



AGENDA

OVERVIEW AND SCRUTINY EDUCATION BUSINESS PANEL

Date: TUESDAY, 7 MAY 2019 at 7.00 pm

Committee Rooms 1 & 2

Civic Suite

Lewisham Town Hall

London SE6 4RU

Enquiries to: Olga Cole

Telephone: 0208 314 8577 (direct line)

Email: olga.cole@lewisham.gov.uk

MEMBERS

Councillor Bill Brown	Chair of Overview & Scrutiny Committee	L
Councillor Sakina Sheikh	Vice Chair of Overview & Scrutiny Committee	Labour Co-op
Councillor Peter Bernards	Chair of Housing Select Committee	L
Councillor Juliet Campbell	Chair of Safer Stronger Communities Select Committee	L
Councillor Patrick Codd	Labour Group Representative	L
Councillor Liam Curran	Chair of Sustainable Development Select Committee	Labour Co-op
Councillor Jim Mallory	Chair of Public Accounts Select Committee	L
Councillor Joan Millbank	Labour Group Representative	L
Councillor John Muldoon	Chair of Healthier Communities Select Committee	Labour Co-op
Councillor Luke Sorba	Chair of Children and Young People Select Committee	L

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

Non-elected Voting Members

Lilian Brooks	Primary School Parent Governor Representative
Kevin Mantle	Parent Governor Representative for Special Schools
Monsignor N Rothern	Roman Catholic Archdiocese of Southwark Commission for Schools and Colleges
Kate Ward	Secondary School Parent Governor Representative

Members are summoned to attend this meeting

Janet Senior

Acting Chief Executive

Lewisham Town Hall

Catford

London SE6 4RU

Date: Thursday 25 April 2019



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.

ORDER OF BUSINESS – PART 1 AGENDA

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Lewisham



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Agenda Item 1

OVERVIEW & SCRUTINY (EDUCATION) BUSINESS PANEL		
Report Title	Minutes	
Key Decision		Item 1
Ward		
Contributors	Chief Executive	
Class	Part 1	Date: 7 May 2019

It is recommended that the minutes of that part of the meetings of the Overview and Scrutiny (Education) Business Panel which were open to the press and public, held on 2 October 2018 be confirmed and signed.

MINUTES OF THE OVERVIEW AND SCRUTINY EDUCATION BUSINESS PANEL

Tuesday, 2 October 2018 at 7.05 pm

PRESENT: Councillors Bill Brown, Juliet Campbell, Alex Feis-Bryce, Jim Mallory, John Muldoon and Luke Sorba

ALSO PRESENT: Councillor Silvana Kelleher

Apologies for absence were received from Councillor Liam Curran, Councillor Joan Millbank, Councillor Pauline Morrison, Councillor Susan Wise and Monsignor N Rotheron

5. Minutes

RESOLVED that the minutes of the open meeting held on 13 March 2018 be confirmed as an accurate record.

6. Declarations of Interests

None was declared.

7. Decisions made by Mayor and Cabinet on 20 September 2018

Local Government Social Care Ombudsman report

The Service Manager, Children in Need introduced the report. The Chair of Children and Young People (CYP) Select Committee, Councillor Sorba expressed his surprise that this problem had occurred. He said the CYP Select Committee had scrutinised this issue several times. He asked why it had occurred and what steps had been taken to prevent it happening in future, and what were the consequences faced by the Council because of the findings.

Officers told Panel Members that the Council has a robust transport policy that had been scrutinised at various meetings. It was noted that in assessing individuals officers look at people's capability to promote their independence, taking into account any risk involved.

Officers said the problem arose as a result of Section 508F of the Education Act which contradicts this policy. The Act states that any transport support required to access Education should be made available. Officers said a post assessment had been done, but the parent said the need to drop and pick up her son for his activities prevented her from addressing her own needs.

Officers said they now have to think about balancing the needs of the children and that of their carers to ensure compliance. Councillor Sorba commented that he recognised the challenges faced by officers, as the move to independence for the child could affect that of the carers. He asked whether this would lead to

reassessment of cases, and was told that cases had been looked at and none required transport to be paid for.

The Chair asked for and was assured no other resident was in a similar situation. He said he hoped lessons have been learnt from the findings, and future policy and practices would be drawn to reflect this.

Councillor Mallory asked if the findings would impact on the transport budget which he said everyone was aware is largely overspent. Officers said they would need to give consideration to Section 508F, and Education for post 19. They said they were aware of the overspend and would ensure this was properly managed going forward, with regular reviews and the development of cost saving schemes. Councillor Mallory said he would look at the general rise in transport costs in another forum.

RESOLVED that the report be noted.

Meeting ended 7:20pm

Chair

Agenda Item 2

OVERVIEW AND SCRUTINY (EDUCATION) BUSINESS PANEL		
Report Title	Declarations of Interests	
Key Decision		Item No. 2
Ward		
Contributors	Chief Executive	
Class	Part 1	Date: 7 May 2019

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 member's 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)

OVERVIEW & SCRUTINY (EDUCATION) BUSINESS PANEL		
Report Title	Exclusion of the Press and Public	
Key Decision		Item No. 3
Ward		
Contributors	Chief Executive	
Class	Part 1	Date: 7 May 2019

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 and the public interest in maintaining the exemption outweighs the public interest in disclosing the information:-

4. Decisions made by Mayor and Cabinet on 24 April 2019
5. Decision made by an Executive Director Under Delegated Authority: Stillness School Kitchen and Dining Hall – Contract Award Report

Agenda Item 4

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

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