



AGENDA

OVERVIEW AND SCRUTINY BUSINESS PANEL

Date: TUESDAY, 10 OCTOBER 2017 at 7.00 pm

Committee Rooms 1 & 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 Carl Handley	Chair of Housing Select Committee	L
Councillor John Muldoon	Chair of Healthier Communities Select Committee	L
Councillor Maja Hilton	Chair of Public Accounts Select Committee	L
Councillor Jim Mallory	Labour Group Representative	L
Councillor Liz Johnston-Franklin	Labour Group Representative	L
Councillor Pauline Morrison	Chair of Safer Stronger Communities Select Committee	L
Councillor Luke Sorba	Chair of Children and Young People Select Committee	L

**This meeting is an open meeting and all items on the open agenda may be audio
Recorded and /or filmed
Members are summoned to attend this meeting**

Barry Quirk
Chief Executive
Lewisham Town Hall
Catford
London SE6 4RU
Date: Monday, 2 October 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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Lewisham



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Agenda Item 1

OVERVIEW & SCRUTINY BUSINESS PANEL		
Report Title	Minutes	
Key Decision		Item No. 1
Ward	All	
Contributors	Chief Executive	
Class	Part 1	Date: 10 October 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 25 July 2017 be confirmed and signed.

MINUTES OF THE OVERVIEW AND SCRUTINY BUSINESS PANEL

Tuesday, 25 July 2017 at 7.05 pm

PRESENT: Councillors Alan Hall (Chair), Liam Curran, Carl Handley, John Muldoon, Jim Mallory and Luke Sorba

Apologies for absence were received from Councillor Maja Hilton, Councillor Liz Johnston-Franklin and Councillor Pauline Morrison

22. Minutes

RESOLVED that the minutes of the open meeting held on 11 July 2017 be confirmed as a correct record.

23. Declarations of Interests

None received.

24. Outstanding Scrutiny Items

Panel Members noted that there had been slippages on the responses for the four items listed in the report. They were informed by the Head of Business Committee that the responses had been delayed following Legal Advice to do so until after the General Election. These responses have now been agreed at the Mayor and Cabinet meeting on 19 July and would be going to the respective Select Committees.

The Chair said he was aware that the response to the Post Office Services referral might be sensitive, and requested that Business Panel Members be kept informed about the results of the consultations.

Action >>>>> ED Customer Service

RESOLVED that the report be noted.

25. Notification of Late and Urgent Items

Report noted.

26. Decisions made by Mayor and Cabinet on 19 July 2017

Beckenham Place Park Regeneration Update

The Project Manager, Regeneration and Asset Management introduced the report. The Chair thanked officers for their tabled response to the questions received from a member of the public, and asked that the questions and responses be published on the Council's website.

Action >>>>> ED Res.& RegenPage 2

Business Panel Members asked if it would only be the eastern side of the railway used for the flood alleviation scheme, and whether embankments would be built around the east end of the park, and this was confirmed by officers.

Councillor Sorba said that he did not receive a complete answer to his earlier question to officers about the criteria used to determine who was appointed Manager to the Mansion. He said there had been rumours about the Council demonstrating favouritism. The Senior Programme Manager Regeneration and Place explained the options open to officers and their decision to identify a tenant in order to safeguard the building, and save on security costs. Councillor Sorba asked that Business Panel Members be sent the information on the selection process for the Manager of the building.

Action >>>>> ED Res.& Regen.

The Chair questioned whether due diligence was in place when the selection was done. He asked whether the Council would benefit from profits made by the Manager of the building, and was told it was unlikely there would be any profit from this arrangement, as the Council was already saving around £450k from the lease put in place. The Chair said he was concerned that Members were not informed of the process officers had chosen to select the Manager of the building.

Councillor Curran said Panel Members were concerned that the selection process did not seem open and fair, and other members of the public might have wanted to put in a bid given the opportunity. He added that the bid for the Heritage Lottery had to be done right, but 5 years might be a long time. The Project Manager, Regeneration and Asset Management responded that more activities were taking place in the Mansion now than ever, and more events and activities would be added over the years. She said the Council might even see some profit within the next few years.

The Senior Programme Manager Regeneration and Place said officers had feedback from various groups about activities in the building, and so far they were happy with its current use. The Chair said if decisions were being made by a small group of officers, a lot of opposition should be expected from members of the public and other organisations. The Chair said key stakeholders needed to be engaged in the process.

The Project Manager, Regeneration and Asset Management said she was sorry to hear about opposition to the present use of the building as she had received a lot of positive feedback to date. Councillor Sorba commented that he was glad to hear about the various activities that were been held at the venue, and requested an audit of the socio economic and ethnic background of those participating at these activities for Business Panel Members. Councillor Curran said it was widely known that people from ethnic and low socio economic background were not usually attracted to parks and open spaces, therefore activities that would attract them should be included.

Action >>>>> ED Res.& Regen.

The Project Manager, Regeneration and Asset Management said she would be happy to do a briefing on details of paid activities and free events that were currently taking place in the building. The Chair said that would be useful, as the public had not been given sufficient information. Business Panel requested an analysis of how the decision was taken, including information on Member and public engagement, in a report for the next Sustainable Development Committee meeting. Business Panel agreed that officers should ensure more public involvement going forward.

Action >>>>> ED Res.& Regen.

RESOLVED that:

- i. the Mayor's decision be noted.
- ii. the Mayor be requested to ask officers to involve key stakeholders and members of the public in the proposals for Beckenham Place Park going forward.

Medium Term Financial Strategy and Financial Forecasts

The Chair proposed that both financial items be discussed at the same time, this was agreed by Panel members.

The Head of Corporate Resources introduced the reports. The Chair thanked him for the briefings he had sent to Panel Members to date. The Chair said that the last General Elections had changed the landscape and Panel Members would like to know what to expect in the coming years.

The Head of Corporate Resources said there was uncertainty in connection with the funding regime in the next couple of years. He added that last year the Council overspent its budget, and officers were forecasting an overspend this year, with the Council using its reserves to address the deficit. The Head of Corporate Resources explained to Panel Members that £30m cuts was needed for the next financial year, and £50m cuts during the following 4 years.

The Chair asked when Members would have a chance to scrutinise the budget proposals and was told before the Autumn term budget announcement. The Chair said based on the assumptions there would be a cap on public sector pay rise, but asked what effect a 2% pay rise would have on the budget. The Head of Corporate Resources said it would roughly equate to £2m.

Councillor Mallory thanked officers for the presentation and asked what was being done to address the financial issues the Council was faced with. The Head of Corporate Resources said there were a number of things being put in place which included investments, ongoing bids for funding, savings that have been identified, and agreed. He added that officers needed to be clear and thorough. Councillor Mallory said that officers needed to be very clear in explaining why services were not being delivered when cuts are made.

The Chair said it would be useful if Members were briefed on previous proposals to include savings that were accomplished and not accomplished, and options

open to Members. The Executive Director for Resources and Regeneration said there were a few issues that arose last year. When the budget was set decisions were made to undo some of the proposed savings, and the overspending in the Children and Young People Directorate was higher than expected. She added that officers would go through the proposals thoroughly to ensure that the savings put forward could be achieved. The Chair asked for Business Panel Members to be sent the Council's response to the School Deficit Loan System consultation.

Action >>>>> ED Res. & Regen.

The Executive Director for Resources and Regeneration said officers were diligently going through the budget to look at all the options including a worse case scenario. She said they have discussed their Statutory Responsibilities and Budgetary Responsibilities, and the fear of not having enough money to deliver the Council's Statutory Responsibility, e.g. in Adult and Children Social Care. The Chair asked where Lewisham stood in comparison to other boroughs, and asked for this information to be sent to all Members.

Action >>>>> ED Res. & Regen.

The Chair asked what would be done to address the Bereavement Services overspend, and was told that officers were constantly monitoring the process, and would be looking at the pricing structure. Councillor Sorba said he was concerned about the Council not meeting its Statutory Responsibilities in Children Social Care. He said a report would be going to the Public Accounts Select Committee, and if it became an issue it should also be going to the Children and Young People Select Committee. The Executive Director for Resources and Regeneration responded that things had not quite reached that point yet.

The Chair said Chairs of Overview and Scrutiny Select Committees should receive briefings from finance officers over the Summer break, as there would be service consequences especially in Adult Social Care. The Chair thanked officers for the report.

Action >>>>> ED Res. & Regen.

RESOLVED that the decision of the Mayor be noted.

New Housing Programme Update – Part 1

The Programme Manager Housing Matters introduced the report. The Chair said that the report was welcoming. Councillor Sorba concurred but added that concerns have been expressed around the change in use of the community centre in his Ward. The Programme Manager Housing Matters confirmed that the community centre would remain the same regardless of other changes. The Chair asked if the Council would achieve its objective of building 500 new homes, and was told that this has not yet been achieved but most of them would be on site by next year. It was noted that there were some issues that needed to be addressed.

Councillor Handley, Chair of Housing Select Committee said when the manifesto was drawn the Council pledged 500 new homes but as practicalities like planning permission and location of sites arose things became difficult. He said it was likely

that the numbers would be 200 short, but by 2019, 500 homes would be up and running. The Chair said it might be necessary to have an important discussion on how the Council could achieve the maximum number of homes. Councillor Mallory said he was aware of issues identifying sites for these homes. The Chair thanked officers for the report.

RESOLVED that the decision of the Mayor be noted.

27. Overview and Scrutiny Select Committees Work Programmes 2017-18 - oral update

The Interim Scrutiny Manager informed Panel Members that most of the Select Committees had met, and currently there were 2 health issues on the Healthier Communities Select Committee agenda, and the tabled referral would be going to Mayor and Cabinet in September.

Councillor Muldoon informed Panel Members that contrary to some views the ICO Health Group proposal for Grove Park was not a done deal as it would need the cooperation of GPs, and there was a risk of not having planning application granted. It was noted that a referral had been made to Mayor and Cabinet to consider urgently.

The Chair proposed that the referral should be brought to the attention of the Mayor, requesting that the Mayor is asked to decide whether an urgent action was required. This was agreed by Panel Members.

Action >>>>> ED Res. & Regen.

Councillor Curran informed Panel Members that an issue had arisen during the Grenfell Tower discussion, it had come to Members attention that Lewisham was only responsible for 60% of all the tall buildings in the borough with the rest privately owned. On behalf of the Sustainable Development Select Committee he proposed that Health and Safety checks and risk assessment that had been recommended for all Council owned tall Buildings should be extended to all tall buildings to include privately owned ones. Panel Members agreed the proposal.

The Chair informed Members that he had written a letter to the Chief Executive asking for information about safety checks on all tall Buildings in the Lewisham Regeneration areas. He said reports on this would be going to the Housing Select Committee, the Overview & Scrutiny Committee and the Sustainable Development Select Committee.

Councillor Curran said the Sustainable Development Select Committee was also seeking the co-operation of the Fire Brigade to produce the information on safety checks done on all Lewisham tall buildings to be made available to the public.

The Executive Director for Resources and Regeneration said there was a discussion about private properties at the last Sustainable Development Select Committee. She said officers would do their best to assess the information collected and would pass on this information to all Council Members.

Action >>>>> ED Res. & Regen.

Business Panel Members noted and welcomed the cancellation of the JHOSC meeting scheduled for 26 July. The Chair thanked the Head of Law for the Legal Advice she gave, as this information would assist in requesting that JHOSC consider the proposal for consultation for Lewisham hospital.

RESOLVED that:

- i. that the report be noted.
- ii. that the referral from the Healthier Communities Select Committee on the consolidation of the ICO Health Group primary care services in Grove Park and the intention to build a new purpose-built Health Centre be brought to the attention of the Mayor, and that he be asked to exercise his discretion and decide whether any urgent action was required.

28. Exclusion of the Press and Public

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

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

29. Decisions made by Mayor and Cabinet on 19 July 2017

Catford Programme Update and A205 Realignment Options 1 & 2

RESOLVED that the decision of the Mayor be noted.

Meeting ended: 8:55pm

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: 10 October 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: 10 October 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
Response to Public Accounts Select Committee on the Financial Out-turn for 2016-17	ED Resources & Regeneration	July 19 2017	October 4 2017	No
Response to Public Accounts Select Committee on Income Generation	ED Resources & Regeneration	July 19 2017	October 4 2017	No
Response to Safer Stronger Communities Select Committee on Library and Information Service Annual Report	ED Community	July 19 2017	October 4 2017	No

Response to Safer Stronger Communities Select Committee on Demographic Change	ED Resources & Regeneration	September 13 2017	November 15 2017	No
Response to Sustainable Development Select Committee – Fire Safety in Tall Buildings	ED Resources & Regeneration and ED Customer	September 13 2017	November 15 2017	No
Response to Sustainable Development Select Committee – Cycling Strategys	ED Resources & Regeneration	September 13 2017	November 15 2017	No

BACKGROUND PAPERS and AUTHOR

Mayor & Cabinet minutes July 19 2017 and September 13 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: 10 October 2017

1. Purpose of Report

Report Title	Author	Reasons Stated for Urgency	Responsible Committee and Date
Communicating the Council's budget position	Joe Derrett (Head of Communications)	The report was late due to delays in collating the required data.	Public Accounts Select Committee 27/09/17
Evidence Session LGBT Provision in Lewisham	Katie Wood	<p>REASON FOR LATENESS: The visit by Councillors to Manchester was scheduled too close to the date of despatch for the summary and presentations to be available.</p> <p>REASON FOR URGENCY: The Committee needs to receive information from the visit to help shape their evidence session at this meeting.</p>	Safer Stronger Select Committee 21.9.17

OVERVIEW & SCRUTINY BUSINESS PANEL		
Report Title	Exclusion of the Press and Public	
Key Decision		Item No. 7
Ward		
Contributors	Chief Executive	
Class	Part 1	Date: 10 October 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 on 10 October 2017.