



AGENDA

OVERVIEW AND SCRUTINY BUSINESS PANEL

Date: THURSDAY, 9 MARCH 2017 at 7.00 pm

Committee Room 2
Civic Suite
Lewisham Town Hall
London SE6 4RU

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MEMBERS

Councillor Alan Hall	Chair of the Overview and Scrutiny Committee	L
Councillor Gareth Siddorn	Vice Chair of the Overview and Scrutiny Committee	L
Councillor Liam Curran	Chair of Sustainable Development Select Committee	L
Councillor Brenda Dacres	Labour Group Representative	L
Councillor Carl Handley	Chair of Housing Select Committee	L
Councillor David Michael	Chair of Safer Stronger Communities Select Committee	L
Councillor Jamie Milne	Chair of Public Accounts Committee	L
Councillor Hilary Moore	Chair of Children and Young People Select Committee	L
Councillor John Muldoon	Chair of Healthier Communities Select Committee	L
Councillor Jim Mallory	Labour Group Representative	L

Members are summoned to attend this meeting

Barry Quirk
Chief Executive
Lewisham Town Hall
Catford
London SE6 4RU
Date: Wednesday, 1 March 2017



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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FIELD_TITLE



Lewisham



INVESTOR IN PEOPLE

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Agenda Item 1

OVERVIEW & SCRUTINY BUSINESS PANEL		
Report Title	Minutes	
Key Decision		Item No. 1
Ward	All	
Contributors	Chief Executive	
Class	Part 1	Date: 9 March 2017

Recommendation

It is recommended that the minutes of that part of the meeting of the Overview and Scrutiny Business Panel which was open to the press and public, held on 14 February 2017 be confirmed and signed.

MINUTES OF THE OVERVIEW AND SCRUTINY BUSINESS PANEL

Tuesday, 14 February 2017 at 7.05 pm

PRESENT: Councillors Alan Hall (Chair), Liam Curran, Brenda Dacres, Carl Handley, David Michael, Jamie Milne, Hilary Moore and John Muldoon

ALSO PRESENT: Councillor Kevin Bonavia and Councillor Bill Brown.

Apologies for absence were received from Councillor Gareth Siddorn and Councillor Jim Mallory

65. Minutes

New Bermondsey CPO

The Chair brought Panel Members attention to the Head of Law's response to Business Panel's referral to Mayor and Cabinet. The Chair said Eversheds and Shoosmiths had disputed receipt of an adequate response to their letters. Councillor Curran said if the responses were not substantive then this should be seen as inadequate. The Head of Law's Representative said she was advised both Solicitors were sent full responses. She said the Solicitors would take a different view whether the responses were adequate. The Head of Law's Representative added that no one at the meeting was in a position to say whether the responses were adequate or not.

Councillor Dacres said Panel Members were not in a position to draw any conclusion as they had not seen the documents. The Chair asked if Members could see both correspondences. Councillor Michael said he concurred with Councillor Dacres comments. Councillor Michael said to be able to make an informed decision Panel Members should see the letters and responses.

Action >>>>> Head of Law, ED Resources & Regeneration

The Chair said he understood that the Council and Renewal had made a joint bid for the Housing Action Zone, only to be told that Renewal made the bid. The Head of Law's Representative said the GLA had required a corporate body to sponsor the bid for a developer. She said both parties were co-operating, but it was not a Partnership. Councillor Curran asked if it was an endorsement. The Chair asked the Head of Law's Representative the meaning of a partnership. The Head of Law's Representative said it had various meanings. It could be meant as a legal entity were the partners would have responsibilities and obligations under the partnership agreement and this would be made very clear.

The Head of Law's Representative said for the purpose of the funding bid the Council had to have a development partner. She said the GLA required the relevant authority to make the application with a developer in place. The Head of Law's Representative said this constituted a joint bid. The Chair said Business Panel Members had always asked whether this was a formal agreement and they

have been told it was not. The Head of Law's Representative said there was no formal agreement. She said it was a joint bid, made for the purpose of applying for a grant.

Councillor Handley asked if the £20m grant was all for affordable housing. The Head of Law's Representative stated that most of that money would be spent on transport infrastructure and the rail station. This would enable the developer to focus on the housing aspect. The Head of Law's Representative said the GLA would be looking for the maximum amount of affordable housing, as this would have determined the level of funding allocated.

The Chair said Business Panel only saw the document for the GLA funding last week. The Head of Law's Representative said the application for the housing bid had been on the Council website, although she could not confirm when it was posted. She added that members were informed about this. The Chair said he could confirm they only received the offer last week. The Chair said he had specifically asked for this information several times, and had been refused access. The Head of Law's Representative said she could not comment on this or whether some parts were missing from the published document. The Chair said if the Head of Law's Representative said this information was on the website earlier than last week, Business Panel Members were unaware.

Councillor Curran said Sustainable Development Select Committee made a request in October in a referral to Mayor and Cabinet for this information. The Chair said he could not understand why the Council would sponsor a bid if they were not in Partnership with the developer. The Head of Law's Representative said there was no legal Partnership, and this was done because the GLA wanted a Council backer for the bid. Councillor Curran said if no other developer was sought this would amount to a deliberate choice.

The Chair said page 2 of the bidding document stated that the Council was working in Partnership with Renewal. The Head of Law's Representative said the Council uses "partnership" in documents regularly, but does not mean Partnership in legal terms.

The Chair said Panel Members had asked specific questions as to whether this was a partnership and they were told by officers it was not. The Chair asked whether the truth had been withheld from Members. The Head of Law's Representative stated that as a Lawyer she would reiterate that it was not a legal partnership. She added that the word partnership had taken a more colloquial meaning. The Chair said he had stated what the document said.

The Chair asked whether a pledge would mean the same in legal terms and was told by the Head of Law's Representative that it would be dependent upon compliance with a range of conditions, and if all the conditions were met then it would become a legal commitment. The Chair asked for a copy of the Zone Bid document to be sent to Councillor Michael, and that the comprehensive document is provided to members as requested.

Action >>>>> Head of Law

The Chair asked whether the Section 106 Agreement would be returned to Members to be reviewed, and was told by the Head of Law's Representative that this would be the case. She said it would be submitted to the Strategic Planning Committee. The Chair received confirmation that the Section 106 Agreement was a Planning Decision as opposed to an Executive Decision.

The Chair asked whether there were any more documents from Lambeth Smith Hampton that they need to see. The Head of Law's Representative said Lambeth Smith Hampton had been asked a number of questions which were responded to. She said officers from the Legal section and the Planning section obtained external legal advice on this.

The Chair stated that at the last Business Panel meeting Members agreed to request that full Council oversee the Inquiry into the CPO process and agree the Terms of Reference for the Inquiry. He added that Business Panel was pleased this would be under the auspices of full Council. The Chair said that fresh allegations had been made about the Housing Action Zone and the Surrey Canal Sports Foundation. He asked that the latest allegations be included in the inquiry bundle. This was agreed by Business Panel Members.

The Chair asked whether the Terms of Reference for the Inquiry would be discussed at Council, and whether officers or Members would determine the Terms of Reference. The Head of Law's Representative responded that Members would determine the Terms of Reference. She said officers would put forward a report to Mayor and Cabinet, which would go to full Council. The Deputy Head of Law said Members would get an opportunity to comment on the report before it goes to full Council where it would be debated and the Terms of Reference agreed.

Councillor Curran said Members would need Legal Advice and some guidance, especially if documents were to be drafted and signed. Councillor Curran said Cabinet Members had made decisions in relation to the developers. He asked whether it would be appropriate for them to set the Terms of Reference for the Inquiry.

The Head of Law's Representative said the report was going to Council, but Cabinet Members would take part in determining the Terms of Reference. She added that each Member has to determine any conflict of interest he or she may have. The Head of Law's Representative said depending on the scope and Terms of Reference for the Inquiry it might not be just Cabinet Members involved, and some non-Executive Members might exempt themselves because of a possible conflict of interest.

The Chair said he was pleased this discussion had happened, as the Terms of Reference for the Inquiry were crucial and had to be right. Councillor Dacres received confirmation from the Head of Law's Representative that options would be put to Council and Council would decide whether the Terms of Reference were adequate and what option to go for.

The Chair said the Mayor resigned from the Surrey Canal Sports Foundation on Friday. The Chair asked whether it would be acceptable for the Mayor to comment on this issue as he was Trustee for the Sports Foundation until recently. The Head

of Law's Representative said that every Council Member including the Mayor had received training and advice on the Council's Members Code of Conduct and it would be their responsibility to state any possible interest at meetings. She said there was a section on Declaration of Interests at the front of each Council Committee Agenda setting out interests which had to be declared and the impact of interest on Members' participation which Members had to have regard to.

The Chair said Lewisham had adopted a Code of Conduct that went beyond the strict requirement and this would need to be considered.

RESOLVED that the minutes of the open meeting held on 31 January 2017 be confirmed and signed as a correct record.

66. Declarations of Interests

None submitted.

67. Outstanding Scrutiny Matters

Report noted.

68. Notification of Late and Urgent Items

Report noted.

69. Decisions Made by Mayor and Cabinet on 8 February 2017

Animal Welfare Charter

The Animal Welfare Officer introduced the report.

Councillor Muldoon asked whether flea circuses were also exempt from Council premises, and was told that was the case. Councillor Muldoon received confirmation that the Council proposed policy on deceased animals also applied to horses.

Councillor Curran said he had requested that this report is taken to Sustainable Development Select Committee as it was an important policy which had not been updated for a long time. The Chair asked how many officers would be trained as Animal Welfare officers and was told two. The Chair asked whether the Animal Welfare officers would receive training for handling dangerous dogs and was told that officers have excellent links with the Police and the Dog Unit. The Council also have a local Vet.

Councillor Michael said fortunately incidents were rare but when they do happen it was high profiled as it was usually infants and children who are mauled by dogs. The Animal Welfare Officer said educating the community was very important. She said a series of events were held to advise dog owners and teach children how to behave around dogs. Councillor Moore asked whether there was any mechanism to alert officers of review dates, and was told the Charter would be reviewed every two years.

The Chair said although this was a Council Charter the Council has a lot of Partners, he asked whether there was an opportunity for the Partners to sign up to this Charter. The Animal Welfare Officer said schools have been approached, and the Council's major partners had been consulted. She said the aim was to redistribute the Charter to all organisations that have an interest or participate in animal welfare activities.

Business Panel Members were told schools have been made a priority and would receive a copy each plus support. The Executive Director for Customer Services said officers were working very closely with the Council's Housing and Health Partners. Councillor Handley asked whether the Charter included support for reporting ownership of exotic and protected animals.

The Welfare Officer said there was nothing in particular in the Charter about exotic or protected animals because exotic animals were covered by specific Legislation and a whistle blowing policy would be very difficult to enforce. She said officers work with pet shops to ensure they were aware of their responsibilities, and they could lose their licence if they do anything illegal. The Chair said Business Panel welcomed the report.

RESOLVED that:

- i. the decision of the Mayor be noted.
- ii. Panel Members believed that as this Policy was not reviewed for many years the Council should have a tracking system in place to ensure timely and regular review of all Council Policies.
- iii. Panel Members welcomed the New Animal Charter and would like officers to explore signing up Council Partners particularly Lewisham Homes and RSLs.

70. Overview & Scrutiny Select Committees Work Programmes 2016-2017

The Chair said the Council was approaching the end of this municipal year, and he would like to thank Scrutiny Officers for all their hard work over the year.

The Head of Scrutiny introduced the report. The Chair suggested Chairs of Select Committees discuss what was to be included in their work programmes. He requested Safer Stronger Select Committee consider whether they want further scrutiny of LGBT services, this would be decided at a Business Panel meeting.

The Chair thanked the Head of Law's Representative for attending the meeting, and asked her to thank the Head of Law for providing the tabled response.

On behalf of Business Panel the Chair congratulated the Vice Chair on the birth of their baby girl.

71. Exclusion of the Press and Public

Noted.

72. Decision Made by Mayor and Cabinet on 8 February 2017

This item was not required for further discussion.

73. Decisions Made by Mayor and Cabinet (Contracts) on 8 February 2017

These items were not required for further discussion.

Meeting ended 8:25pm

Chair.....

Agenda Item 2

OVERVIEW AND SCRUTINY BUSINESS PANEL		
Report Title	DECLARATIONS OF INTEREST	
Key Decision		Item No. 2
Ward		
Contributors	Chief Executive	
Class	Part 1	Date: 9 March 2017

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

1 Personal interests

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

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

2 Disclosable pecuniary interests are defined by regulation as:-

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

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

- (g) Beneficial interest in securities of a body where:-
- (a) that body to the member's knowledge has a place of business or land in the borough; and
 - (b) either
 - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

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

(3) Other registerable interests

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

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

(4) Non registerable interests

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

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

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any

event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**

- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.
- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

(6) Sensitive information

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

(7) Exempt categories

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

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

Agenda Item 3

OVERVIEW AND SCRUTINY BUSINESS PANEL		
Report Title	Outstanding Scrutiny Items	
Key Decision	No	Item No. 3
Ward	n/a	
Contributors	Head of Business and Committee	
Class	Part 1	Date: 9 March 2017

1. Purpose of Report

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

2. Recommendation

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

Report Title	Responding Author	Date Considered by Mayor & Cabinet	Scheduled Reporting Date	Slippage since last report
Housing Select Committee and Sustainable Development Select Committee- Housing Zones	ED Resources & Regeneration	9 November 2016	1 March 2017	No
Response to Housing Select Committee on Handyperson Service	ED Customer Services	7 December 2016	22 March 2017	yes
Response to Sustainable Development Select Committee on Planning	ED Resources & Regeneration	11 January 2017	22 March 2017	No
Response to Sustainable Development Select Committee Work and Skills	ED Resources & Regeneration	8 February 2017	19 April 2017	No

Response to Sustainable Development Select Committee Catford Regeneration	ED Resources & Regeneration	8 February 2017	19 April 2017	No
Response to Safer Stronger Communities Select Committee Voluntary Sector Review	ED Community	15 February 2017	19 April 2017	No

BACKGROUND PAPERS and AUTHOR

Mayor & Cabinet minutes 9 November 2016, 7 December 2016, 11 January 2017, 8 & 15 February 2017 available from Kevin Flaherty 0208 3149327.

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

Agenda Item 4

Overview & Scrutiny Business Panel		
Report Title	Notification of Late and Urgent Items	
Key Decision	No	Item No. 4
Ward		
Contributors	Head of Business and Committee	
Class	Part 1	Date: 9 March 2017

1. Purpose of Report

Report Title	Author	Reasons Stated for Urgency	Responsible Committee and Date
New Bermondsey – Establishment of an Independent Inquiry	Head of Law	This report was not available for the original dispatch because it has been drafted in part in relation to continuing allegations appearing in the press. The report is urgent and cannot wait until the next meeting of Mayor & Cabinet and Council because there is an urgent need for the Council to consider whether to establish an Inquiry to inspire public confidence as soon as possible.	Council 22 February and Mayor & Cabinet 22 February

OVERVIEW & SCRUTINY BUSINESS PANEL		
Report Title	Decisions made by Mayor and Cabinet on 22 February 2017	
Key Decision		Item No. 5
Ward	All	
Contributors	Chief Executive/Head of Business and Committee	
Class	Part 1	Date: 9 March 2017

1. Recommendation

To consider key decisions made by the Mayor and Cabinet on 22 February 2017 which will come in to force on 10 March 2017.

2. Background

2.1 The Mayor and Cabinet considered the following key decision on 22 February 2017.

2.2 The notice of the decision made in respect of the report is attached as an Appendix. Under the provisions of Standing Orders Part IV E 14, members may call in an executive decision within 7 days. If this report is not called in they will come into force on 10 March 2017.

- (i) New Bermondsey – Establishment of an independent inquiry



NOTICE OF DECISIONS MADE AT THE MAYOR & CABINET

The Mayor and Cabinet made the following decision on 22 February 2017. These Decisions will become effective on 10 March 2017 unless called in by the Overview & Scrutiny Business Panel on 9 March 2017.

1. New Bermondsey – Establishment of an independent inquiry

Having considered an earlier debate at Council, and a formal presentation by the Deputy Mayor, Councillor Alan Smith, the Cabinet agreed that:

(1) an independent Inquiry be established to investigate matters related to the Council's proposed compulsory purchase order of land at New Bermondsey/Surrey Canal;

(2) the terms of reference for the Inquiry as set out in paragraph 5 be approved;

(3) the Chair of the Bar Council be approached to appoint a QC who meets the criteria set out in paragraph 6 to conduct the Inquiry and, if he is unable to make such an appointment, to nominate an alternative intermediary with an equal level of probity and independence;

(4) expenditure of up to £500,000 be approved for the conduct of this Inquiry;

(5) the Executive Director for Children and Young People be the Council's officer lead in relation to the establishment and conduct of the Inquiry;

(6) a cross party New Bermondsey/Surrey Canal Inquiry Committee be established comprising four majority group members and the minority party member to receive the report of the Inquiry, to receive periodic reports on progress, expenditure incurred and to make recommendations to full Council and Mayor and Cabinet for any action arising from the Inquiry; and

(7) if, in the course of the investigation, the person conducting the Inquiry is of the view that there are any other matters which ought to be explored in the context of the Inquiry, they should investigate those matters and report on them to the Council.

Barry Quirk
Chief Executive
Lewisham Town Hall
Catford SE6 4RU
23 February 2017

Agenda Item 6

OVERVIEW & SCRUTINY BUSINESS PANEL		
Report Title	Decisions made by Mayor and Cabinet on 1 March 2017	
Key Decision		Item No. 6
Ward	All	
Contributors	Chief Executive/Head of Business and Committee	
Class	Part 1	Date: 9 March 2017

1. Recommendation

To consider key decisions made by the Mayor and Cabinet on 1 March 2017 which will come in to force on 10 March 2017.

2. Background

2.1 The Mayor and Cabinet considered the following key decision on 1 March 2017.

2.2 The notice of the decision made in respect of the report is attached as an Appendix. Under the provisions of Standing Orders Part IV E 14, members may call in an executive decision within 7 days. If this report is not called in they will come into force on 10 March 2017.

- (i) Heathside and Lethbridge Estate, Lewisham – Phase 6 Compulsory Purchase Order 2017



NOTICE OF DECISIONS MADE AT THE MAYOR & CABINET

The Mayor and Cabinet made the following decision on 1 March 2017. This Decision will become effective on 10 March 2017 unless called in by the Overview & Scrutiny Business Panel on 9 March 2017.

1. Proposed London Borough of Lewisham (Heathside and Lethbridge Estate, Lewisham – Phase 6) Compulsory Purchase Order 2017

Having considered an officer report and a presentation by the Cabinet Member for Housing, Councillor Damien Egan, the Mayor agreed that:

(1) a Compulsory Purchase Order be made in accordance with Section 17 of Part II of the Housing Act 1985 and the Acquisition of Land Act 1981, for the compulsory acquisition of all interests in the land and buildings known as Blocks 191-218 (inclusive) and 219-242 (inclusive) Lethbridge Close, Lewisham, SE13 the site of which is shown verged in thick black edging on the plan attached as Appendix A, other than those interests already in the ownership of the Council;

(2) authority be delegated to the Executive Director for Resources and Regeneration, in consultation with the Head of Law, to determine the final extent of the land to be included within the Compulsory Purchase Order provided that the Compulsory Purchase Order shall not include any additional land outside the area shown verged in thick black edging on the plan attached as Appendix A;

(3) Officers be authorised to take such other action as may be necessary to make, obtain confirmation and effect the Compulsory Purchase Order and to acquire all interests under it; and

(4) authority be delegated to the Executive Director for Resources and Regeneration (in the event that the Secretary of State notifies the Council that it has been given the power to confirm the Compulsory Purchase Order) to confirm the Compulsory Purchase Order if the Executive Director is satisfied that it is appropriate to do so.

**Barry Quirk
Chief Executive
Lewisham Town Hall
Catford SE6 4RU
2 March q2017**

Overview and Scrutiny Business Panel		
Title	Select committee work programmes – responding to the Communities and Local Government Committee ‘Overview and Scrutiny in local government’ inquiry	
Contributor	Overview and Scrutiny Manager	Item 7
Class	Part 1 (open)	9 March 2017

1. Purpose

- 1.1. To provide the Overview and Scrutiny Business Panel with a summary of some key information about scrutiny in Lewisham to inform a potential submission to the Communities and Local (CLG) Government Inquiry.

2. Recommendations

- 2.1. Overview and Scrutiny Business Panel is recommended to:
 1. Note the content of this repo
 2. Decide if it wishes to make a submission to the inquiry
 3. Agree the substance of the submission if it is decided to make one

3. Background

- 3.1. This report has been prepared at short notice to provide some contextual information about scrutiny in Lewisham, in case the Panel wanted to make a submission to the CLG inquiry. The deadline for submissions to the inquiry is Friday 10 March. Any submission is requested to be no longer than 3000 words, to contain no additional documents as appendices and contain an executive summary. Full guidance regarding submissions is at Appendix (i)
- 3.2. The CLG inquiry is considering whether overview and scrutiny arrangements in England are working effectively and whether local communities are able to contribute to and monitor the work of their councils. The inquiry is inviting written submissions only on the following:
 - Whether scrutiny committees in local authorities in England are effective in holding decision-makers to account
 - The extent to which scrutiny committees operate with political impartiality and independence from executives
 - Whether scrutiny officers are independent of and separate from those being scrutinised
 - How chairs and members are selected
 - Whether powers to summon witnesses are adequate
 - The potential for local authority scrutiny to act as a voice for local service users

- How topics for scrutiny are selected
- The support given to the scrutiny function by political leaders and senior officers, including the resources allocated (for example whether there is a designated officer team)
- What use is made of specialist external advisers
- The effectiveness and importance of local authority scrutiny of external organisations
- The role of scrutiny in devolution deals and the scrutiny models used in combined authorities
- Examples where scrutiny has worked well and not so well

4. Information about scrutiny in Lewisham

Structure of Overview and Scrutiny in Lewisham

- 4.1. Overview and Scrutiny in Lewisham comprises all members not part of the directly elected Mayors cabinet (the executive), currently 45 councillors. Those 45 members form the Overview and Scrutiny Committee, which then appoints six thematic sub committees (Select Committees) to carry out detailed scrutiny across strategic themes. Each committee meets 8 times a year and currently carries out a mixture of regular performance monitoring, policy development and in-depth scrutiny reviews. Each Committee has 10 councillor members, with additional faith and parent governor reps appointed to the Children and Young People Select Committee. All scrutiny committees are required to mirror the political balance of the Council.
- 4.2. The Overview and Scrutiny Committee also appoints a “Business Panel”, comprising of the Chair and Vice Chair of Overview and Scrutiny, the six select committee chairs and 2 or more additional councillors, as required to ensure the political composition of the Council is reflected. Chairs and Vice Chairs are allocated on a politically proportionate basis. The Business Panel ensures a co-ordinated approach to scrutiny across the select committee to ensure there is no duplication across the various committees, and ensures the effective use of resources within the scrutiny function. The Panel also carries out executive decision “call-in” on behalf of the Overview and Scrutiny Committee.
- 4.3. Scrutiny in Lewisham constructively challenges decision makers. It creates a democratic space to investigate emerging issues and inform the development of Council policy. Scrutiny in Lewisham is committed to creating maximum impact for its work. Select committees use evidence from a broad range of sources to challenge performance of Council services and to drive improvement. Scrutiny committees regularly also choose important issues for in-depth review. Through the in-depth review process, councillors have the opportunity to hear from guest witnesses and experts alongside council officers and representatives of other public services

4.4. So far in this term (2014-2018), this work has been delivered by:

- 45 councillors on Lewisham's Overview and Scrutiny Committee
- 6 select committees
- 10 councillors on each committee
- 2 time limited working groups
- 2 business panels
- 2 joint health overview and scrutiny committees
- 37 select committee meetings in 2014/15
- 48 select committee meetings in 2015/16
- More than 80 external guests and expert witnesses, who have given evidence or contributed to scrutiny meetings
- 16 in-depth reviews, 2 reports from working groups and 1 thematic review
- 100+ referrals to Mayor and Cabinet

Support given to the scrutiny function

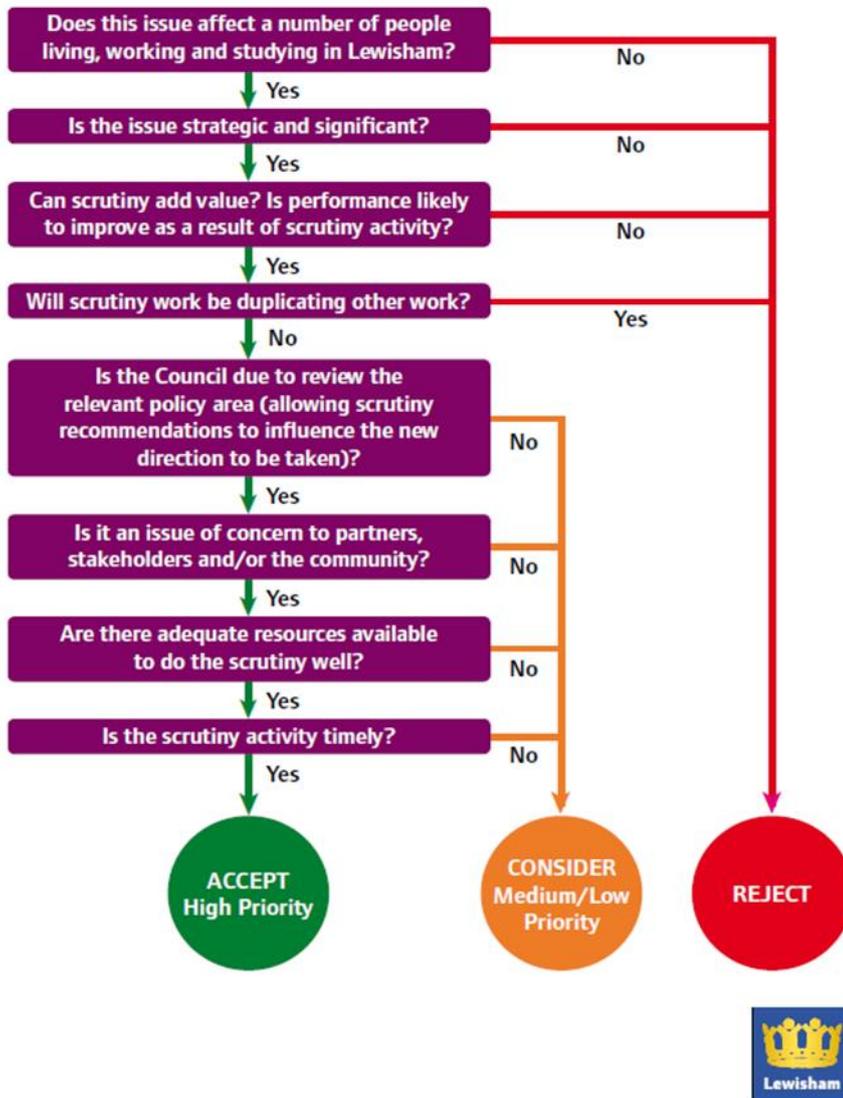
4.5. A small officer team dedicated solely to supporting the overview and scrutiny function has been maintained. This ensures a high level of focused research and administrative support is available to all of the overview and scrutiny committees and supports the delivery of effective detailed in-depth scrutiny reviews, concluding with comprehensive reports and recommendations. The scrutiny team act as champions for scrutiny across the organisation, ensuring requests for information from scrutiny are responded to in a timely and appropriate fashion.

4.6. Scrutiny also benefits from the close involvement of officers from all levels of the Council. The Executive Directors of each of the Council's four directorates regularly attend scrutiny meetings to account for the development or delivery of a Council policy or programme, as do numerous senior managers. The Chief Executive has also attended scrutiny meetings on a number of occasions to share his overarching view of issues in the borough and the plans in place to deliver on Lewisham's priorities.

Selection of topics for scrutiny

4.7. To ensure effective use of scrutiny time and resources and to enable timely and appropriate information to be made available to members, all select committees agree a work programme for each year. To ensure the maximum impact of scrutiny committees, when agreeing a work programme all committees consider the following scrutiny prioritisation process to identify which potential areas for scrutiny should be chosen based on the timeliness of the scrutiny and the ability to impact on the outcomes for local people. Scrutiny strives to ensure it represents and champions local people and addresses the key issues of local concern.

Scrutiny work programme – prioritisation process



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4.8. Scrutiny in Lewisham was at the forefront of setting up effective scrutiny of health services when the relevant legislation was introduced, with the development of a protocol of understanding between the council scrutiny committee and NHS providers and commissioners and patient stakeholder groups (Healthwatch). Lewisham’s health and social care scrutiny protocol is an agreement between partners in Lewisham’s health care economy to deliver effective scrutiny, challenge and consultation. Partners have agreed to give prior notice to Lewisham’s Healthier Communities Select Committee about consultations – in advance of the statutory requirements to provide information relating to substantial variations to health services. The protocol also commits health partners to sharing their work programmes as well as commenting on, and submitting ideas for, the Select Committee’s work plan.

4.9. The Safer Stronger Communities Select Committee has responsibility for scrutinising the implementation and delivery of the Safer Lewisham Plan. The Committee receives

regular updates on the Safer Lewisham Partners' performance in delivering the plan. As part of its sustained focus on key crime and disorder issues, the Committee regularly invites representatives of the Metropolitan Police Service to account for its work in the borough. Councillors use their knowledge of local issues to act as a 'critical friend' to service providers

- 4.10. Through two major in depth reviews, scrutiny in Lewisham has been at the forefront of scrutinising the challenges faced by a number of public sector services, arising due to increasing demand and significant financial constraints, in a focused and joined up manner. The work of scrutiny in Lewisham in considering these key public service providers collectively has enabled the cumulative impact locally, of service changes and reductions, to be fully understood and addressed collectively where possible.
- 4.11. In 2013 the Overview and Scrutiny Committee decided to carry out a review of emergency services in Lewisham. This was at a time when there were ongoing consultations about substantial organisational and operational changes to the Metropolitan Police Service (MPS), the London Fire Brigade (LFB) and the London Ambulance Service (LAS). Proposals to reduce the Accident and Emergency Service (A&E), and emergency maternity care, at Lewisham Hospital had recently been agreed by the Secretary of State for Health, despite strong opposition from thousands of local people, their elected representatives and the GPs responsible for commissioning acute care locally.
- 4.12. Local people, the Council and the Overview and Scrutiny Committee were concerned about the scale and pace of change being proposed to the delivery of emergency services in Lewisham and was worried that the cumulative impact of these proposals may not have been fully considered. The Committee wanted to ensure that the implications of all of the proposed changes were fully understood and planned for, and that a joined up approach to ensuring the best possible services for local people was taken
- 4.13. Scrutiny was best placed to carry out this important oversight role, requiring local health and emergency service providers to give account of their services and proposed changes at a local level. The scrutiny review increased local engagement and understanding of the potential impact of the proposed changes and enabled a unique picture of the cumulative impact of the proposed changes to be brought together. A series of recommendations to mitigate the impact and ensure collective responses were developed and accepted by the executive. The review also resulted in an ongoing scrutiny focus on effective partnership delivery across all of the public sector agencies in Lewisham, both in terms of ongoing performance monitoring and effective partnership working.
- 4.14. Following on from the success of the Emergency services in Lewisham review, a review into Public Spending in Lewisham was carried out, to further investigate the way in which other public sector organisations deploy their expenditure across the borough in austere times. The Committee made a series of recommendations to the Council and partners organisations leading to openness, accountability and closer working. The review produced meaningful insights into how the Council and its growing public health responsibilities can dovetail with the various organisations within the NHS to provide better services for Lewisham residents.

Joint scrutiny

- 4.15. In 2016, Lewisham and five other London boroughs (Bexley, Bromley, Greenwich, Lambeth and Southwark) agreed to set up a Joint Health Overview and Scrutiny Committee (JHOSC) to review and respond to proposals from the Our Healthier South East London programme OHSEL, which is responsible for developing and delivering the Sustainability and Transformation Plan for South East London.
- 4.16. The JHOSC was not satisfied with the proposed consultation on proposed major service change to elective orthopaedic surgery. The JHOSC raised the concerns voiced locally about the lack of detailed financial information available to the public and supported calls for one of the options that had been ruled out to be further evaluated and put to the public as part of the consultation. This work is now being undertaken by the OHSEL programme and the consultation will take place later this year.
- 4.17. Scrutiny in Lewisham is currently working with 3 other London boroughs to collectively scrutinise the cause and impact of major water leaks across London. Thames Water, TFL and Ofwat are all being held to account by a concerted approach to scrutiny, and links with the London Assembly scrutiny of the same matter have also been developed. Joint scrutiny is incredibly effective at strengthening the voice of local people and holding service providers to account.

Holding the Executive to Account

- 4.18. After every Mayor and Cabinet meeting an Overview and Scrutiny Business Panel meeting is scheduled. All executive decisions are subject to potential review by the business panel, and when it feels necessary, the panel can “call in” an executive decision and ask the decision maker to reconsider.

New Bermondsey

- 4.19. Scrutiny in Lewisham has played a pivotal role in providing critical friend challenge to the executive in relation to a proposed major regeneration scheme in the north of the borough. The scrutiny process enabled the voices of local stakeholders and residents to be heard.

Impact of scrutiny

- 4.20. As well as those areas already outlined, a number of in depth reviews in Lewisham have had significant impact on policy development and performance of key services. Some examples:
- 4.21. As a result of the severe financial pressures faced by Local Government, the Public Accounts Select Committee decided to carry out an in-depth review into Income Generation, considering ways of maximising income generation to help protect the services to residents in the borough. The review led to a comprehensive package of changes in the development of initiatives and Council policy

4.22. Scrutiny in Lewisham has also looked at future infrastructure requirements locally. Overview and Scrutiny Committee's review of the Centre for London's work on 'turning south London orange' led it to recommend that the Council develop a strategic position on major infrastructure projects in the borough. Scrutiny urged decision makers to work proactively to consider how best to define Lewisham's transport priorities. As a result of this the Public Transport Liaison Committee a formal council body, recognising its importance and adding it to the other public services being held to account by our scrutiny. In London, public transport is key to regeneration and the daily lives of residents.

5. Financial implications

5.1. There are no such implications arising from this report.

6. Legal implications

6.1. There are no such implications arising from this report.

7. Crime and disorder implications

7.1. There are no such implications arising from this report.

8. Equalities implications

8.1. There are no such implications arising from this report.

9. Environmental implications

9.1. There are no such implications arising from this report.

Appendix (i)

Making a submission to a select committee inquiry

When a House of Commons Select Committee conducts an inquiry it will often invite written evidence from interested parties. Those wishing to make a submission to a committee should do so through the relevant inquiry page on the committee's website before the deadline detailed.

If you have difficulty making a submission online, wish to submit evidence in an alternative format such as an audio file, or would like to make a submission after the formal deadline for evidence, please contact the committee staff.

Guidelines

To successfully make a submission via the online form on a committee's website, documents need to:

- Be less than 25 MB in size
- Be in Word (doc, docx, rtf, txt ooxml or odt format, not PDF)
- Contain as few logos or embedded pictures as possible
- Contain no macros
- Comprise a single document. If there are any annexes or appendices, these should be included in the same document.

It also assists the committee if those submitting evidence adhere to the following guidelines. Each submission should:

- State clearly who the submission is from, i.e. whether from yourself in a personal capacity or sent on behalf of an organisation, for example the submission could be headed 'Written evidence submitted by xxxxxx'
- Be concise – we recommend no more than 3,000 words in length, unless otherwise stated in the inquiry terms of reference
- Begin with an executive summary in bullet point form of the main points made in the submission
- Include a brief introduction about yourself/your organisation and your reason for submitting evidence
- Have numbered paragraphs
- Include any factual information you have to offer from which the committee might be able to draw conclusions, or which could be put to other witnesses for their reactions
- Include any recommendations for action by the Government or others which you would like the committee to consider.

Notes on making a submission

Those making a submission to a Committee inquiry should note the following:

- Committees publish most of the written evidence they receive on the internet (where it will be accessible to search engines).
- If you do not wish your submission to be published, you must clearly say so and explain your reasons for not wishing its disclosure. The committee will take this into account in deciding whether to publish. If you wish to include private or confidential information in your submission to the committee, please contact the clerk of the committee to discuss this.
- A committee is not obliged to accept your submission as evidence, nor to publish any or all of the submission even if it has been accepted as evidence. This may occur where a submission is very long or contains material to which it is inappropriate to give parliamentary privilege (see [Guide for Witnesses \(PDF 1.25 MB\)](#) for further information on parliamentary privilege).
- Material already published elsewhere should not form the basis of a submission, but may be referred to within a submission, in which case it should be clearly referenced, preferably with a hyperlink.
- You should be careful not to comment on matters currently before a court of law, or matters in respect of which court proceedings are imminent. If you anticipate such issues arising, you should discuss with the clerk of the committee how this might affect your submission.
- Once submitted, no public use should be made of any submission prepared specifically for the committee unless you have first obtained permission from the clerk of the committee. If you are given permission by the committee to publish your evidence separately, you should be aware that you will be legally responsible for its content.
- Committees do not normally investigate individual cases of complaint or allegations of maladministration.

Mayor and Cabinet		
Title	Comments of the Sustainable Development Select Committee on the response from Mayor and Cabinet on housing zones	
Contributor	Sustainable Development Select Committee	Item x
Class	Part 1 (open)	22 March 2017

1. Summary

- 1.1 This report informs Mayor and Cabinet of the comments and views of the Sustainable Development Select Committee, arising from discussions held on Mayor and Cabinet's response to the joint referral from the Housing and Sustainable Development Select Committees on housing zones, which was considered at its meeting on 8 March 2017.

2. Recommendation

- 2.1 Mayor and Cabinet is recommended to note the Committee's comments as set out in this report and to provide a response.

3. Sustainable Development Select Committee views

- 3.1 On Wednesday 8 March 2017, the Sustainable Development Select Committee considered Mayor and Cabinet's response to the joint referral from the Housing and Sustainable Development Select Committees on housing zones. The Committee resolved to advise Mayor and Cabinet of the following:
- 3.2 The Committee notes the Mayor of London's response to Select Committee Chairs and welcomes the stated ambition to provide 35% affordable housing in Lewisham's housing zones. However, the Committee asks that officers are clear about the definitions they use for affordable housing in future reports.
- 3.3 The Committee notes that the bid document for the New Bermondsey housing zone only became available to Members after Mayor and Cabinet in February 2017.
- 3.4 The Committee notes that there are many issues that are being explored as part of the independent inquiry into matters relating to New Bermondsey/Surrey Canal. Pending the outcome of the inquiry, the Committee may decide to scrutinise any substantial issues that are not covered in the inquiry report.

4. Financial implications

- 4.1 There are no financial implications arising out of this report per se; but there are financial implications arising from carrying out the action proposed by the Committee.

5. Legal implications

- 5.1 The Constitution provides for Select Committees to refer reports to the Mayor and Cabinet, who are obliged to consider the report and the proposed response from

the relevant Executive Director; and report back to the Committee within two months (not including recess).

6. Further implications

- 6.1** At this stage there are no specific environmental, equalities or crime and disorder implications to consider. However, there may be implications arising from the implementation of the Committee's recommendations.

Background papers

Sustainable Development Select Committee agenda, 8 March 2017:

<http://councilmeetings.lewisham.gov.uk/ieListMeetings.aspx?CId=136&Year=0>

Housing and Sustainable Development Select Committee meetings, 25 October 2016,

<http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=136&Mid=4173&Ver=>

[4](#)

If you have any queries about this report, please contact Timothy Andrew, Scrutiny Manager (ext. 471916 or Kevin Flaherty, Business and Committee Manager (ext. 49327)

Mayor and Cabinet		
Title	Comments of the Sustainable Development Select Committee on Post Office changes	
Contributor	Sustainable Development Select Committee	Item x
Class	Part 1 (open)	22 March 2017

1. Summary

- 1.1 This report informs Mayor and Cabinet of the comments and views of the Sustainable Development Select Committee, arising from discussions held on changes to Lewisham's post offices, considered at its meeting on 8 March 2017.

2. Recommendation

- 2.1 Mayor and Cabinet is recommended to note the Committee's comments, as set out in this report and ask the Executive Director for Customer Services to provide a response.

3. Sustainable Development Select Committee views

- 3.1 On Wednesday 8 March 2017, the Sustainable Development Select Committee considered a report entitled 'Post office changes'. The Committee resolved to advise Mayor and Cabinet of the following:
- 3.2 The Committee notes the Council's decision in February 2017 to oppose the closure of New Cross crown post office and for the same reasons outlined in that decision the Committee opposes the closure of Sydenham crown post office. The Committee views the loss of skilled jobs, skilled staff and the economic impact on the high street as a likely serious blow to the local economy and to consumers.
- 3.3 The Committee asks that the Mayor write to the government minister responsible, and the Chief Executive of the Post Office, about the potential loss of Sydenham crown post office.
- 3.4 The Committee requests that Council officers be tasked with investigating how lease arrangements might be negotiated to retain the crown post office in Sydenham for the benefit of the local community.
- 3.5 The Chair of Committee intends to write to Jim Dowd about the potential closure Sydenham crown post office and asks that the Mayor do the same.
- 3.6 The Committee recommends that the Council should request further information from the Post Office about its strategy to preserve the full range of post office services for Lewisham residents.

4. Financial implications

4.1 There are no financial implications arising out of this report per se; but there are financial implications arising from carrying out the action proposed by the Committee.

5. Legal implications

5.1 The Constitution provides for Select Committees to refer reports to the Mayor and Cabinet, who are obliged to consider the report and the proposed response from the relevant Executive Director; and report back to the Committee within two months (not including recess).

6. Further implications

6.1 At this stage there are no specific environmental, equalities or crime and disorder implications to consider. However, there may be implications arising from the implementation of the Committee's recommendations.

Background papers

Sustainable Development Select Committee agenda, 8 March 2017:

<http://councilmeetings.lewisham.gov.uk/ieListMeetings.aspx?CId=136&Year=0>

If you have any queries about this report, please contact Timothy Andrew, Scrutiny Manager (ext. 471916) or Kevin Flaherty, Business and Committee Manager (ext. 49327)

Agenda Item 8

OVERVIEW & SCRUTINY BUSINESS PANEL		
Report Title	Exclusion of the Press and Public	
Key Decision		Item No. 8
Ward		
Contributors	Chief Executive	
Class	Part 1	Date: 9 March 2017

Recommendation

It is recommended that under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 3, 4 and 5 of Part 1 of Schedule 12(A) of the Act, as amended by the Local Authorities (Executive Arrangements) (Access to Information) (Amendments) (England) Regulations 2006:-

8. Decisions made by Mayor and Cabinet (Contracts) on 1 March 2017.
9. Decision made by an Executive Director Under Delegated Authority – Statutory Funerals Contracts.
10. Advocacy Service for Looked After Children, Children in Care Proceedings and Young People Leaving Care

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

Document is Restricted

Agenda Item 10

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

Document is Restricted

Agenda Item 11

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

Document is Restricted