by a certificate of baptism or reception from the authorities of that church.
- (ix) for non-Catholic faiths, evidence of baptism (or dedication) and of religious commitment provided by a priest, minister or religious leader where the family regularly worships will be required.

PLEASE NOTE, CURRENTLY THERE IS AN AUTOMATIC RIGHT OF TRANSFER TO ST WINIFRED'S JUNIOR SCHOOL, LEE, FOR YEAR 2 CHILDREN FROM ST WINIFRED'S INFANT SCHOOL.

THERE IS NO AUTOMATIC RIGHT OF TRANSFER FOR CHILDREN WHO MAY CURRENTLY HAVE A PLACE IN ST. WINIFRED'S NURSERY.

[Application Procedure and Timetable](#)

The closing date for applications is 15th January 2016. Applications should be completed online at www.eadmissions.co.uk

Full details of the Coordinated Admission Scheme together will be available from the school or from Lewisham's website at www.lewisham.gov.uk

Admission of children below compulsory school age

The governors will provide for the admission of all children in the September following their fourth birthday. Parents can request that the date their child is admitted to the school is deferred until later in the school year or until the child reaches compulsory school age in that school year; parents may also request that their child attends part-time until the child reaches compulsory school age.

Admission of children above normal age group applications

In very exceptional circumstances the governors of the school will consider a request for admission out of cohort for an older child, including those born in the summer term. The application may be supported by the child's nursery/primary Headteacher and/or an educational psychologist/specialist confirming that the child has learning delay or difficulty or their social maturity is well below that of his or her peers. In coming to a decision the governors will consider the grounds presented by the parent to support their request as well as the views of the Headteacher and any evidence s/he provides. Parents must consider the implications of a deferred transfer as primary/secondary schools are not required to continue to keep the child out of year group and may decide to later educate the child in the correct year. If the school does agree to consider the request, the application will then follow the usual oversubscription criteria.

Please note, a completed supplementary form is required to enable the Governors to apply their admission criteria. The supplementary form is not mandatory, however, if one is not received, the application will be considered under Criteria 10, page 2 the 'other applicants' category'. Supplementary forms, available from the school and LA, should be returned to St Winifred's Infant School by 15 January 2016.

Waiting List

Parents of children who have not been offered a place at the school may ask for their child's name to be placed on a waiting list. The waiting list, which will be maintained for 12 months will be operated using the same admissions criteria listed above. Placing a child's name on the waiting list does not guarantee that a place will become available. This does not prevent parents from exercising their right to appeal against the decision not to offer a place. It is possible that when a child is directed under the local authority's fair access protocol they will take precedence over those children already on the list.

Appeals

Parents whose applications for places are unsuccessful may appeal to an Independent Appeal Panel set up in accordance with section 85(3) of the School Standards and Framework Act 1998. Appeals must be made in writing and must set out the reasons on which the appeal is made. Appeals should be made to the Admissions Appeals Clerk at the school address. Parents/Carers have the right to make oral representations to the Appeal Panel.

Infant classes are restricted by the legislation to 30 children. Parents should be aware that an appeal against refusal of a place in an infant class may only succeed if it can be demonstrated that:-

- a) the admission of additional children would not breach the infant class size limit; or
- b) the admission arrangements did not comply with admissions law or had not been correctly and impartially applied and the child would have been offered a place if the arrangements had complied or had been correctly and impartially applied;
- c) or the panel decides that the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

Appeals must be made within 20 school days of the date of refusal of a place.

In-year (casual) admissions

Applications for a place at the school in-year must be made using Lewisham's common application form. The school's supplementary form should also be completed to enable the governors to rank the application in the event of there being more than one application for a place. The governors will use the same criteria to rank the application as that listed above.

The offer of a place at the school will be made by the LA on behalf of the governors. In the event of the governors deciding that a place cannot be offered parents will be offered the opportunity of placing their child's name on the waiting list. This does not prevent parents from exercising their right to appeal against the decision not to offer a place.

Pupils with a statement of Special Educational Needs or Education, Health and Care (EHC) Plan

The admissions of pupils with a Statement of Special Educational Needs or with an EHC Plan are dealt with by a completely separate procedure. The procedure is integral to the making and maintaining of statements and EHC plans by the pupil's home local authority. Details of this separate procedure are set out in the SEND code of practice. Pupils with a statement or EHC plan naming the school will be admitted without reference to the above criteria.

Fair Access Protocol

The school participates in the local authority's Fair Access Protocol to allocate places to vulnerable and other children in accordance with the School Admission Code 2014. Admitting pupils under the protocol may require the school to admit above the planned admission number for the relevant year group.

Late Applications

The closing date for applications in the normal admissions round is 15 January 2016. As far as is reasonably practicable, applications will be accepted up to 18 February 2016 provided the applicant can prove that they have just moved into the area.

False information – please note that if an offer of a place is made on the basis of information that is shown to be false, including information provided on any Supplementary form, then the offer of a place may be withdrawn.

Other late applications, received after 15 January 2016, will be considered after the places are allocated in April 2016.

St Winifred's Catholic Infant School
Effingham Road
Lee,
London SE12 8NS Tel 020 8852 0187

Website: www.stwinifredsinfant.lewisham.sch.uk
Email: admin@stwinifredsinfant.lewisham.sch.uk

St. Winifred's Catholic Nursery, Infant and Junior

Collaborative Partnership

Local Offer

Special Educational Needs and Disability (SEND)

St Winifred's School is an inclusive school and may offer the following range of provision to support children with SEND.

Intervention

Social Skills programmes/support including strategies to enhance self-esteem:

- Mentor support focusing on social and emotional development and promoting positive peer interaction delivered 1:1, including Drawing and Talking therapy.
- Outreach support provided by New Woodlands School targeting those pupils who have emotional/behavioural needs that affect their learning.
- Support and strategies suggested by the school's allocated Educational Psychologist to children and their parents/carers as appropriate.
- Intervention from the Children's Society targeted family support service for children and their families both in school and in the home.
- Intervention from the child and adolescent mental health service (CAMHS) for children and their parents/carers on referral, delivered at CAMHS or in school as appropriate.

Access to a supportive environment – IT facilities / equipment / resources (inc. preparation):

- Consistent use of visual support both in and out of class to support understanding and facilitate access to the school environment and learning.
- Pre-teaching of new concepts and vocabulary to enhance learning in language groups overseen by the school speech and language therapist.
- Use of interactive whiteboards.
- Regular access to computers using specific SEND programmes.
- Provision of individually tailored visual support package (Communicate in print) for specific children including individual timetables and behavioural cue cards.
- Provision of resources to enhance independent learning including easy-grip scissors and rulers, writing slopes, privacy boards and work stations, coloured overlays, use of dyslexia friendly coloured paper and font.

Strategies/programmes to support speech and language:

- Assessment by and intervention from the school speech and language therapist. St Winifred's School has bought into enhanced speech and language support and has their own therapist working in school.
- Provision of small group speaking and listening skills delivered by Teaching Assistants specifically trained by the Speech and Language Therapist.
- Delivery of Lego Therapy and individual SALT programmes by the school speech and language therapist and trained Teaching Assistants.

Mentoring Activities:

- Use of resources to promote positive peer interaction such as 'Friendship terrace'
- Circle of friends
- Use of talk partners during whole class and group sessions.
- School Council
- Buddy systems for support during playtimes and lunchtimes.
- 'Drawing and Talking therapy' delivered by trained staff.

Access to strategies/programmes to support occupational therapy/physiotherapy needs:

- Assessment by and intervention from an occupational therapist (OT), on referral.
- Implementation of individual OT support and intervention programmes when recommended.
- Provision of specific resources and equipment eg. Pencil grips, pens, easy grip scissors and rulers, non-fidget cushion and writing slopes.

Strategies to reduce anxiety and promote emotional well-being (including communication with parents):

- Meeting and greeting of parents/carers at the end of each day by Head teacher and other staff.
- Open door policy by Head teacher for all parents/carers throughout the day and by class teachers through appointment.
- Coffee mornings for parents/carers giving a chance to meet up and have a chat.
- Family Support Workers for children referred to the targeted family support service.
- Drop in sessions for parents provided by the school speech and language therapist.
- Educational Psychologists work closely with referred children and their parents/carers and provide support in the form of school based assessments and meetings
- Liaison between Inclusion Managers and school nurse when concerns regarding individual families/children are shared following which the school nurse makes contact with parents/carers to discuss any issues.
- Collaboration and communication with all external professionals involved with children, as appropriate.
- Designated teachers with responsibility for child protection.
- All staff trained in child protection at regular intervals.

Strategies to support / develop literacy including reading:

- Small group reading support in class through guided reading and individual reading support out of class for targeted readers.
- Small group literacy support in class from class teacher or LSA.

- Additional individual and small group literacy support, delivered weekly by additional teacher or Inclusion Managers.
- Use of Dyslexia Portfolio to assess for SpLD, and subsequent implementation of support programme if required.

Strategies to support / modify behaviour:

- For children whose behaviour difficulties are persistent and constitute a barrier to learning, parents will be invited to collaborate with the class teacher to agree a programme of support; home/school books may be set up for daily/weekly communication and behaviour overseen by Inclusion Managers as appropriate.
- When response to the above provision is inadequate a referral will be made to: - New Woodlands outreach, Educational Psychologist, CAMHS, Targeted Family Support from the Children's Society or Drumbeat outreach-for pupils on the Autistic spectrum.

Strategies to support / develop numeracy:

- Targeted small group support in class.
- Withdrawal of small groups or individual children for additional numeracy support.
- Use of support programmes and materials e.g. Rapid Maths, One Plus One, Numicon, Cuisenaire rods etc.
- Advancement of more able pupils through opportunities such as inter-school Maths Challenge.

Provision to facilitate / support access to the curriculum

- Small group support in class from class teacher / LSA.
- 1:1 support for children with allocated funds from a statement or EHC Plan.
- Provision of specialist equipment or modified resources.
- Extensive use of visual support.
- Implementation of strategies and programmes as recommended by specialists involved with individual children.

Strategies / support to develop independent learning:

- Provision of individual and/ or class visual timetables.
- Provision of timers and checklists where appropriate.
- Pre-teaching of new concepts and vocabulary to children with speech, language and communication difficulties.

Support / supervision at unstructured times of the day including personal care:

- Play leaders initiating and supporting activities during lunch breaks.
- Buddy systems/ Peer mentors for new children and playtimes
- Individual lunchtime support where specified in a statement or EHCP.

Planning and assessment:

- Class provision maps.
- Differentiated learning activities.
- CAF referrals to external agencies /social care as required.
- Co-ordinated planning between teachers and LSAs for children with statements/EHCP.
- Referrals for assessment to external agencies as required.
- Underlying ability assessments and the Dyslexia Portfolio undertaken by the Inclusion Managers as required.

Liaison / communication with professionals and parents, attendance at meetings and preparation of reports:

- Identification of needs requiring referral to an external agency.
- TAC/TAF meetings convened where a child's family's needs are assessed as significant.
- Regular communication and information sharing with external agencies.
- Regular progress meetings with parents.
- Sharing of professional reports with parents.
- Implementation by school staff of recommendations made by external professionals to support children and/or their families.
- Inclusion Managers attend multi-disciplinary assessments as required.

Access to medical Interventions:

- Meetings with school nurse and parents of children with medical issues to establish child's needs in school and, where appropriate, draw up care plans.
- Referrals for paediatric assessment if developmental check is required.
- Staff trained in the use of epi-pens. Details and children's photos in staff room, registers, school kitchen and with medication.
- Liaison with medical professionals providing ongoing treatment to children in school.
- Individual protocols for children with significant medical needs.
- Staff trained in first-aid.

St Winifred's Catholic Nursery, Infant & Junior

Collaborative Partnership

Special Educational Needs and Disability (SEND) Policy

Rationale

At St. Winifred's we believe that all children, whatever their ability, should have the best possible access to a broad and balanced education. Many children during their school life will encounter some difficulty in learning and we hope to address those needs through effective teaching, planning, close monitoring and assessment. Every teacher is a teacher of every child, or young person, including those with SEND. We would define a child with SEND as one who has significantly greater need for help than their peers in a particular aspect of the curriculum, or in their general learning. We believe parents have an important role and they should be involved as much as is possible in their child's education.

Purposes

- To identify and monitor a child's needs at the earliest possible stage.
- To inform all teaching personnel of the procedures for identifying SEND.
- To encourage parents to be involved with their children's education from the earliest stage and provide them with information about the intervention/s their child is receiving.
- To ensure there is equal access to the curriculum and equal opportunities for all children with SEND.
- To promote a positive image for children with SEND whilst catering for all of their needs.
- To keep Parents and Governors informed.

Broad Guidelines

Our policy is in line with the Department for Education current Code of Practice.

We ensure access for all children to a broad and balanced curriculum and aim to be fully inclusive.

We identify and assess problems as early as possible in order to remove barriers to learning and raise expectations and achievement of pupils with SEND.

We carry out whole school assessments in order to identify needs and set targets.

Progress is reviewed regularly in consultation with all parties concerned. We keep clear and thorough records. Our Inclusion Managers oversee work with individuals and small groups of identified children, in order to teach, review and assess. The Inclusion Managers work in partnership with parents, outside agencies, the local authority and other schools as appropriate.

The Inclusion Managers attends SENCO forums to receive up to date information regarding all aspects of SEND.

SEND matters are raised at every Governors' Curriculum Committee meeting.

We set aside money from the budget each year for SEND resources.

The named Inclusion Managers

Mrs. Jane Beagles - Early Years and Key Stage 1

Mrs. Maureen Buck - Key Stage 2

Identifying children with SEND

A child has special educational needs if he/she has:-

- medical difficulties, e.g. physical disabilities/ impaired hearing/vision
- significantly greater difficulty in learning than other children of his/her age (in relation to NC expectations)
- Speech, language and communication difficulties
- A diagnosed disability eg ASD, ADHD, Dyslexia
- behavioural/ emotional difficulties

Teachers or parents may express concern about the following:-

- language difficulties - speaking/writing/reading)
- lack of concentration
- lack of motivation; underachieving problems
- lack of co-ordination - P.E./handwriting/use of implements
- an able child unable to reach his/her full potential
- speed of handwriting and speed of processing

Procedure

Whole school assessments are carried out each term in Reading, Writing and Numeracy in order to identify learning needs and ensure appropriate support is given. Base Line tests are also taken into account.

The Inclusion Managers are trained to carry out a range of assessments eg The Dyslexia Portfolio and the British Picture Vocabulary Scale for early identification of difficulties and implementation of a support programme if required.

Systematic records are kept at every stage by the teacher and Inclusion Manager.

The triggers for intervention could be the teacher's or parent/carers' concern, underpinned by evidence about a child, who despite receiving differentiated learning opportunities:

- makes little or no progress even when teaching approaches are targeted particularly in a child's identified area of weakness.
- shows signs of difficulty in developing literacy or mathematics skills which result in poor attainment.
- presents with persistent emotional or behavioural difficulties which are not ameliorated by the behaviour management techniques usually employed in the school.
- has sensory or physical problems, and continues to make little progress despite the provision of specialist equipment.

Pupil Progress Meetings

1. Class Teachers together with the Senior Management Team look at the tracking and decide the appropriate intervention to meet individual children's needs. Parents are informed and provided with their child's individual provision map.
2. Classroom intervention - child receives support in a small group or 1:1 outside classroom with the Inclusion Manager or a Teaching assistant.
3. After review a decision is made as to whether the child:-
 - Needs to continue with the current intervention
 - No longer requires a special intervention programme.
 - Has complex difficulties and specialist outside agency involvement is sought

School Support

When a child is identified as needing support the class teacher provides interventions which are additional to and different from those provided as part of the usual differentiated curriculum.

If further support is needed:-

1. Inclusion manager may seek advice from outside agencies, e.g. Education Psychologist, Speech Therapist, Occupational Therapist, Advisory teachers for children with Autistic Spectrum Condition (as part of SLA with Drumbeat ASD School) or Specific Learning Difficulties team, School nurse, Doctor, Social Services, Targeted Family Support, Children's Society etc.

Records are kept of any information and advice received from these sources. Links with outside agencies can involve sharing of expertise through courses, inset and the setting up of specific SEN groups with support from professionals from these services.

When advice from an outside agency is required:

2. The Inclusion Manager and parent complete the CAF (Common Assessment Framework) form. A visit and/or further assessments may follow.
3. Provision is adapted to meet the child's needs.
4. Progress is monitored.

5. A review date is set for information to be updated and shared.
6. A decision is made as to whether the child:-
 - continues at School Support
 - progresses to more intensive support
 - would benefit from a Team Around the Child/ Family meeting
 - No longer requires intensive support

If more intensive support is needed:

- parents are then asked to agree to the initiation of a full assessment
- the school must decide whether to ask the LEA to proceed with statutory assessment for an Educational Health Care Plan (EHCP).
- the school completes an assesment form which details history of advice and support.
- This information is sent to the Lewisham Panel who decide whether the child should go forward for full assessment
- LEA decides whether to proceed with Statutory Assessment and the completion of an Education Health Care Plan.

Record Keeping

Ongoing class records include:-

- the class teacher's records, which can form the basis for further work
- a SEND folder maintained by the class teacher.
- case studies
- the children's work written comments on
- reading records
- work samples
- records kept by Teaching Assistants working 1:1 with children.
- a termly sample taken of a Maths, English and Science tasks

Each teacher to keep a SEND file in class, containing:-

- I.E.P's where appropriate
- Class provision maps
- instructions/plans for classroom assistants ' work with SEN children
- teacher's comments
- Reports from outside agencies
- any relevant medical information

Records kept by the INCLUSION MANAGER include:-

- Special Needs and Disability Register
- copies of completed CAF's
- minutes from TAC/TAF meetings
- reports from outside agencies
- individual Educational Plans
- individual provision map
- Case Studies
- assessments

Parent/School Partnership

We develop a working partnership between parents and the school, in which parents are encouraged to be open and confident, as they have a unique knowledge and information to impart. Therefore the school aims to:-

- inform parents of any concerns as soon as possible
- encourage parents with concerns to approach the Headteacher, Class Teacher or Inclusion Manager as soon as possible
- consider the wishes, feelings and knowledge of parents at all stages
- contribute to the parents own understanding of how best to help their child
- support parents who may feel inadequate in dealing with a difficulty concerning their child
- encourage reinforcement of any structured approach at home
- encourage the use of local community services where necessary, e.g. Family therapy, Speech Therapy, Targeted Family Support including the Children's Society etc
- provide information on the support available for children with SEND within the context of the school and the LEA, and wider where appropriate

Resources

The school receives funds from the local authority which are delegated specifically for pupils with special educational needs and disabilities. The governors are responsible for ensuring that these funds are used for pupils with special educational need and disabilities, whether or not they are the subject of a Statement of Special Educational Needs/EHCP. Where a pupil has a EHCP money specifically for the use of that pupil may be allocated by the authority in which the pupil lives.

Pupils with SEND may require additional resourcing from the main school budget to meet their needs. Money allocated to SEND may be used to:-

- provide additional Teaching Assistant support
- Purchase of special equipment including IT resources
- provide extra numeracy and literacy support (classroom assistants and teachers) for targeted groups

S.E.N. In Service Training

The school's Management Plan contains provision for the professional development of all staff in the area of S.E.N.D. The regular review of this policy will inform the school Management plan and the plan for S.E.N.D focused INSET will sustain this professional development.

Admission Arrangements

Children are admitted according to the school's criteria. The school operates its equal opportunities policy with regard to pupils with special needs. These pupils are positively welcomed.

Success Criteria:

The school monitors its effectiveness and successes in the following ways:

- the regular review of pupils with Special Needs and disabilities
- the monitoring of progress within the School for all pupils.
- the success of pupils at the end of each Key Stage
- the level of participation of pupils with S.E.N.D in School activities
- feedback from parents and pupils themselves

Complaints:

This policy will be reviewed annually in the light of changing circumstances within and beyond the school.

Policy Reviewed February 2015



School Organisation

Maintained Schools

Annex B: Guidance for Decision-makers

January 2014