AGENDA

MAYOR AND CABINET

Date:  WEDNESDAY, 15 JULY 2015 at 6.00 pm

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

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MEMBERS

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

Members are summoned to attend this meeting

Barry Quirk
Chief Executive
Lewisham Town Hall
Catford
London SE6 4RU
Date:  Wednesday, 15 July 2015

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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RECORDING AND USE OF SOCIAL MEDIA

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The Council cannot guarantee that anyone present at a meeting will not be filmed or recorded by anyone who may then use your image or sound recording.

If you are intending to audio record or film this meeting, you must:

- tell the clerk to the meeting before the meeting starts;
- only focus cameras/recordings on councillors, Council officers, and those members of the public who are participating in the conduct of the meeting and avoid other areas of the room, particularly where non-participating members of the public may be sitting; and
- ensure that you never leave your recording equipment unattended in the meeting room.

If recording causes a disturbance or undermines the proper conduct of the meeting, then the Chair of the meeting may decide to stop the recording. In such circumstances, the decision of the Chair shall be final.

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.
### Declaration of interests

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

1 **Personal interests**

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

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

2 **Disclosable pecuniary interests** are defined by regulation as:

   (a) **Employment** – trade, profession or vocation of a relevant person* for profit or gain

   (b) **Sponsorship** – payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).

   (c) **Undischarged contracts** between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.

   (d) **Beneficial interests in land** in the borough.
(e) **Licence to occupy land** in the borough for one month or more.

(f) **Corporate tenancies** – any tenancy, where to the member’s knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.

(g) **Beneficial interest in securities** of a body where:-

(a) that body to the member’s knowledge has a place of business or land in the borough; and

(b) either
   (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or

   (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

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

(3) **Other registerable interests**

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

(a) Membership or position of control or management in a body to which you were appointed or nominated by the Council

(b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party

(c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25

(4) **Non registerable interests**

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

(a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take not part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members’ Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000.**

(b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.

(c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member’s judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.

(d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.

(e) Decisions relating to declarations of interests are for the member’s personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

(6) Sensitive information

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

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

(a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)

(b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;

(c) Statutory sick pay; if you are in receipt

(d) Allowances, payment or indemnity for members

(e) Ceremonial honours for members

(f) Setting Council Tax or precept (subject to arrears exception)
Recommendation

It is recommended that the minutes of that part of the meeting of the Mayor and Cabinet which were open to the press and public, held on June 3 2015 be confirmed and signed as a correct record. (copy attached).
MINUTES OF THE MAYOR AND CABINET
Wednesday, 3 June 2015 at 6.05 pm

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

ALSO PRESENT: Councillor Alan Hall.

209. Declaration of Interests
The Mayor declared a personal interest in Item 15 as Chair of the LGA Commercial Board which was responsible for reletting their IT contract.

210. Minutes
RESOLVED that the minutes of the meeting held on May 13 2015 be confirmed and signed as a correct record.

211. Outstanding Scrutiny Matters
RESOLVED that the report be noted.

212. Matters Raised by Scrutiny and other Constitutional Bodies
Matters referred by Safer Stronger Communities Select Committee – Violence Against Women and Girls: awareness raising and prevention review

The Mayor received a written report from the Safer Stronger Communities Select Committee and

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

No Recourse to Public Funds

Councillor Alan Hall presented the referral from the Overview & Scrutiny Business Panel. He was pleased to note the Mayor had already personally written to the Home Secretary, Theresa May, regarding the impact expenditure on the No Recourse to Public Funds area was having on the Council. He urged the Mayor to ensure the Chief Executive made a similar representation to the responsible Permanent Secretary. In response the Mayor confirmed this was a crucial area of activity and that he would draw the Business Panel’s request to the attention of the Chief Executive.

RESOLVED that the Overview & Scrutiny Business Panel be informed of the response made by the Mayor.
213. Consultation on proposed change of Prendergast School, Prendergast Vale School and Prendergast Ladywell School - ITEM WITHDRAWN

The Mayor confirmed the academisation proposal had been withdrawn and the consultation had ceased, therefore a report had not been written.

214. Adoption Service Update

Councillor Maslin and the Mayor both paid tribute to all the staff involved in delivering a very successful year for the Adoption Service.

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

RESOLVED that:

(i) the report of the work of the Adoption Service be noted;

(ii) the review of the Statement of Purpose 2015-16 be approved;

(iii) the updated Children’s Guides to Adoption and Adoption Support Services be approved.

215. Fostering Report 2015-16

Councillor Maslin introduced the report and officers acknowledged the picture for the Fostering Service was more mixed particularly in regard to the results delivered by agencies employed to recruit foster carers.

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

RESOLVED that:

(i) the report of the work of the Fostering service be noted;

(ii) the review of the Statement of Purpose for the Fostering Service for 2015 – 2016 be approved; and

(iii) the updated Children’s Guides – My Guide to Foster Care be approved.

216. Sedgehill School deficit

Councillor Paul Maslin introduced the report and explained that related efforts to drive up standards at the school aimed to make it popular and that attracting more pupils would have a positive impact on finances.

Councillor Kevin Bonavia received an explanation as to what factors caused the overspend and what steps were to be put in place to recover the overspend without causing prejudice to educational standards.

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

RESOLVED that:

(i) Sedgehill School should have a licensed deficit of £1,148,000; and

(ii) in accordance with the Scheme of Delegation the school brings the budget back into a surplus position over a five year period.

217. S75 arrangements for Social Care and Health including Public Health

Having considered an officer report and a presentation by the Cabinet Member for Health, Well-Being and Older People, Councillor Chris Best, the Mayor, for the reasons set out in the report:

RESOLVED that:

(i) the amended s75 agreement for non-pooled adult social care and health services between the Council and the PCT be approved;

(ii) a contribution of £71,151,000 be made towards the cost of the non-pooled adult social care and health services provided under the amended s75 agreement for the year 2015/16 and note the CCG contribution of the sum £78,169,000 for 2015/16;

(iii) authority be delegated to the Executive Director for Community Services, on the advice of the Executive Director for Resources and Regeneration and Head of Law, to agree any final amendments to the s75 agreement for non-pooled adult social care and health services;

(iv) the Public Health s75 agreement be approved;

(v) authority be delegated to the Executive Director for Community Services, on the advice of the Executive Director for Resources and Regeneration and Head of Law, to agree any final amendments to the s75 agreement for Public Health, including final values for contracts with Lewisham & Greenwich Trust;

(vi) the Better Care Fund s75 agreement set out be approved to govern the delivery of the Lewisham Better Care Fund Plan 2015/16 and for an agreed period thereafter;

(vii) the establishment of a pooled fund as part of this BCF agreement be approved;

(viii) authority be delegated to the Executive Director for Community Services, on the advice of the Executive Director for Resources and Regeneration and Head of Law, authority to agree any final amendments to the s75 agreement for the Better Care Fund;

(ix) these agreements will also require approval by the CCG and that CCG officers have been involved in their development to date.
218. **Local Flood Risk Management Strategy**

The Deputy Mayor advised the Mayor on the points raised by the Sustainable Development Select Committee in a written referral contained in a supplementary agenda.

In regard to the suggestion on Southend Park, the Deputy Mayor advised the European River Corridors Improvement Programme had proved useful in the past and could be approached again.

On permeable driveways, the Deputy Mayor noted this was existing planning policy.

The River Quaggy was confirmed as the responsibility of the Environment Agency and the pavements above were the responsibility of TfL. Extensive discussions had taken place with TfL about the siting of bus stops which had implications for the culvert.

The Deputy Mayor confirmed the existence of a council stock of sandbags and encouraged others to obtain their own stocks.

The Deputy Mayor stated London Councils were now in the process of gathering together all Management Plans prior to a full review.

The Deputy Mayor acknowledged Thames Water were the appropriate body to investigate ‘ground water’ issues.

The Deputy Mayor promised to consider further the issues raised by the Bakerloo Line extension and the relocation of Lower Sydenham Station.

Having considered an officer report, the written views of the Sustainable Development Select Committee and a presentation by the Deputy Mayor Councillor Alan Smith, the Mayor, for the reasons set out in the report

RESOLVED that:

(i) the Local Flood Risk Management Strategy and its associated documents be published;

(ii) authority be delegated to the Executive Director for Resources and Regeneration to make any final minor changes to the text and format of the documents prior to those documents being published; and

(iii) the Executive Director for Resources and Regeneration be asked to prepare a response for Mayoral consideration to the referral made by the Sustainable Development Select Committee.

219. **Financial Outturn 2014-15**

Having considered an officer report, and a presentation by the Cabinet Member for Resources, Councillor Kevin Bonavia, the Mayor:
RESOLVED that the financial results for the year ending 31 March 2015 be noted.

220. Management Report

Having considered an officer report, and a presentation by the Cabinet Member for Policy and Performance, Councillor Joe Drome, the Mayor:

RESOLVED that the report be noted.

221. Demolition of 127 Mayow Road

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

RESOLVED that the demolition of 127 Mayow Road in advance of the future development of the site for new homes be approved.

222. Exclusion of Press and Public

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

15. ICT Service Review

223. ICT Review

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

RESOLVED that

(i) work be undertaken with the London Borough of Brent to establish a shared IT infrastructure support service to replace Lewisham’s existing arrangements with Capita and officers from Lewisham and Brent jointly develop detailed proposals on the exact nature of the shared service for Mayor and Cabinet to approve in autumn 2015, with a view to implementing changes by April 2016 and notes that London Borough of Brent is seeking approval from its Executive for the same in June 2015;

(ii) the procurement of hardware and software to update the Council’s IT infrastructure be approved up to a stated maximum value using a call off from
a Framework established by the London Borough of Brent to include implementation services provided by IT support staff from Brent;

(iii) reciprocal arrangements be put in place to host disaster recovery facilities with Brent with Lewisham hosting disaster recovery facilities at its data centre in Slough (under a contract between the Council and Logicalis UK Limited dated 23rd December 2010) and for Brent to host disaster recovery facilities for the Council at the Brent Civic Centre; and

(iv) in relation to the Logicalis Data Centre, authority be delegated to the Executive Director for Resources and Regeneration upon the advice of the Head of Law to finalise the legal and contractual arrangements for such hosting arrangements with Brent and Logicalis respectively.

The meeting closed at 7.09pm
Purpose of Report

To report back on any matters raised by the Overview and Scrutiny Business Panel following their consideration of the decisions made by the Mayor on June 3 2015 or on other matters raised by Select Committees or other Constitutional bodies.
1. Summary

1.1 This report informs the Mayor and Cabinet of the comments and views of the Healthier Communities Select Committee, arising from discussions held on the transition from children’s to adults’ social care, considered at its meeting on 25 June 2015.

2. Recommendation

2.1 Mayor and Cabinet is recommended to note the views of the Select Committee as set out in this report and ask the Executive Directors for Children and Young People and Community Services to respond.

3. Healthier Communities Select Committee views

3.1 On 25 June 2015, the Healthier Communities Select Committee considered a report Preparing for Adulthood: Transition from Children’s to Adult Services.

3.2 Several members of the Children and Young People also attended the meeting under standing orders. The Committee resolved to advise Mayor and Cabinet of the following:

3.3 Having considered a report about the transition of young people from children’s to adult social care and received a report from officers; the Committee recommends that further work be carried out to improve the opportunities for children and young people to access education and care provision in Lewisham that meets their needs. The Committee is concerned about the number of young vulnerable people placed outside of the borough.

3.4 The Council should consider working with neighbouring boroughs to ensure that a range of provision is in place for children and young people in receipt of social care.

3.5 The Committee also recommends that the Council take into account the need for transitional support for families in cases where children are not eligible for adult social care upon reaching adulthood.

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**

Preparing for Adulthood: Transition from Children’s to Adult Services: [http://tinyurl.com/p7xvwek](http://tinyurl.com/p7xvwek)

If you have any queries about this report, please contact Timothy Andrew, Scrutiny Manager (ext. 47916) or Kevin Flaherty, Head of Business and Committee (0208 314 9327).
1. **Purpose**

1.1 This report presents the final report and recommendations arising from the Housing Select Committee’s Communal Heating Systems Review, which is attached at Appendix A.

2. **Recommendations**

2.1 The Mayor is recommended to:

(a) Note the views and recommendations of the Committee set out in the main report at Appendix A.
(b) Agree that the Executive Director for Customer Services be asked to respond to the review’s recommendations.
(c) Ensure that a response is provided to the Housing Select Committee.

3. **Context**

3.1 The review was scoped in October 2014 and three evidence gathering sessions were held in November 2014, December 2014 and January 2015. The Committee agreed the report and the recommendations in May 2015.

4. **Financial implications**

4.1 There are no financial implications arising out of this report per se, although the financial implications of the recommendations will need to be considered in due course.

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. **Equalities implications**

6.1 The Council works to eliminate unlawful discrimination and harassment, promote equality of opportunity and good relations between different groups in the community and recognise and take account of people’s differences.
If you have any questions about this report, please contact Roger Raymond, Scrutiny Manager (0208 314 9976), or Kevin Flaherty, Head of Business and Committee (0208 314 9327).
Overview and Scrutiny

Communal Heating Systems Review

Housing Select Committee

May 2015

Membership of the Housing Select Committee in 2014-15:

Councillor Carl Handley (Chair)
Councillor Peter Bernards (Vice-Chair)
Councillor Paul Bell
Councillor John Coughlin
Councillor Amanda De Ryk
Councillor Maja Hilton
Councillor Simon Hooks
Councillor Olurotimi Ogunbadewa
Councillor Jonathan Slater
Councillor Susan Wise
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   • Jonathan Graham, Association for Decentralised Energy
   • Peter North, Greater London Assembly
   • Robin Feeley, London & Quadrant
   • Bertie Dixon, Max Fordham LLP
   • James Gallagher, Parkside Residents Association
   • Brian Regan, LB Lewisham
   • Vimal Bhana, Barratt Homes and Jeremy Bungey, E.ON
   • Visits: Bunhill Heat and Power
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     SELCHP
   • The Which? Report

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Appendices

A. Case Studies from the Association for Decentralised Energy
B. Paper from Max Fordham LLP
C. Comments from Family Mosaic
D. Additional evidence from the Association for Decentralised Energy
Chair’s Introduction

The GLA is responsible for the London Plan which addresses carbon reduction and sustainable energy. Where does Lewisham Council fit in and how can we make sustainable energy work?

The Housing Select Committee entered into this in-depth work for two main reasons:

The first being that Lewisham Council has committed to building a number of new homes over the next few years, working alongside our Registered Provider partners and private sector developers to maximise homes being built within the Lewisham Borough. It is likely that some of these new homes will contain communal heating systems.

The second reason being that a large rebuild of homes on an estate by a Registered Provider which included a new communal heating system, experienced numerous difficulties in getting it to work efficiently. This caused tenants to make representations to their local Councillors and Councillor Amanda De Ryk picked up the challenge.

This report isn't applying blame to any parties, we want to achieve effective communal heating systems that work and at the right price for everyone including the developers and especially the end user.

I would like to thank all the people that have taken the time to come along to give evidence and opinions to the committee, which has contributed to the final report. Also my thanks to my Councillor Colleagues who undertook site visits to various communal heating systems, and to all the committee members who were part of the scrutiny process to enhance the findings of this report.

Lastly a big thank you to the Scrutiny officers Tim, Roger and Charlotte for their involvement in the process and putting this report together with Councillor Amanda De Ryk.

Councillor Carl Handley
Chair of the Housing Select Committee
Select Committee Members 2014-15

Councillor Handley (Chair)

Councillor De Ryk
Councillor Bernard (Vice Chair)
Councillor Bell

Councillor Coughlin
Councillor Hilton
Councillor Hooks

Councillor Ogunbadewa
Councillor Slater
Councillor Wise
1. **Executive Summary**

1.1 Decentralised energy features heavily in European, national and regional carbon reduction policy, with the proponents of such systems believing that, no matter what the scale of the system, or the fuel used, communal heating systems result in fewer carbon emissions than that which would result from traditional, non-communal heating systems. However, local experience of such heating systems suggests that their performance in practice does not always match up to their predicted performance, both in terms of efficiency and carbon reduction and in terms of costs to residents. This review therefore sought to examine how communal heating systems were being deployed in Lewisham with a view to ensuring the future effective deployment of communal heating systems in the borough, wherever their use was appropriate.

1.2 The review considered a wide range of evidence from those behind the policies that promote communal heating systems; the developers, housing bodies and engineers commissioning and installing the systems; the organisations running the systems; the officers responsible for authorising and checking the installations; the relevant industry body; and the consumers themselves. The review’s key finding was that there was, as suspected, a sizeable ‘performance gap’ with many systems failing to meet expectations. The Committee therefore recommends that the focus of all parties should shift more towards actual performance and away from mere compliance with regulations, and that a thorough evaluation of existing systems should take place.

1.3 The review also found that scale and balance is crucial. Larger scale installations bring economies of scale and a mix of residential and commercial properties result in balanced heat and power requirements which mean that less surplus heat is created. This saves carbon and avoids the overheating problems that have affected a number of developments. As well as creating an unpleasant environment for residents, high levels of heat loss and overheating also increase costs and these are often passed on to the consumer in the form of higher bills.

1.4 A number of witnesses giving evidence to the Committee mentioned that lack of expertise amongst staff at every level was an issue. This is concerning as, to be successful, communal heating systems need to be expertly planned, delivered, maintained and monitored.

1.5 The Committee has made a number of recommendations which it believes will help address the issues it has uncovered and it looks forward to receiving the Mayor’s response. In the meantime it hopes that the Council will ‘slow down’ the pace at which communal heating systems are being installed across the borough and make sure that other options for delivering carbon savings are explored.
2. Key Findings

2.1 Having considered the evidence presented to it over the course of the review, it is the Committee’s opinion that:

There is a gulf between how communal heating systems appear on paper and how they function in practice.

A shortage of expertise: To be successful, communal heating systems need to be expertly planned, delivered, maintained and monitored. This requires those planning, installing, maintaining and monitoring such schemes to have specialised skills. The Committee believes that there is currently a skills shortage in many of these areas. Although a relatively new technology in this country, the policy push for installing communal heating systems has meant that the demand for such systems is very high – and the consequent demand for skilled workers at all stages of the process is outstripping supply. In particular, the Committee is concerned that, historically, many housing providers have not fully understood the systems they have installed in their developments or recognised the expertise that they require in order to maintain and monitor the systems.

A lack of evaluation: Whilst EU, national and regional policy is championing the installation of communal heating systems, relatively little evaluation has been carried out as to how these systems are working in practice, both in terms of carbon reduction and consumer satisfaction. The Committee believes that if extensive evaluation took place, some of the problems identified during the course of this review might be found to be widespread. Sector-wide acknowledgement of the problems that can occur would provide an impetus to improve practice, develop expertise and narrow the gap between how the systems work in theory and how they function in reality.

2.2 Other findings of the Committee are as follows:

1. The policy push towards communal heating systems gives the impression that they are the only way of achieving required carbon reduction targets in the housing sector, meaning that other avenues of reducing the carbon footprint of new housing developments such as building new properties to a higher standard (e.g. ultra low energy buildings which require no heating) are not being explored. This is particularly concerning given the gap between the performance of communal heating systems on paper and in practice: the carbon reduction targets associated with these systems are rarely achieved.

2. Scale and balance is crucial. District heating systems seem to work better than smaller communal heating systems which only cover a single residential development as they (a) are larger scale, so benefit from greater economies of scale; and (b) involve a mix of residential and commercial properties, so have balanced heat and power requirements.
that are more evenly spread over 24 hours, meaning that less surplus heat is created.

3. Overheating appears to be a particular issue in many communal heating systems. Modern buildings are very air tight yet the planning requirements in relation to the ventilation, required to keep the buildings at an acceptable temperature, are sometimes ‘downgraded’ following ‘expert’ mitigation on the behalf of developers.

4. Communal heating systems can be expensive in practice and often require subsidies to keep them affordable for residents. Residents may be faced with higher bills than they would have received under a traditional, non-communal system once the subsidies are removed.
3. Recommendations

3.1 The Committee would like to make the following recommendations:

**Recommendation 1:**

The Council should explore the gap between the projected ‘potential’ performance of communal heating systems (manufacturer’s estimations) and their ‘as built’ performance (actual performing rates). This could be done by engaging independent engineers, paid for by the developer, to assess the performance of the installed systems at a number of practical intervals as the scheme is built out. This would enable the Council to produce a revised assessment of schemes once built, which would also incorporate any changes made during the building process.

**Evidence base:** The Zero Carbon Hub’s research into the performance gap (paragraphs 6.57 to 6.59 of the report); the evidence supplied by the Council’s Head of Regulatory Services (paragraph 6.55); and the evidence supplied by L&Q (paragraph 6.28).

**Recommendation 2:**

(i) The ‘as built’ assessment figures (see recommendation 1) should be compared with the Standard Assessment Procedure (SAP) calculator figures to determine if schemes are performing as expected and delivering the carbon savings they are intended to deliver.

(ii) The Council should lobby other local authorities and housing associations to collect ‘as built’ performance data.

(iii) This data should be shared with the GLA and DECC to allow a thorough evaluation of installed communal heating schemes to take place in the hope that a thorough evidential foundation can be established for communal heating schemes.

(iv) The Council should put pressure on the GLA and DECC to undertake this evaluation and develop a systematic approach to reviewing successful and less successful communal heating schemes. This would enable, for example, the GLA to better understand the impact of their decentralised energy policies, to verify their carbon saving calculations and help establish an evidence base which might encourage better practice across the industry.

**Evidence base:** Max Fordham LLP has reported that, in their experience, the energy loss from communal heating systems is significantly higher than is suggested by the SAP calculator (paragraph 6.37 and Appendix B which presents their analysis of typical heat losses). The GLA has acknowledged that there has not been detailed and extensive evaluation of installed communal heating systems (paragraphs 6.23 to 6.24).
Recommendation 3:

The Council should consider setting minimum design efficiency/loss requirements at the planning stage for communal heating schemes.

Evidence base: The ADE suggested that this could be one way of ensuring only high quality systems were installed (paragraph 6.11).

Recommendation 4:

The Council should consider undertaking a piece of work to compare costs, heat loss, carbon savings etc. for residents in new builds with communal heating systems and those with individual boilers, and then project these forward to assess if the benefits/losses even out in the future. In this way the Council can create a realistic heat comparator for residents.

Evidence base: Max Fordham LLP presented evidence to the GLA in 2012 which suggested that district heating systems could cost around twice as much to operate than gas combi boilers (paragraph 6.38 and Appendix B). The Which? Report suggests that many communal heating customers feel the costs they incur are unfair (paragraph 6.86 to 6.88).

Recommendation 5:

The Council should look very critically at attempts to down-grade or mitigate planning conditions that are made after planning permission has been granted.

Evidence base: The experience of residents at Parkside, as reported by James Gallagher and others (paragraph 4.2).

Recommendation 6:

As a local authority, Lewisham should ‘slow down’ the pace of adopting communal heating systems and make sure that we critically engage with other options available to deliver carbon savings, moving our emphasis from simple compliance to actual performance.

Evidence base: The Zero Carbon Hub’s research into the performance gap (paragraphs 6.57 to 6.59 of the report) and the evidence supplied by the Council’s Head of Regulatory Services (paragraph 6.55).

Recommendation 7:

The Council should insist on the installation of ultra-low NOx boilers in medium and poor air quality zones.

Evidence base: The evidence from Barratt’s about the emission of NOx from communal heating systems (paragraph 6.72).
Recommendation 8:

Based on the evidence the Committee heard, the definition of what constitutes a major development (10 units+) falls below the threshold of a viable communal heating system. Planning decisions need to properly take into account the viability of such schemes, particularly given the air-tightness of new dwellings.

Evidence base: Visits to existing successful schemes which suggested that scale and balance are crucial to allow economies of scale and reduce the generation of surplus heat that can lead to overheating (paragraphs 6.77 to 6.85) and the evidence of E.ON and Barratt homes on viability (paragraph 6.61).

Recommendation 9:

The Council should consider insisting that all developers using district heating sign up to and comply with the Heat Network Code of Practice, prioritise cases of overheating and follow good practice established elsewhere. This should include existing social housing developments where communal heating systems have been installed and where poor performance has been reported.

Evidence Base: The ADE suggested that this could be one way of improving consumer confidence in communal heating systems and strengthening the quality of installed systems (Appendix D).

Recommendation 10:

The Council’s Head of Law should be asked to comment on the equalities and other legal implications of communal heating schemes, in particular that high charges mean that some of the borough’s poorest residents are paying to deliver wider carbon savings; and that, where there is no opportunity to opt out of the communal system residents are, in effect, being denied a choice of heating and hot water supplier.

Evidence Base: The experience of residents at Parkside, as reported by James Gallagher (paragraph 6.48); information received on the Landlord and Tenant Act 1985 (paragraphs 6.75 and 6.76).

Recommendation 11:

South East London Combined Heat and Power (SELCHP) is a good example of a large scale, viable district heating scheme. The Council should work hard to bring forward proposals to connect Lewisham housing estates to the network.

Evidence Base: The visit to SELCHP (paragraphs 6.83 to 6.85).
4. Purpose and Structure of the Review

4.1 At its meeting on 22 July 2014, the Committee decided to carry out a review into communal heating systems.

4.2 A key driver behind the Committee’s decision to carry out the review was the reported experience of residents at the Parkside Housing Estate. The newly regenerated estate had had, in accordance with Greater London Authority (GLA) guidance, a communal heating system installed. However, residents were of the opinion that this had been poorly delivered as there were a number of ongoing problems including:

- **Overheating** - the mechanical ventilation system initially planned for installation had been replaced by a more passive ventilation system that pushed heat around individual flats but not effectively enough to remove all of the excess heat. In order to keep rooms at temperatures within the Chartered Institution of Building Services Engineers (CIBSE) standards\(^1\), automatic opening vents had been installed on all doors and windows in communal areas and residents had also been told to keep the windows in their flats open in the warmer months. This was not felt to be an acceptable solution, in terms of noise (given the proximity to a major road), safety (especially for ground floor flats) and pollution (due to the poor air quality locally).

- **Cost** – there had been a number of issues with the billing system for the supply of heat, hot water and electricity, resulting in large bills being sent out sporadically rather than regular billing. In addition, many residents were concerned at the level at which the standing charge was set; and also the amount they were being charged for their individual use (calculated via heat interface units) which was higher than the indicative costings initially provided.

4.3 The Committee therefore wanted to understand why and how such communal heating systems were being deployed in Lewisham with a view to ensuring that such systems were effective; and planned, maintained, monitored and, if necessary, rectified in a timely and successful manner.

**Timetable**

4.4 At its meeting on 1 October 2014, the Committee considered a scoping report for the review and agreed terms of reference. It was decided that the review would explore the following themes and seek answers to the following questions:

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\(^1\) For further information see: [http://www.arca53.dsl.pipex.com/index_files/thermco2.htm](http://www.arca53.dsl.pipex.com/index_files/thermco2.htm)
\textbf{Overarching Review Question}

- How can the Council help to ensure the effective deployment of communal heating systems in the borough, where appropriate?

4.5 In order to answer this question, it was agreed that the Committee would need to establish the following:

- An understanding of the issues influencing the development and deployment of heating systems in Lewisham
- Evidence of the benefits and drawbacks of existing communal heating systems in the borough
- The factors influencing the effective design and operation of heating systems.

4.6 This would involve focussing on the following key areas:

- Design (including predicted costs and energy consumption contrasted with actual costs and energy consumption from case studies)
- Implementation (including problems with construction)
- Monitoring and operation (including running costs)
- Lessons that can be learnt for future developments.

\textbf{Witnesses}

4.7 Evidence sessions were held on: 11 November, 2014, 17 December 2014 and 28 January 2015. The witnesses who gave evidence to the Committee were:

\textit{Jonathan Graham, Policy Manager, Association for Decentralised Energy (formerly the Combined Heat and Power Association)}

The Association for Decentralised Energy is an industry membership body, which brings together parties interested in combined heat and power, district heating and cooling technologies and demand side energy services. It believes that combined heat and power at all scales and with all fuels has the ability to reduce users’ bills and carbon emissions compared to the separate generation of heat and power.

\textit{Peter North, Senior Manager, Programme Delivery - Sustainable Energy, Greater London Assembly (GLA)}

The GLA is responsible for the London Plan. The London Plan requires all proposals for major developments to include detailed energy assessments as part of their submission for planning permission to demonstrate how they intend to meet the London Plan target for carbon dioxide emissions, including evaluating combined cooling, heat, and power and combined heat and power systems.
Robin Feeley, Director, L&Q Energy, London & Quadrant (L&Q)

L&Q has 2500 homes in Lewisham, including a new development at Loampit Vale with a communal heating system.

Bertie Dixon, Consultant, Max Fordham LLP

Max Fordham LLP is a consultancy specialising in engineering and construction, that has worked on a number of local authority housing developments, including projects in Lewisham such as Milton Court. They have installed and refurbished a variety of different heating systems over recent years.

James Gallagher, Chair of Parkside Residents' Association

The Parkside Residents’ Association has a number of concerns about the communal heating system installed on the estate and complaints from estate residents helped trigger this review.

Brian Regan, Planning Policy Manager, LB Lewisham

The Council’s Planning Policy in relation to communal heating systems is, in part, shaped by the London Plan. The London Plan states that “The Mayor will and boroughs should in their Development Plan Documents require all developments to demonstrate that their heating, cooling and power systems have been selected to minimise carbon dioxide emissions”\(^2\). Lewisham’s policy is to ask for major planning schemes (with 10 units or above) to consider the installation of a communal heating system.

Vimal Bhana, Head of Energy, Barratt Homes

Barratt Homes has worked with E.ON to deliver a number of housing developments with communal heating systems.

Jeremy Bungey, Head of Community Energy, E.ON

E.ON currently operates 28 Communal Heating Systems in various types of housing developments and has worked closely with Barratt Homes over a number of years.

Visits

4.8 The Committee also went on the following visits:

- Bunhill Heat and Power – Monday 19 January 2015
- Pimlico District Heating Undertaking (PDHU) – 22 January 2015

\(^2\) London Plan, Consolidated with Alterations since 2004, page 204
4.9 The Committee agreed its final report and recommendations in May 2015.

Definitions

4.10 The following terms are used in this review:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communal Heating System</td>
<td>A heating system which supplies heat to a number of dwellings from a common heat source. Communal heating systems range in complexity from simple systems which might heat a single block of apartments to larger scale systems which might heat many buildings, both domestic and commercial.</td>
</tr>
<tr>
<td>District Heating System</td>
<td>A large scale communal heating system which heats many buildings, typically a number of residential buildings and one or more commercial buildings (such as a swimming pool).</td>
</tr>
<tr>
<td>Combined Heat and Power System (CHP)</td>
<td>A communal heating system which generates electricity (that can be sold to the national grid) as well as heating.</td>
</tr>
<tr>
<td>Combined Cooling, Heat and Power System (CCHP)</td>
<td>A communal heating system which generates electricity as well as heating; and also provides cooling.</td>
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A note on the drivers behind communal heating systems

4.11 A number of benefits are claimed for communal heating systems. In theory, efficiencies (and therefore carbon saving) should be achieved through the economies of scale of heat production. The use of communal heating systems can also allow for the deployment of low carbon technologies that might not be feasible on a home by home basis, including geothermal heat; solar heat; sewage; and biomass. More information is provided in the policy section of this report. It is generally accepted that communal heating systems are able to achieve the highest levels of efficiency on sites with a constant, stable and large demand for heat (and power if the system is a CHP). Therefore they tend to work best if a significant number of buildings are connected, which produce a continuous requirement for heat (over 24 hours). Where there is not stable demand for heat, overheating can occur. To combat this, communal heating systems can include heat interface units in each property, which are designed to regulate and measure the flow of heat into and out of each home. However, these units cannot

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3 The term trigeneration refers to the use of a combined heat and power system alongside an absorption chiller to provide electricity, heat and cooling.
tackle every form of overheating (for example, heat escaping from pipe running beneath the floor of a property).

A note on the roles of planning and building control

4.12 The role of planning in relation to the development, installation and operation of communal heating systems is that decisions on planning applications should be based on policies in the development plan unless other material considerations outweigh these. National, regional and Lewisham Planning Policy all promote decentralised energy provision. The development plan for Lewisham comprises the London Plan 2011, The Core Strategy 2011; and other adopted Local plans.

4.13 For all major applications the Planning Service encourages pre-application discussions and the development of a Planning Performance Agreement (PPA). In developing the PPA, Planning Officers will wish to include discussions covering communal heating systems. Planning officers will ask that an energy strategy including CHP be provided. Energy Assessments are assessed against policies in the London Plan and the Core strategy. If the application is referable to the GLA then they will be consulted, otherwise specialist advice is provided by the Lewisham Sustainability Officer. Through the PPA process, officers will seek to ensure that detailed discussions have taken place before the submission of an application, so that the submitted documents reflect what has already been accepted in principle.

4.14 A communal heating system is usually installed at the time of the original construction. The developer/owner commissions an energy assessor to carry out the necessary procedures to ensure the building complies with the government’s carbon emissions targets. This is done by reference to the Governments’ Standard Assessment Procedure 2012. It is Building Control’s job to ensure this procedure is correctly carried out and that all necessary documents and assessments are submitted. During construction, Building Control’s role is to ensure that the system is installed to the plans submitted and that the necessary thermal insulation is in place. Enforcement action can be taken if necessary although this is rare. After the Building is ‘signed-off’ Building Control have no further involvement.
5. **The Policy Context**

5.1 Carbon reduction is a key element of the policy context for communal heating systems as proponents of such systems believe that, no matter what the scale of the system, or the fuel used, they result in fewer carbon emissions than that which would result from traditional, non-communal heating systems.

**European Policy**

5.2 The European Union’s ‘Europe 2020’ strategy is a growth strategy which aims to create the conditions for a more competitive economy with higher employment and enables the EU to become a smart, sustainable and inclusive economy. The strategy includes five ambitious objectives - on employment, innovation, education, social inclusion and climate/energy - to be reached by 2020.

5.3 In relation to ‘climate change and energy sustainability’, a 20% energy efficiency target, by 2020, has been established. This involves:

- Reducing greenhouse gas emissions to 20% (or even 30%, if the conditions are right) lower than the levels in 1990
- Ensuring that 20% of energy used in the EU comes from renewable sources
- To increase energy efficiency by 20%.\(^4\)

5.4 The 2012 Energy Efficiency Directive\(^5\) establishes a set of binding measures to help the EU reach its 20% energy efficiency target by 2020. Under the Directive, all EU countries are required to use energy more efficiently at all stages of the energy chain from production to consumption. This includes in housing.

**Central Government Policy**

5.5 The 2008 Climate Change Act\(^6\) has committed the UK to becoming a low carbon economy, with a target of reducing carbon dioxide emissions by at least 80% on 1990 levels by the year 2050. Initiatives to increase the efficiency of energy usage in housing are a central part of ensuring the UK is able to meet this target. Government guidance on improving energy efficiency in new build homes is set out in the Code for Sustainable Homes\(^7\). The Code defines standards of energy efficiency and sustainability for new homes and coordinates a system of assessment and certification.

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\(^4\) See: [http://ec.europa.eu/europe2020/europe-2020-in-a-nutshell/targets/index_en.htm](http://ec.europa.eu/europe2020/europe-2020-in-a-nutshell/targets/index_en.htm)


5.6 The Department of Energy and Climate Change (DECC) has published a number of policy documents on increasing the use of low-carbon technologies and has reported that, currently, communal heating systems account for only 2% of the UK’s heat demand. However, the Government’s heat map for England, produced to assist local authorities in planning, shows that nearly 50% of heat demand in England is concentrated with enough density to make heat networks worth investigating.

5.7 DECC’s publication ‘The Future of Heating: Meeting the challenge’ outlines a number of actions that it thinks should be taken in relation to communal heating systems to help deliver more low carbon heating in the UK, including:

- Supporting local authorities in developing heat networks by establishing a Heat Networks Delivery Unit (HNDU) within the Department that will work closely with individual authorities’ project teams in England and Wales.
- Exploring the scope for extra financial incentives for renewable heat networks within the Renewable Heat Incentive (RHI) in 2014 and also access to a number of streams of capital funding provided by government.
- Endorsing an industry-led consumer protection scheme for heat network users later this year, and encouraging the heat networks industry to work with consumer groups in developing this practice.

5.8 The UK Heat Network (Metering and Billing) Regulations 2014 implement the requirements in the 2012 Energy Efficiency Directive (EED) outlined in paragraph 5.3 with respect to the supply of distributed heat, cooling, hot water and cold water.

Regional Policy

5.9 The London Plan is the main regional plan dealing with carbon reduction. The ambition for London is that it should reduce its carbon dioxide emissions by 60% on 1990 levels by 2025. Through the London Plan, the Mayor expects all new developments to:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

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9 See: http://tools.decc.gov.uk/nationalheatmap/
12 See: http://london.gov.uk/thelondonplan/
5.10 Planning proposals for major developments are required to include detailed energy assessments as part of their submission for planning permission to demonstrate how they intend to meet the London Plan target for carbon dioxide emissions within the framework of this energy hierarchy. The Plan states that “The Mayor will, and boroughs should in their Development Plan Documents (DPDs), require all developments to demonstrate that their heating, cooling and power systems have been selected to minimise carbon dioxide emissions”. The Plan also states that “developments should evaluate combined cooling, heat, and power (CCHP) and combined heat and power (CHP) systems and where a new CCHP/CHP system is installed as part of a new development, examine opportunities to extend the scheme beyond the site boundary to adjacent areas”.

5.11 The Mayor of London expects all major developments to demonstrate that the proposed heating and cooling systems have been selected in accordance with the following order of preference:

- connection to existing Combined Cooling, Heat and Power (CCHP) or Combined Heat and Power (CHP) distribution networks
- site-wide CCHP/CHP powered by renewable energy
- gas-fired CCHP/CHP or hydrogen fuel cells, both accompanied by renewables
- communal heating and cooling fuelled by renewable sources of energy
- gas fired communal heating and cooling.

Council policy

5.12 Lewisham’s Sustainable Communities Strategy sets out the ambition for Lewisham to be ‘clean green and liveable’. The strategy highlights the importance of ensuring Lewisham’s contribution to a sustainable future by tackling waste and making effective use of resources. Linked to this is the corporate priority “clean, green and liveable: improving environmental management, the cleanliness and care for roads and pavements and promoting a sustainable environment”. The corporate priority “inspiring efficiency, effectiveness and equity: ensuring efficiency, effectiveness and equity in the delivery of excellent services to meet the needs of the community” is also applicable in relation to communal heating systems, as it seeks to ensure that all essential services are affordable for residents.

5.13 Lewisham’s Carbon Reduction and Climate Change Strategy was published in 2008. In 2013 the Council set a new target of a 44% reduction in the borough’s carbon emissions by 2020 from a 2005 baseline. Lewisham’s Core Strategy, which directs the borough’s planning framework and is required to align with the London Plan, includes the objective that “all new residential development (including mixed use) will be required to achieve a minimum of Level 4 standards
in the Code for Sustainable Homes from 1 April 2011 and Level 6 from 1 April 2016, or any future national equivalent". 
6. The Evidence

Jonathan Graham, Association for Decentralised Energy

6.1 The Association for Decentralised Energy (ADE), formerly the Combined Heat and Power Association, is an industry membership body, which brings together parties interested in combined heat and power, district heating and cooling, and demand side energy services. The ADE has over 90 members, ranging from industrial and heat supply companies to local authorities, including Birmingham, Nottingham and Southampton. The ADE believes that combined heat and power and district heat at all scales and with all fuels has the ability to reduce users’ bills and carbon emissions compared to the separate generation of heat and power.

6.2 Jonathan advised the Committee that, whilst the UK was lucky to have cheap natural gas, this would not last forever. Alternative sources of providing heating needed to be found, and there was an impetus to decarbonise heating. There was a role for communal heating systems within this framework. He reported that, whilst communal heating systems were more popular in other European countries, registered social landlords and local authorities in the UK have long implemented communal heating systems in new and regenerated developments, and are increasingly interested in doing so; communal heating now provides 2% of UK heat.

6.3 Communal heating is technology neutral in that it can work with a number of energy sources including woodchips, bio-oil, bio-gas and solar energy but that most systems tend to rely on gas. He also advised that, when done correctly, communal heating has a number of benefits over traditional methods of generating heat including: being able to utilise a wider range of heat generation technologies; generating heat more efficiently, lowering energy costs; reducing labour and maintenance costs; reducing CO2 emissions; creating security of power supplies for growing communities and directly tackling fuel poverty and cold homes.

Design

6.4 In terms of the design of communal heating systems, the Committee were informed that the Association believe that transparency and fairness should be the driving principles of decentralised energy provision. Jonathan reported that whilst the GLA had previously published information suggesting that 500 was the minimum number of units to make a communal heating system viable, the ADE has several case studies available which show systems could work efficiently with as few as 16 flats. Some communal heating system case studies submitted by the ADE to the Committee are attached at Appendix A.
Implementation

6.5 The ADE believes that district heating systems which (a) supply a mix of residential, public and commercial buildings and (b) are combined Cooling, Heat and Power Systems, are particularly efficient as they: “have the ability to balance the supply and generation of heat, across location and over time. Over the course of the day, heat demand shifts between residential consumers to commercial, industrial and public buildings and back again. A heat network can match and manage these flows, whilst maximising the utilisation of the plant providing the heat. Demand can also be managed across seasons, with networks supporting the operation of distributed absorption cooling plants in the summer providing cooling on a significant scale."

Monitoring and operation

6.6 The ADE acknowledge that communal heating systems are not without their problems. However, Jonathon believes that the South East London Combined Heat and Power plant (SELCHP) provided an example of the viability of decentralised energy schemes. He stated that common challenges included:

- The fact that modern buildings had a high level of air tightness which could lead to overheating when schemes were poorly designed or installed
- Network losses (e.g. resulting from poor insulation on pipes) which could lead to overheating and inefficiency
- The low build quality of some systems due to “value engineering"
- Poor communication between the partners involved in designing, installing and operating a communal heating system
- Lack of transparency for end users (who were not always clear on what they were paying for).

6.7 It was also acknowledged that in order to maximise the benefits of communal heating and avoid future problems, each player in the system needed to be committed to building and operating systems to a high standard. The ADE believe that communal heating can be efficiently delivered, but that this had not happened consistently in every case. They are contributing a range of tools to ensure that problems are able to be addressed in the future including: An industry-wide Code of Practice, an independent heat customer protection scheme (see next paragraph), and supporting new heat network metering and billing regulations (came into force in December 2014).

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13 See: http://www.theade.co.uk/what-is-district-heating_191.html
14 Because, increasingly, consumers do not expect their products to last a long time and sometimes actively want to replace them regularly, products are often designed to only last for a fairly short period of time. This reduces costs for both the manufacturer and the consumer. Whilst the products could be built with higher-grade components, they are not because this would impose additional costs to the manufacturer and the consumer in order to achieve a longer lifespan which no-one is demanding. A company will therefore typically use the least expensive components that satisfy the product’s lifetime projections. It can be argued that the growth of this type of planned obsolescence has also seen a growth in product quality deterioration. Because the people buying communal heating systems are not the end users they do not always demand high quality, long-lasting systems so value engineering takes place.
6.8 The regulations set out a number of requirements in relation to the metering and billing of consumers to ensure, amongst other things, that standard consumption data is made available to metered customers. The regulations will apply to all new developments with communal heating systems. Existing developments with communal heating systems will not have to retrofit meters, although any new build properties connecting to an existing multi-building district energy network will be required to have meters.

Lessons that can be learnt for future developments

6.9 It was also reported that a Code of Practice was being developed between the Chartered Institution of Building Services Engineers (CIBSE) and the Association, with the aim of establishing common standards for the development of district heating. These guidelines cover minimum performance levels of system operation, minimum level of heat delivered and expected continuity of service. In respect of design and build, it involves basic design parameters and future connectivity. This would hopefully ensure that future systems learnt the lessons of earlier systems. The Code is scheduled for publication in May 2015. The Committee heard that, in addition to the tools mentioned above, the ADE would work with individual organisations to offer solutions where problems had been identified.

6.10 The Committee also heard that an Independent Heat Customer Protection Scheme was being developed, which could be another way of improving the customer experience. Called Heat Trust, the Scheme, is currently signing up heat suppliers and is due to be launched later in 2015. Heat Trust will set out a number of provisions related to heat supplier obligations and service standards, comparable to the quality and performance standards for regulated utilities, drawing on legislation and industry best practice. Although voluntary, the scheme will be independently operated and is being supported by government and the ADE, as an industry-led, self-regulation initiative. Any suppliers joining the scheme would need to agree to abide by the Scheme Rules and Bye-Laws, including rules on the following:

- Support for vulnerable heat customers
- Customer service
- Heat meters
- Heat Interface Units
- Heat bill and heat charge calculations
- Heat bill payment arrangements and the management of arrears

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15 The public consultation on the draft Code of Practice was issued on 28 August 2014 and closed on 9 October 2014. Its aim was to establish minimum standards for new and retrofitted district and community heating networks schemes. For further information see: http://www.cibse.org/heatnetworksconsultation

16 For more information see: http://www.heatcustomerprotection.co.uk/index.php/the-scheme
• Complaint handling and independent complaint handling through an independent ombudsman service
• Privacy policy and data protection
• Access to a heat cost comparator, so heat customers can compare their heating costs with what they would pay on a gas network with a boiler.

6.11 Jonathan suggested other possible options to ensure high quality communal heating systems. However, he stated that any measures implemented for communal heating schemes should be implemented for all building heating measures, because all heating and efficiency measures face challenges in delivering design performance and referred to Department of Energy and Climate Change (DECC) research evidence on the performance of both biomass boilers and heat pumps. He recommended that local authorities could (a) set minimum design efficiency or loss requirements at the planning stage for all heating and efficiency measures, including communal heating schemes; and (b) use the new Code of Practice as a framework to ensure schemes meet high quality standards, whilst requiring similarly high standards for other heating and efficiency measures. Jonathan suggested that if these measures were implemented only on communal heating schemes, it would short-change residents in new developments without communal heating systems, as these residents also deserve equally high quality standards.

6.12 Following the conclusion of the Committee’s review, Jonathan submitted a further paper, which can be found at Appendix D. The paper provides information: on the specific consumer benefits that the ADE believe can arise from communal heating; recent measures put in place to increase consumer confidence and trust in communal heating installations; and additional measures which the ADE feels Lewisham could implement to further improve the quality of all heating and efficiency measures, including communal heating installations in new buildings in the borough.

The view of the Committee

6.13 The Committee discussed the fact that modern buildings had a high level of air tightness. This could lead to overheating and the Committee felt that new rules relating to energy efficiency and insulation in new buildings meant that such buildings had less demand for heat and more prospect for overheating. This, it was thought, may reduce the need for communal heating systems to be installed. It was also noted that whilst the South East London Combined Heat and Power plant (SELCHP) was successful and financially viable, this was in part due to the fact that it was large scale, used waste heat, used very well insulated pipes and supplied Victorian built estates which were not air tight. Unfortunately not all communal heating systems were as large, used as well-insulated pipes, or had access to waste heat and supplied retrofitted Victorian-era estates.
6.14 Whilst the Committee welcomed the fact that new heat network metering and billing regulations that had come into force in December 2014 would help ensure more accurate and fairer billing, it was also noted that both the new code of practice for those developing communal heating systems, and the Independent Heat Customer Protection Scheme for those supplying heat via communal heating systems were voluntary.
Peter North, Greater London Assembly

6.15 The GLA is responsible for the London Plan. The London Plan requires all proposals for major developments to include detailed energy assessments as part of their submission for planning permission to demonstrate how they intend to meet the London Plan target for carbon dioxide emissions, including evaluating combined cooling, heat, and power and combined heat and power systems. In particular, the Mayor of London expects all major developments to demonstrate that the proposed heating and cooling systems have been selected in accordance with the following order of preference, as noted earlier in the report:

- Connection to existing Combined Cooling, Heat and Power (CCHP) or Combined Heat and Power (CHP) distribution networks
- Site-wide CCHP/CHP powered by renewable energy
- Gas-fired CCHP/CHP or hydrogen fuel cells, both accompanied by renewables
- Communal heating and cooling fuelled by renewable sources of energy
- Gas fired communal heating and cooling.

6.16 Peter North reported that a third of London’s CO2 emissions were generated by heating; and that more energy was used to heat buildings in the UK than was used for transport or electricity generation. Therefore, in order to deliver reductions in CO2 in buildings, it was necessary to increase the energy efficiency of buildings and how the energy is supplied. In terms of the reductions required, London had a target of a 60% reduction on 1990 levels of CO2 by 2025 alongside a target to supply 25% of its energy from local decentralised sources. However, in 2011 the GLA carried out a decentralised energy capacity study and it found that London had more potential capacity than the 25% target for decentralised energy set by the Mayor.

Design

6.17 The Committee heard that there were three main categories of decentralised energy projects:

- single sites utilising small/medium CHP systems
- multi-site mixed use schemes
- area wide transmission networks with extensive heat pipe systems.

6.18 The GLA operated the London Heat Map - an interactive tool that allows users to identify opportunities for decentralised energy projects in London. The map provides spatial intelligence on factors relevant to the identification and development of decentralised energy opportunities, to allow new systems to be located in areas where they
would be able to operate efficiently. Peter suggested that densely developed areas were the most suitable for decentralised energy schemes and that area planning was an important part of enabling the future connection of new developments to existing networks. In respect of London boroughs, he noted that they could be involved in the delivery of decentralised energy projects in a number of different ways. They might choose to deliver their own schemes, or they might only act as a planning authority, facilitating delivery by others. He reported that the development of energy master plans was a long process taking around six months from start to finish, but work had taken place in 10 boroughs, not including Lewisham, to help achieve a coordinated policy.

6.19 It was reported that large scale communal heating systems (District Heating Systems) needed to be designed in a way which would make them commercially viable and bring in private sector money by attracting lending and providing a sustainable rate of return for investors. Peter felt that there was more work to be done on developing the economic case for decentralised energy schemes. He noted that councils could use funds from the public loans board, the green investment bank and the London green fund to get projects started.

6.20 In terms of designing efficient decentralised heating systems, Peter suggested that the future of heat networks would be to utilise heat lost from other processes to improve efficiency, carbon reduction and economic viability. Peter acknowledged that residential units had periods of peak demand and that schemes which incorporated commercial units were able to sustain more consistent demand.

Implementation

6.21 The Committee was informed that the GLA’s EU funded technical, commercial and financial advisory service had helped develop a £300m pipeline of projects. However, the advisory support was running down so the GLA was developing successor arrangements that would operate until 2020. Two of the major projects were:

- Gospel Oak Hospital
- Islington Heat and Power scheme (Bunhill).

Phase two of the Islington scheme would seek to use waste heat from the underground and other sources.

Monitoring and operation

6.22 Peter was aware of some consumer discontent about some communal heating schemes and suggested that further analysis was required in order to understand how these problems had arisen and how they might be avoided in future. He also suggested that some work had been carried out to investigate problems with the insulation levels of
pipework in some systems, which could lead to overheating and excessive heat losses.

**Lessons that can be learnt for future developments**

6.23 Whilst Peter was aware of anecdotal evidence of discontent with communal heating systems, as noted above, including issues with the insulation levels on pipework, overheating and heat loss, he was not aware of the detail of these concerns because the information had not been made available to him. He acknowledged that further analysis was required in terms of some of the concerns highlighted by the Committee, including the costs associated with communal heating. In particular, he recognised that the levels of fixed charges for some systems, which remained in the summer months, despite reductions in usage, were of concern on some schemes.

6.24 In terms of overheating, Peter acknowledged that the high levels of airtightness specified in new buildings combined with insufficient natural or mechanical ventilation might lead to overheating, particularly in the summer months. This challenge is recognised in the Mayor of London’s Heat Network Manual, which includes a section about overheating in communal areas. The Manual illustrates the importance of careful design and installation of communal heating systems to ensure that heat loss in communal areas is minimised. It includes these methods of minimising overheating:

- Increasing the thickness of insulation on pipework
- Ensuring that insulation is correctly installed to the specification and inspected
- Increasing the differential between supply temperature and return temperature - this enables smaller diameter pipes to be installed reducing the rate of heat loss from pipes which is proportional to the surface area for heat transfer\(^{17}\).

Peter felt that a systematic approach to reviewing successful and less successful schemes should be taken to identify key issues.

**The view of the Committee**

6.25 Of particular concern to the Committee was the acknowledgement that there was a general lack of evaluation of installed communal heating systems. This meant that some of the decentralised energy policies being driven by the GLA appeared to the Committee, to be without thorough evidential foundation.

L&Q has 2500 homes in Lewisham, including a new development at Loampit Vale which has a communal heating system.

**Design**

Robin suggested that the key to ensuring the effective deployment of communal heating systems was to agree a proper technical specification, using a robust tendering process at the outset. He also stated that the cost of the assessment and monitoring work should be built into the tendering process.

**Implementation, monitoring and operation**

Robin suggested that many of the problems being experienced with communal heating systems were related to the ability of developers and housing associations to correctly install and appropriately configure the systems. He stated that developers were often in a position where they could ‘walk away’ once the project had been delivered; and it was important that housing associations demanded high quality ‘aftercare’ from their construction contracts, with developers being required to demonstrate the effectiveness of the schemes they had delivered.

The Committee also heard that there had been two years of ‘blind push’ to install heating systems, and the details of the maintenance and operation of these systems was now being unravelled.

It was also noted by the Committee that average bills for properties with communal heating systems indicated that they were not always more affordable than traditional schemes. At Loampit Vale, for example, there was a £365 annual standing charge for heating.

**Lessons that can be learnt for future developments**

The Committee heard that there were nine communal heating systems in L&Q’s London property portfolio that were not working due to low demand, and that L&Q had launched a three-year project to look at the specification of existing systems to learn lessons for future schemes. L&Q were also subsidising some of their communal heating systems.

**The view of the Committee**

The Committee felt that, whilst agreeing a robust technical specification during the tendering process might help produce more effective systems, there was also a role for housing associations in making sure that what was actually delivered met the specification and performed as expected.
6.33 Members were also concerned that communal heating systems did not offer any choice for tenants in terms of how their heating was supplied.
Max Fordham LLP is a consultancy specialising in engineering and construction, that has worked on a number of local authority housing developments, including projects in Lewisham such as Milton Court. They have installed and refurbished a variety of different types of heating systems over recent years.

Policy

Bertie reported that whilst the general convention since the 1980s had been to fit individual boilers when constructing housing developments, in the last 10 years there had been a move to fitting communal heating systems. He felt that this was due to the very strong policy position that had developed which held that combined heat and power was the most efficient way to generate heat. He stated that the GLA and, in turn the London boroughs, now all but required communal heating systems in major housing developments and strongly encouraged combined heat and power. Whilst the option remained for housing developers to build more energy-efficient properties and not install a communal heating system, the policy was loaded against this. Installing communal heating systems was generally a cheaper option than providing a greater level of insulation, especially given the unrealistically low heat loss figures for communal heating provided in the Government’s statutory calculation method (the Standard Assessment Procedure (SAP) 2012). The pressure from planning authorities to install communal heating has made not installing it a greater planning risk. Therefore, in his opinion, a policy which encourages communal heating, discourages inherently energy efficient buildings.

Design

Bertie suggested that a key issue was that policymakers did not seem to be aware of how inefficient communal heating systems in current UK practice could be. Whilst the design of the systems on paper might look efficient, in practice there was a performance gap. He also wondered if policy makers were aware of some of the problems that social housing tenants were experiencing with these systems and suggested that small scale communal heating systems were often not worthwhile.

Implementation

Bertie reported that the Government-published calculation methods used for building control and planning stated that there was a 5% loss in energy with communal heating systems. However, Max Fordham LLP’s own calculations suggest that for new flat developments, the loss was more like 50%-70%. Whilst losses as low as 30% were possible, this usually only occurred with unusually high standards of design and installation. The effect of this is not only higher carbon emissions as
more energy than predicted is used, but significantly higher bills for consumers, than one would predict using the government calculator. Furthermore the uncontrolled heat loss in the distribution system could cause overheating in buildings with attendant health risks to the residents.

Monitoring and operation

6.38 The Committee heard that with communal heating systems, the capital costs were substantially higher than in traditional single-boiler set ups, due to the increased level of infrastructure. In addition, running costs could be higher due to the increased fuel used (due to heat loss) and the required maintenance and management of the system. In Bertie’s experience, bills were generally much lower for the tenant with a single boiler system in their dwelling. It was noted that Max Fordham had presented an analysis to the GLA in 2012 which suggested that district heating could cost around twice as much to operate than gas combi boilers.

Lessons that can be learnt for future developments

6.39 Bertie suggested that those installing communal heating systems should publish the estimated efficiency performance figures for the system at the planning stage and then again post implementation, during operation, to make any performance gap issues public.

6.40 Max Fordham LLP also presented some further written evidence to the Committee after its evidence session, which outlined some proposals to progress Lewisham’s policy on communal heating systems (Appendix B). The proposals included changing Lewisham’s present planning policy that asks for major schemes (with 10 units or above) to consider the installation of a communal heating system (although in the opinion of the Council’s planning officers, this would require the Council’s core strategy to be changed in a way which would place it in contravention with the London Plan, which might cause issues when the strategy was examined by the Planning Inspectorate). Another proposal put forward by Max Fordham LLP was to ensure that the price that a resident pays for heat from a communal heating system is capped at an appropriate level. A third proposal would be for all planning applications to be accompanied with a realistic projection of carbon emissions based on accurate calculated assessments of the system losses.

6.41 Should the third proposal be followed, Max Fordham LLP recommended that the metered efficiency of communal heating should be calculated & submitted pre-planning and pre-occupation. Lewisham Council should commission an engineer to comment on the submitted metered efficiency calculations and efficiency performance calculated from meter readings should be reported after one year, based on metered data. Lewisham Council should then publish these calculations and measurements.
6.42 As noted earlier in the report, the requirement for metering has been recently introduced in national legislation. The legislation requires fair metering and billing for new and existing communal heat customers. Max Fordham’s view is that the legislation would have a greater chance of achieving its intended outcomes if Lewisham policed the viability tests with an expert eye and required reporting of the data. This would not only benefit the residents of the scheme in question, but the shared data would bring greater transparency to the sector, which would, in turn, benefit the wider borough.

The view of the Committee

6.43 The Committee noted the evidence given about the relationship between energy efficient buildings and wasteful heating systems which could result in overheated buildings and expensive heating bills for residents. Members asked what Max Fordham’s engineers believed to be the way forward with CHP systems and noted that the principal answer was that there needed to be greater clarity and understanding about the complexity of these systems. Furthermore, in Max Fordham’s view, 4500 hours of effective demand are needed to make CHP systems viable – whereas 1450 hours of demand would be more usual on a mid-sized scheme.

6.44 The Committee noted that Max Fordham’s engineers believe that buildings should be built to a higher sustainability standard to achieve desired carbon savings; instead of building to code 4 standards, code 6 would be a better capital investment and deliver greater carbon savings in the long term.
James Gallagher, Parkside Residents’ Association

6.45 The Parkside Residents’ Association has a number of concerns about the communal heating system installed on their estate and complaints from estate residents helped trigger this review. Parkside is a phased regeneration of the Heathside and Lethbridge estate in Blackheath. Phases 1 and 2 are complete, with further phases being built.

Design

6.46 James told the Committee that, according to his own estimations, the cost of putting in communal heating systems for the number of new housing developments planned for London over the next 20 years would be in the region of £2bn; and that he felt that this money could be put to better use. He suggested that communal heating systems were best utilised in high demand environments, where they could be in use 24 hours a day, 7 days a week, which was not the case in small residential housing schemes. He reported that, according to the Carbon Trust document: ‘Introducing combined heat and power’, communal heating systems need to be in use for approximately 4,500 hours a year to be energy-efficient. The communal heating system in Parkside is only in use for approximately 1400-1750 hours a year.

6.47 James also reported that, when designing communal heating systems, housing associations and developers tended to focus on the capital costs to them and not the ongoing costs to the consumers in terms of bills. In particular, he felt that ‘Whole Life Costs’ needed to be taken into consideration.

Implementation, Monitoring and operation

6.48 James reported that residents at Parkside had been told that the cost to them of the communal heating system would be approximately £2-3 a week, which was a factor in many residents choosing to stay in Parkside post-redevelopment. However, the cost to residents had worked out to be in the region of £8-9 a week, a significant increase in what they were originally quoted. It was his belief that communal heating systems could add as much as £400 a year to energy bills, once you included the tariff, operational depreciation and replacement costs. Thus whilst some landlords were installing communal heating systems on the premise that tenants’ energy bills would be reduced, in many cases there was actually an increase in overall bills.

Lessons that can be learnt for future developments

4.49 James Gallagher stated that it was his belief that communal heating

18 See: http://www.carbontrust.com/media/19529/ctv044_introducing_combined_heat_and_power.pdf
systems were not the best way to achieve carbon reduction objectives due to their inefficiency; and that they did nothing to help in reducing energy poverty.

The view of the Committee

6.50 Given that the Carbon Trust has calculated that communal heating systems need to be in use for approximately 4,500 hours a year to be energy-efficient, the Committee was alarmed to hear that they were being installed in developments in Lewisham where they were used for far fewer hours. This suggested to the Committee that such small scale systems were not effectively reducing the use of carbon and that the costs of running such inefficient systems was likely, at some stage, to be passed on to residents.
Brian Regan, Planning Policy Manager, LB Lewisham

6.51 Brian advised the Committee that Lewisham Council’s policy was to ask for major planning schemes (with 10 units or above) to consider the installation of a communal heating system, in conformity with the London Plan. It was noted that a number of developments in Lewisham had communal heating systems and that the largest to date was the decentralised energy scheme at the Renaissance development in Lewisham Gateway. The project covered 800 homes, as well as the Glass Mill leisure centre and a local primary school. There were also plans to widen the district heating system which utilises the heat produced by the SELCHP plant in north Lewisham as well as in Southwark.

6.52 Brian reported that consumption of energy in Lewisham’s households was the borough’s single largest source of CO2 emissions. Nationally 60% of the energy used in homes is used for heating, so increasing the energy efficiency of heating has the potential to bring about a significant reduction of carbon emissions. As recognised by the Committee in its damp and mould review, efficient affordable heating can also help to alleviate the problems caused by condensation, damp and mould. Communal heating was one way of making heating more energy efficient, at least on paper.

Monitoring and operation

6.53 Brian stated that the Council recognised that the levels of fixed charges for some communal heating systems, which remained in the summer months despite reductions in usage, were of concern.

The view of the Committee

6.54 The Committee was concerned at the speed at which communal heating systems were being deployed in the borough, despite signs that there were problems. Members were very keen that lessons be learnt from the experiences of implementing communal heating systems to date, especially the importance of good planning, technical expertise and robust project and contract management.

Additional Information

6.55 Outside of the formal Committee cycle, Councillors Handley and De Ryk held a further meeting with Brian Regan and also met with John Miller, Head of Planning and Tony Mottram, Head of Regulatory Services (responsible for building control). The purpose of these meetings was to discuss in more detail some of the issues raised in the evidence sessions. The following key points arose from these meetings:
Overheating has been an issue in new build developments. New residential buildings are built to high standards of air tightness and communal heating systems can therefore result in overheating in new builds if there is inadequate ventilation. Communal heating systems retrofitted to Victoria era housing developments are less likely to have this particular issue, as the buildings are not airtight and have greater thermal mass, providing "inertia" against temperature fluctuations.

Cooling a building can be expensive. It takes significantly more energy to reduce the temperature of a building by one degree than it takes to raise it by one degree.

There is no legal requirement for communal heating systems to be tested to assess whether they are performing to their manufacturer specifications, resulting in a gulf between how communal heating systems appear on paper and how they function in practice. Building Inspectors check that systems have been installed correctly and are functioning correctly but do not check the actual performance of communal heating systems. In reality there is a performance gap between energy installation standards and actual performance and it would not be unusual for actual performance to be 50 per cent of the specified standard. Developers are interested in compliance, not performance. More information on performance gaps is outlined below.

Developers do not have to use Council Building Inspectors, they may choose to use a private Approved Inspector instead.

6.56 The Head of Regulatory Services outlined the basic process that was followed in terms of assessing the carbon emissions generated by communal heating systems, from a building control perspective:

- At the design stage the developer would submit an energy assessment in accordance with the government’s Standard Assessment Procedure (SAP) 2012.
- The assessment would be created using Government approved software which would ensure the various elements of the development resulted in the required overall target emission rate.
- The assessment would be produced by a registered energy assessor appointed by the developer.
- During construction, revisions can be made to the specification. At the conclusion of work the energy assessor would produce a new assessment incorporating the ‘as built’ details. The emission rate


Approved Inspectors are companies or individuals authorised under the Building Act 1984 to carry out building control work in England and Wales. The Construction Industry Council (CIC) maintains and operates the Approved Inspectors register and is responsible for deciding on the appointment of Approved Inspectors. For further information see: [http://www.cic.org.uk/](http://www.cic.org.uk/).
would have to be less than the Target emission rate. This assessment is then submitted to the Building Control Body.

- Building control officers (either Council or private) check that the construction is in accordance with the plans and specification. However they cannot realistically assess the performance levels of plant or machinery.

The Performance Gap

6.57 The potential gap between design and ‘as-built’ energy performance undermines the role of buildings in delivering the national carbon reduction plan, presents a reputational risk to the housebuilding industry and, if energy bills are higher than anticipated, damages consumer confidence. In response to this, the Zero Carbon Hub\(^{21}\) was commissioned to review evidence for the significance of this gap, explore potential reasons for it and set out proposals to address these reasons. The review looked at all stages of the housebuilding process and included:

- A literature review in which nearly 100 reports were reviewed in detail
- A housebuilding process review where various sites were reviewed through interviews, a study of design information and site visits
- Standard Assessment Procedure (SAP) audits to investigate errors in SAP assessments and differences between the SAP assessments and site observations
- A SAP Assessor Accreditation Organisation questionnaire to understand the training, examination and continual professional development regimes and to identify common areas of assessor errors found at audit
- A SAP Assessor questionnaire to which around 150 assessors responded, providing information on how they typically work, what information they are provided with, what challenges they face and where a Performance Gap might occur.

6.58 Their review has revealed widespread evidence of a performance gap across all stages of the process of providing new homes, as set out in their final report, published in March 2014\(^{22}\). The report states that “clear evidence was found in the Literature Review of inadequate understanding or consideration of services design, particularly in relation to their integration with building fabric, and to system integration for more complex or less common technologies such as heat pumps, MVHR (Mechanical Ventilation Heat Recovery systems) and district heating systems.” The Zero Carbon Hub’s audits of SAP assessments also found that “some component of the heating system

\(^{21}\) The Zero Carbon Hub was established in 2008, as a non-profit organisation, to take day-to-day operational responsibility for achieving the central government target of delivering zero carbon homes in England from 2016.

was varied on almost every site, windows were frequently substituted, some ventilation systems were changed and lintels were substituted” with implications for actual performance.

The Committee notes the Zero Carbon Hub’s finding that immediate, co-ordinated, pan-industry activity is needed to trigger a cultural shift for as-built performance to become a core element of high quality new housing. They have outlined the actions which they think need to take place:

**Priority Actions for Industry**

To commit to providing the investment for:

1. *Performance Assessment R&D*: Undertake the research and development necessary to create innovative testing, measurement and assessment techniques to understand the Performance Gap and develop commercially viable methodologies acceptable across industry for ‘demonstrating performance’.

2. *Skills and Knowledge Development*: Ensure that as-built energy performance knowledge, including learning from ongoing research and development, is embedded into training and up-skilling for professionals and operatives.

3. *Construction Details Scheme*: Develop an industry owned and maintained Construction Details Scheme providing ‘assured’ as-built energy performance for the most common major fabric junctions and systems.

4. *Continued Evidence Gathering*: Support further evidence gathering processes and coordinated feedback to ensure accelerated continual improvement across all sectors of industry.

**Priority Actions for Government**

To accept the Zero Carbon Hub’s recommendations to:

1. *Signal Clear Direction*: Clearly indicate that, in place of immediate additional regulation, it expects the construction industry to act now and have put in place a number of measures to ensure that the energy Performance Gap is being addressed and to demonstrate this by 2020.

2. *Stimulate Industry Investment*: Signal their long term intent, by funding research and development into testing, measurement and assessment techniques with immediate effect, to support the industry in providing the information necessary to quantify the Performance Gap and create the learning loops required to drive continuous improvement. Additionally, provide pump prime funding to enable industry to develop a Construction Details Scheme.
3. Strengthen Compliance Regime: Take action by 2016 to ensure that the Zero Carbon Hub recommended revisions to energy modelling practices, SAP processes and verification procedures, together with a strong regime to ensure that only suitably qualified persons carry out energy modelling and assessment, can be put in place.

4. Support Skills & Knowledge Development: Accelerate the demand for industry developed qualification schemes by requiring energy certified operatives and professionals for developments on public land from 2017.
6.60 The Committee heard that E.ON currently operates 28 communal heating systems in various types of housing developments across the country. It was E.ON’s view that, when designed, constructed and operated correctly, communal heating systems could deliver value for money for residents without compromising on service and protection whilst also delivering significant carbon benefits. The Committee heard that there were currently over 5,500 Barratt Development customers connected to a district heating network run by E.ON, which would increase to over 13,500 when all current schemes were fully built out. It was reported that the following Barratt’s developments in Lewisham had communal heating systems:

- Cannon Wharf – 679 units + 14 commercial units & business centre.
- Catford Stadium – 588 units + 2 retail units & a community centre.
- Loampit Vale – 794 units + a leisure centre.

Design

6.61 In discussion, the Committee heard that it was difficult to determine a ‘minimum’ amount of properties required to make a communal heating system viable. However, it was Vimal’s view that depending on the density of properties, there would generally be more benefit for the customer in terms of costs, and more benefit for the environment, in terms of energy saving, if there was a minimum of 250 properties for a high-density property scheme, and a minimum of 800 for a terraced property scheme. Jeremy felt that, from E.ON’s perspective, the smallest viable communal heating scheme would be about 120 homes and a leisure centre, or between 300-500 homes.

6.62 It was also reported that the larger the number of properties attached to a communal heating system, economies of scale would indicate that the more benefits would accrue in respect of cheaper energy costs and less wasted energy. The witnesses also felt that, operationally, communal heating systems were at their most efficient when they captured ‘waste heat’ and recycled it (such as at SELCHP). Having a diverse mix of properties in the heating system, like leisure centres, or swimming pools, that used heat and power throughout the day as opposed to residential units which tended to use more in the evenings, also helped.

6.63 Jeremy suggested that if a developer such as Barratt’s wanted to use an Energy Services Company (ESCO) such as E.ON to run a communal heating system, it was important to make the decision early in the process so they could be involved in the design.

6.64 It was further noted that individual metering of properties and block-level metering is a requirement for new housing developments.
incorporating communal heating systems from April 2015 under the EU Energy Efficiency Directive (2012/27/EU).\(^{23}\)

**Implementation**

6.65 Jeremy and Vimal, as part of their evidence, reported to the Committee that some of the challenges they had encountered in respect of the delivery of communal heating systems were:

- Installing the best equipment for the communal heating system.
- Managing demand throughout the day.
- Installation of adequate heat storage and back-up boilers where necessary.

6.66 It was also noted that residents at Loampit Vale had the option of opting out of the communal heating system but there would be infrastructure costs that they would have to meet, such as the cost and installation of an individual boiler.

**Monitoring and operation**

6.67 The Committee heard from Vimal that, according to his calculations, the average Barratt customer communal heating bill was approximately £500 per year and the average carbon saving on heat produced during 2014 was 30%, compared to a gas boiler. The average cost of heating a property in the UK including a full maintenance and replacement service, based on market data, was approximately £1,000-£1,100 a year. It was also reported that E.ON and Barratt had worked closely over a number of years and they endeavoured to provide exemplary customer services to their residents, which included, for example, a 24-hour/7-day a week call-out service.

6.68 The Committee heard that Barratt’s Dalston Square development had experienced some overheating issues post installation. The issue had been addressed with ventilation, distribution design techniques and employing different types of heat exchangers. The Committee was told that Barratt’s employs staff on-site in their major developments, for an intermediate period after completion, for after-care services, to deal with any major issues that occur.

**Lessons that can be learnt for future developments**

6.69 Both Vimal and Jeremy stated that their companies had experienced a steep learning curve with communal heating systems and ensuring that everyone involved had the necessary expertise was vital.

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6.70 The Committee heard that E.ON and Barratt were involved in the Steering Group for the Department of Energy-sponsored ‘Independent Heat Customer Protection Scheme’ referred to in the evidence from the ADE; and that they saw this scheme as a precursor to a statutory scheme in the future, once communal heating systems expanded in use.

6.71 Jeremy stated that E.ON had learnt a number of lessons from their experience of working with communal heating systems, which were as follows:

- The importance of early consideration of operating and billing requirements
- The importance of early consideration of Customer Protection requirements
- The fact that the system needs to work for every single customer and needs to be designed to do so
- The fact that things tend to go wrong with setting up the automatic meter reading (AMR) and control systems – and these things need to be dealt with promptly
- The importance of ensuring that the low carbon technology actually works as projected
- The importance of communicating with customers at the earliest possible stage.

6.72 Vimal informed the Committee of the challenges and lessons learnt by Barratt’s:

- The importance of informing the customer about what a communal heating system is and how it operates, alongside all the information they receive whilst buying a home (Barratt’s have developed their training of staff so they are able to provide customer-friendly information on communal heating systems).
- Making sure customers are aware of Landlord and Tenant Act Provisions in relation to their property (See below).
- The importance of abiding by the requirements set out in the Independent Heat Customer Protection Scheme.
- Whilst communal heating systems can be good at producing low carbon heat and power, they can emit Nitrogen Oxide (NOx) which is an irritant gas that, at high concentrations, causes inflammation of the airways. The installation of ultra-low NOx boilers reduces the impact considerably but these have a shorter life-span than most other boilers.
- It should be ensured at the design stage that communal heating systems do not cause overheating, although overheating can be mitigated at a later date once the causal factor has been identified.

6.73 The witnesses felt that the Department of Energy-sponsored ‘Independent Heat Customer Protection Scheme’ would be useful in
providing customers with some protection in a fairly new industry. Under the voluntary scheme, suppliers must provide customers with transparent heat charge calculations, indicate how prices might change in the future and provide an industry-wide heat charge comparator. E.ON and Barratt had been involved in developing the scheme and would join it.

The view of the Committee

6.74 The Committee noted, in relation to Loampit Vale, the importance of the swimming pool in ensuring consistent demand for the communal heating system and recognised that having a balance of residential and non-residential buildings in a communal heating system was crucial to ensuring its efficiency. The Committee also noted that communal heating costs were often split between standing charges (based on operation and maintenance costs) and usage charges (based on the amount of heat used in each accounting period) and that housing associations needed to make sure that they understood the proposed tariffs and the cost implications for their tenants.

The Landlord and Tenant Act 1985

6.75 Sections 11, 18, 19 and 20 of the Landlord and Tenant Act 1985 have an impact on the development of communal heating systems. Section 20 of the act requires a landlord to consult leaseholders, tenants and recognised residents’ associations before entering into a qualifying long-term agreement (QLTA) such as the agreement between a landlord and an Energy Services Company (ESCO) if it lasts more than 12 months and if a resident’s contribution to the cost arising under the agreement is more than £100 per year. Although there is a five-year exemption from the obligation to consult in the event that a QLTA is entered into before any tenancy agreements or leases (or contracts for sale) are in place, most agreements signed between developers and ESCOs are for more than five years.

6.76 Section 11 of the act requires landlords to ‘keep in repair and proper working order the installations in the dwelling house for space heating and heating water’ and this maintenance cost is deemed to be included in the rent. This means that any communal heating charges relating to the landlord’s maintenance obligations should be separately identified and charged to the landlord (rather than the tenant as part of the heat charges).
Visits to Bunhill Heat and Power, Pimlico District Heating Undertaking (PDHU) and SELCHP

6.77 Visits were arranged for the Committee to three Communal Heating Systems: Bunhill Heat and Power in the London Borough of Islington, Pimlico District Heating Undertaking (PDHU) in the London Borough of Westminster, and the South East London Combined Heat & Power (SELCHP) in Lewisham and Southwark. The visits gave Committee members an opportunity to see systems in practice and speak to those responsible for their operation.

Bunhill

6.78 The Bunhill District Heat and Power network is run by Islington Council and provides heat to approximately 850 homes and two leisure centres. The project aims to reduce energy costs for residents, reduce carbon emissions and improve the security of heat supply for connected residents. The heat network consists of two parallel pipes, one carrying hot water from the energy centre (where heat is generated via a gas-fired 1.9MWe engine) to buildings on the network and the other returning the cooler water back to the energy centre (a ‘flow and return’ system). Each building on the network has a boiler house where heat is transferred by a plate heat exchanger from the heat network to existing central heating systems that then carry the heat around the buildings. Essentially, the hot water from the district heating network is on one side of a metal plate and the water in the communal heating system of the block being supplied is on the other. This means the water in the two systems is kept separate (hydraulic separation) and no extra pumping is required (the water in the communal system is pumped around anyway). The energy centre produces both heat and power and selling electricity to the national grid enables Islington Council to give a 10 per cent discount on energy costs to its tenants. The £3.8 million energy centre and heat network were funded by grants secured from the Greater London Authority and the Homes and Community Agency.

6.79 In terms of designing the district heating system, the inner-city environment presented many challenges from tight infrastructure, lack of space, noise considerations and air-quality considerations. Islington Council undertook up-front work wherever possible to reduce the project risks and minimise uncertainties during the construction phase, including the design and application for planning and underground surveys. A design and build contract was then commissioned (and subsequently awarded to Vital Energi) alongside a 10 year maintenance contract to provide assurance to the council. The scheme is currently being expanded to supply the King Square estate and other properties adjacent to this. This will see approximately 1000 more properties connected. Construction has started, with testing and tuning due to run in 2016/17. Full operation of the system is planned to begin in 2017.
6.80 The following observations were made on the visit:

- The homes were not metered - temperature within homes was controlled via individual radiators rather than switches or meters on the wall.
- Hot water was provided 24 hours a day. Hot water consumption was not currently monitored as the older buildings connected to the network did not have water meters. Because of this, all residents were charged a fixed amount for hot water (approximately 70p per day).
- Residents seem to be more content when their communal heat and hot water is paid for via a fixed addition to their rent.

**Pimlico District Heating Undertaking**

6.81 Pimlico District Heating Undertaking (PDHU) is a communal heating system owned by Westminster City Council and managed by CityWest Homes, an Arms-Length Management Organisation (ALMO). It provides heating and hot water to 3,256 homes (mainly Victorian era blocks), 50 commercial premises and three schools. The system was built over 50 years ago and originally used waste heat from Battersea Power Station. The PDHU was upgraded in 2006 with the construction of a new energy centre which included two 1.55MW electrical output combined heat and power (CHP) and three 8MW gas fired boilers, enabling it to heat an additional 1,400 homes. The operators believe that this enables the system to save 3,000 tonnes of carbon dioxide each year – the equivalent of taking 1,000 cars a year off the roads of London. PDHU operates with a thermal efficiency of 84%. This is because most of the heat produced by the CHP engines is extracted and fed into the district heating system.

6.82 Those on the visit were informed that:

- The costs of the system were covered by the service charge paid by those connected to the system, and by earnings from selling energy to the National Grid (approximately £1m of electricity was sold to the National Grid every year). The system was not-for-profit.
- There was a very pro-active PDHU User Group.
- Residential properties paid a service charge for their heat – there was no individual metering of properties. Currently heat was being sold at 5 pence per kWh and the last increase in price was in 2011.
- Residents were asked to agree a short Heat Supply Agreement to sign up to PDHU. Individuals were able to leave the heating system; however no-one had requested to leave as yet.
- The PDHU had access to back-up, oil-fired boilers, although they had rarely been used.
- PDHU operated the largest thermal store in the UK – a tower storing 2,500 tonnes of hot water - so that heating could still be
supplied in the event of problems with the generating system. The store also helps to smooth out peaks and troughs in demand.

- The operators estimated that there was approximately a 7% loss of heat in the residential blocks.
- Challenges that needed to be considered in relation to the PDHU included:
  
  - The very high capital costs – the plant, the pipeline, putting in block or individual metering
  - Tax issues - PDHU residents were subject to carbon tax and the European Union’s emission tax – the operators felt that more work needed to be done on the establishment of fair taxes in this industry.
  - Noise issues - communal heating systems require large fans to cool the engines that run the systems
  - The limited availability of skilled and dedicated staff
  - Water treatment - the water used for communal heating systems needed to be treated to protect the copper pipes used in the system.

South East London Combined Heat and Power (SELCHP)

6.83 SELCHP is a waste incineration plant which has started to use its waste heat to produce hot water and electricity. SELCHP was commissioned in 1994 to incinerate household waste and also generate electricity and heat if economically viable. It was designed to be ‘communal heating system ready’ with an area within the building designated for heat supply equipment. The refuse is burnt at temperatures greater than 850°C which creates heat energy which is released into a multi pass boiler\(^{24}\) where 76 tonnes of steam per hour is produced. The steam drives a turbine which rotates a generator to produce electricity for export to the National Grid. Steam from the turbine is also sent to a heat exchange to provide heat to 16 residential blocks (mainly Victorian era) in the London Borough of Southwark (made up of approximately 2,500 residential units). The heat for these estates is sent to four boiler houses where heat exchangers transfer the heat to the blocks’ original pipe system. The boiler houses pump hot water through buried distribution pipes to each residential block via plant rooms that house heat exchangers/calorifiers to transfer heat into local systems for distribution to the residential units. The boiler houses also act as back up boilers during limited periods when SELCHP is offline.

6.84 Those on the visit were informed that:

- In 2012 Southwark signed a PFI contract with Veolia to run the plant.

\(^{24}\) A multi pass boiler directs flue gases through multiple combustion chamber passes, extracting the maximum amount of heat out of the hot boiler flue gases.
There are approximately five kilometres of underground pipes which supply the 16 residential blocks, all within a 2km radius of the SELCHP station.

The operators estimate that they only have one per cent heat loss from their pipes as a result of the use of exceptionally high grade pre-insulated pipes.

Southwark Council reports that using SELCHP has provided a 10% saving on energy and maintenance costs and the long term nature of the contract (20 years) means the Council knows what it will be paying in the long term, and is not subject to energy price fluctuations.

Southwark Council reports that it is able to provide cheaper energy costs to their residents as a result of the long term contract.

Southwark is looking to expand the system and is currently in ongoing dialogue with five or six developments in the area. SELCHP is able to expand in any direction provided that there is a sufficient load (i.e. residential units) to supply to.

1km of underground pipe costs approximately £1.3 million to lay, meaning that there would need to be a certain number of residential units included in any expansion to ensure viability.

SELCHP were interested in the Surrey Canal “New Bermondsey” development in the area close to Millwall Football Club, and had identified it as an area that could be linked to their system.

SELCHP was heavily regulated by the Environment Agency to ensure that strict emissions restrictions were met.

There had been a number of legal issues that had needed to be overcome in relation to the contract, centring on whether the Council or Veolia was responsible for any problems connecting the new system to the old system.

6.85 Those on the visit felt that SELCHP was particularly successful because it used ‘waste’ heat to provide hot water which would otherwise be going into the atmosphere.
The Which? Report

6.86 Following the Committee’s final evidence session, Which? Magazine produced a report on district heating looking at the consumer experience: “Turning up the heat – getting a fair deal for district heating users”.25

6.87 The report raises concerns about whether communal heating systems offer consumers a fair deal, noting that, unlike the majority of UK homes that are connected to mains gas, district heating schemes are not regulated so many customers have no opportunity to switch suppliers or the right to redress should the service they receive fail to meet their expectations. Which? conducted a series of focus groups and telephone interviews to better understand consumer concerns, and looked at price data from more than 50 schemes supplying heat to around 87,000 households. Their investigation found examples of:

- Estate agents not being up-front about heating costs meaning that prospective tenants were given inadequate information, or even misled, before moving in.
- Long term contracts meaning customers could not switch suppliers.
- Difficulty in working out whether heating bills were fair and accurate, fuelled by unclear billing and doubts over how efficiently schemes were being run.
- Consumers being let down by poor customer service and complaints handling, with many having no access to Ombudsman schemes or independent redress if things go wrong.

6.88 Which? believes that:

- Homebuyers and tenants need to be given up-front, clear and accurate information about their scheme including price details.
- A single organisation should be made responsible for consumer complaints and all communal heating consumers given access to an independent Ombudsman.
- An independent and tailored heat price comparator should be developed so consumers can compare their heating costs against other schemes.

7. The Committee’s findings

7.1 Having considered the evidence presented to it during the course of the review, the Committee drew a number of conclusions about communal heating systems and their operation in Lewisham.

7.2 It is the Committee’s opinion that scale and balance is crucial. Communal heating systems need to be large enough to benefit from significant economies of scale; and serve a mix of residential and commercial properties, which will have more balanced heat and power requirements, spread over 24 hours, than residential-only schemes. Systems that use waste to create heat and power have the ability to be more economical and carbon efficient.

7.3 The policy push towards communal heating systems gives the impression that they are the only way of achieving required carbon reduction targets in the housing sector, meaning that other avenues of reducing the carbon footprint of new housing developments such as building new properties to a higher standard (e.g. ultra low energy buildings which require no heating) are not being explored.

7.4 There is a gap between how communal heating systems appear on paper and how they function in practice. Building Inspectors are not required to check the actual performance of communal heating systems, instead relying on the heat loss figures for communal heating provided in the Government’s statutory calculation method, which many feel are unrealistically low. The Committee heard that in reality there is a performance gap between energy installation standards and actual performance and it would not be unusual for actual performance to be 50 per cent of the specified standard. This means that carbon saving calculations are likely to be considerably inaccurate, which in turn casts doubt on the validity of the rationale underlying the policies that encourage the installation of these systems.

7.5 Whilst EU, national and regional policy is championing the installation of communal heating systems, relatively little evaluation has been carried out as to how these systems are working in practice, both in terms of carbon reduction (taking into consideration the performance gap) and consumer satisfaction. The recent Which? Report suggests consumer dissatisfaction in a large number of instances. In particular, communal heating systems remove the freedom of choice from residents, who are unable to choose their own energy supplier and who are effectively required to sign up to a monopoly.

7.6 Communal heating systems can be expensive in practice and costs are often passed on to the consumer. Some of this is due to the high levels of heat loss that can occur. If not well insulated, the long pipe runs used in communal heating systems result in heavy heat loss and this increases costs (as well as causing overheating). The one per cent heat loss achieved by SELCHP is as a result of the use of exceptionally high
grade pre-insulated underground pipes. Such insulation is not being used on the systems being installed in smaller residential developments.

7.7 Communal heating systems often require subsidies to keep them ‘affordable’ for residents, although what is ‘affordable’ is subjective and many residents do not feel that their subsidised systems are affordable. Once the subsidies are removed, residents may be faced with much higher bills, often higher than they would have received under a traditional, non-communal system.

7.8 Overheating appears to be a particular issue in many residential communal heating systems, with planning requirements in relation to ventilation sometimes being ‘downgraded’ following ‘expert’ mitigation on the behalf of developers. In addition to being unfair on residents, overheating also wastes carbon and even if it is effectively tackled, it can be costly: it takes more energy to reduce the temperature of a room than to increase the temperature.

7.9 A number of witnesses giving evidence to the Committee at evidence sessions or on visits mentioned that lack of expertise amongst staff at every level was an issue. To be successful, communal heating systems need to be expertly planned, delivered, maintained and monitored. This requires those planning, installing, maintaining and monitoring such schemes to have specialised skills. The Committee believes there is currently a skills shortage in many of these areas. In particular, the Committee is concerned that many housing providers do not fully understand the systems they are having installed in their developments and are often under pressure to cut costs and therefore consultancy time. This is also particularly a concern in relation to value engineering – if you are not completely sure about what you are buying, how can you be sure you are getting good value? Housing associations need to be involved at all stages of the process, including design and specification to make sure they fully understand the systems they will be responsible for. This would help overcome some of the issues that arise from the fact that those responsible for installing communal heating systems are rarely responsible for their operation.
8. Monitoring and ongoing scrutiny

8.1 In addition to a Mayoral response, the Committee would like an update on the implementation of any agreed recommendations before the end of the 2015/16 municipal year.
Case studies – The Association for Decentralised Energy

First Choice Homes Oldham

First Choice Homes Oldham (FCHO) is a housing association that manages 12,000 homes. It has over 2,000 properties connected to district heating on over 50 schemes.

FCHO retrofitted heat metering equipment to its networks so that it could help its residents to better understand their energy usage and to help tackle fuel poverty.

The district heating system provides heating and hot water to the residents from a gas fired boiler on demand. Before the heat meters were installed, residents paid a fixed charge each month.

Heat meters were installed into each property, giving householders direct control over their heating and hot water consumption. Each resident now pays for what they use, rather than what is available.

Gaining ‘ownership’ of their energy consumption has had a positive impact on residents’ bills. 9 out of 10 residents pay less now than they were doing on the standard charge with 63% reporting having halved their heating and hot water bills or more.

Billing information is collected electronically using an innovative radio device, so residents do not need to be disturbed to collect the consumption information. By only producing the amount of heat and hot water that is needed by the residents the housing association has been able to run the district heating systems more efficiently, using less fuel which has helped to reduce costs and carbon emissions.

“All I have to do is use the simple control board. It’s a fantastic improvement on the old fixed charge system.”

- Mr Jagger, FCHO Resident

“It was clear right away that the heat metering systems would result in reduced fuel costs for the vast majority of tenants but, critically, it would also introduce real fairness.”

- Martin Latham, Heating Service Manager
**Lincoln Court case study**

**CHP slashes sheltered housing fuel bill**

A DACHS CHP unit is helping a sheltered housing complex near Newcastle cut its annual fuel bill by 30 per cent.

The CHP system, supplied by Baxi-SenerTec UK, was installed alongside Potterton MB Series modular boilers that have replaced the ageing district heating system at the 32-flat Lincoln Court building in Hebburn.

Design engineer Michael Cockram of South Tyneside Council, said he and the residents were delighted with the change.

“We are closely monitoring the performance of the DACHS and it is working 24/7 with a single stop/start per day,” he said. “Power output is 5.5kW and thermal output is about 15.5kW and that is good news. Everything appears to be nicely balanced.”

Lincoln Court is using the electricity produced by the CHP to supplement the landlord supplies to the corridors, common areas and the social lounge. It is also being used for security lighting, lifts and pre-heating of hot water supplies to washing machines. This has significantly reduced the amount of electricity drawn from the Grid.

Serving the mostly single occupancy flats and warden’s accommodation, the DACHS is in constant demand. Each flat has a typical average trickle demand of about 200 to 500W of heat so, even during the summer, there is a need for thermal energy from the CHP, which means it can continue providing electricity all year round.

The unit acts as lead boiler to displace some of the new gas condensing boiler heat load. Each flat is fitted with an indirect Elson tank and direct acting valves are fitted to the primary LTHW mains to control the tanks. These operate around the clock.

Mr Cockram explained: “We are using them as a heat sink to export the thermal output from the CHP.”

The new boiler plant is fitted with direct weather compensation that can be used for off peak heating periods.

The council is currently reading the gas meters on a monthly basis to identify operational costs and possible savings.

“Central power stations operate at around 35 per cent efficiency and conventional heating at around 80 per cent,” said Mr Cockram. “The DACHS burns approximately 30 per cent less fuel than independent production of heat and electricity, reducing both carbon emissions and costs, but still produces the same total output.”

[www.baxi-senertec.co.uk](http://www.baxi-senertec.co.uk)
West Bridge Mills District Heating

West Bridge Mill consists of 16 self contained flats for vulnerable young people as well as office space for charities. Link Group Housing Association chose combined heat and power with district heating so they could provide low carbon, affordable heat and power to help alleviate the fuel poverty of its residents.

Before the renovation, each flat used electric storage heaters and immersion heaters which were inefficient, unreliable and expensive to run. Following the installation of the combined heat and power unit and district heating system, the site has reduced its energy costs by £14,000 a year, saving residents hundreds of pounds on their energy bills.

The combined heat and power unit tracks energy demand to make sure that all of the residents’ heating and hot water needs are met whatever the weather. The unit also supplies around 66% of the site’s electricity demand. The new system is more fuel efficient and has helped the site to reduce its carbon emissions by 31%.

Each resident is able to meet their individual heat and hot water needs exactly through controls in each flat. The flats also have integrated energy meters which lets the resident check their energy consumption and lets the supplier take accurate meter readings for billing.

“We have seen a significant benefit in heating bills and found that our energy costs last year were reduced by around £14,000. The colossal energy savings made possible through this solution led to the project’s recognition by the Chartered Institute of Housing awards in the Excellence in Environmental Sustainability Design category.”

- Colin Reid of Link Group

The West Bridge Mill project shows how combined heat and power and district heating can help to alleviate fuel poverty. The new system is much more fuel efficient and requires less maintenance. Thanks to the new system, residents have more control over the energy they use while also benefitting from reduced running costs and cheaper energy bills.
Brownrigg Communal Heating Scheme

Brownrigg Court in Newcastle is a district heating scheme which connects the homes to 11 boiler houses.

Gentoo Sunderland chose district heating to reduce energy usage and to help tackle fuel poverty amongst their residents. It found that residents using district heating consumed less energy than those with an individual gas boiler.

The district heating system provides heating and hot water to the residents on demand. The original boilers were reaching the end of their useful life, which gave the housing association, Gentoo Sunderland an opportunity to install the latest, most efficient gas boilers to provide heat to the network.

The new boiler houses were designed and tested offsite, which kept disruption of the residents to a minimum.

The new system is more fuel efficient, which has reduced gas bills, making it more affordable for the residents. By improving the efficiency of the site, the housing association was able to make a cost saving of 22%! It is so much more efficient that it has helped the site to save 234,000 tonnes in carbon emissions!

"I have lived in this property on the communal scheme just over three years. I moved from a property with an individual gas boiler which was much more expensive. I am using less energy and spending less money which is great!"

- Helen Speed, Brownriggs Court Resident

"Communal Heating promotes a more efficient and ‘cleaner’ way of heating our schemes. We have found the usage of communal heating schemes to be much lower than properties on individual gas boilers being more efficient and beneficial for our residents and reducing the element of fuel poverty. Working in partnership with the energy provider we are able to support each resident and provide energy advice from both angles."

- Colin McCartney, Gentoo Sunderland
Appendix B

Paper from Max Fordham LLP

Lewisham Housing select committee 17/12/14
Maxfordham written comments as requested.

Contents:
1. Typical heat losses from a district heating system in practice, for Lewisham Housing select committee
2. Brief answers to the scope of the enquiry
3. Suggestions on how to improve the situation
1. Typical heat losses from a district heating system in practice, for Lewisham Housing select committee

'Project B':
This is a typical-to-good project in terms of quality of design, massing, workmanship & maintenance. ie there are worse systems.

SAP is the official calculator used to assess the CO2 emissions to demonstrate compliance with Planning, including the London plan, and Part L.

SAP predicted useful heat demand for project B: 725MWh/yr
SAP predicted heat losses from the district heating: 10% of demand

Actual heat demand: data not available
Measured heat loss from the district heating*: 1700MWh/yr
1700/725=2.3
Measured heat loss from the district heating as a percentage of SAP predicted heat demand: 230% of demand

Conclusion:
In this instance, the losses are apparently 23x as large as the official calculation predicted.

*calculated using data from a sample week
2. Brief answers to the scope of the enquiry (in red)

SCOPE OF THE LEWISHAM HEATING ENQUIRY

For district/community heating, biomass and CHP installations:

1. What are the calculated performance figures including the operating efficiencies and losses from schemes in the borough. This should include the fuel in, electricity in, heat delivered to the dwelling or user, electricity delivered to the user and/or grid. All figures to be in kWh and CO2 based on current CO2 emission factors from the department of energy and climate change [DECC]. SAP is the official CO2 emissions calculator used to demonstrate compliance with Planning, including the London plan, and Part L. The SAP default value for district heating (DH) heat losses are typically 5-10% losses. If you actually measure the pipe lengths & calculate the loss (not required for CO2 compliance) the losses are more like 50-100%.

2. What are the measured operating performance figures from schemes in the borough to back up the calculated figures, and how are they reconciled, if at all? We have data from one scheme (not in Lewisham) as detailed above. Losses are 23% of SAP calculated useful heat demand.

3. What is the calculated overheating effect caused by heat loss from system distribution losses and losses from heat interface units? Significant. We haven’t done a detailed analysis of this but our report submitted on the 17th December indicated the heat gain into the common parts from the pipework for various arrangements. To give some idea, one would fit a 1300 w radiator in a 25m² room with external windows and walls. This would be well oversized for rapid warm up so the output would normally be much lower than this in the winter and nothing in the summer. 1300 w is the constant heat gain from the pipework into the small landing with no heat loss. ie it is like having a reasonably sized radiator running hot all the time.

4. What are the measured temperatures in areas that are affected by heat loss from distribution pipes and heat interface units, and how do they reconcile with the calculations?

5. What is the effect of future changes to the CO2 emission factors for grid electricity on the overall carbon intensity of the heat being provided? This report suggests that district heating systems & CHP installed now will lose any carbon advantage in less than 10 years, depending on how quickly the grid decarbonises. We think it is sooner than that (ie now) because this report does not take into account the system losses which we know quickly negates any marginal benefit using the CHP heat.


6. What are the costs of installation operation and maintenance for the systems?

Installation:

This report written for the DECC in 2009 suggests it costs at least twice as much to build DH than gas boilers (table 35 of this:


See also figures available from James Gallagher which are less favourable to District heating.

Operation and maintenance:

We presented an analysis to the GLA in 2012 which showed that district heating could cost around twice as much to operate than gas combi boilers, potentially bringing social tenants 80% of the way to the fuel poverty threshold, for a brand new building in Lewisham.

7. How much are residents being charged for consumed kWh’s, Daily Fixed Charge, Operating, Maintenance Costs & Depreciation Charges? [This item needs to be separated into two categories 1]
where there are heat meters installed & 2) where the heat delivered is estimated & charged as a fixed weekly amount. In 2) estimate the heat consumption of the dwelling to establish a specific cost per kWh. See figures available from James Gallagher.

8. How does the advent of new highly insulated and air-tight buildings with very low heat loss affect the findings? District heating is the cheapest way for a developer to pass the targets, as it is easier to build and less stringent to test than building fabric. Therefore, by encouraging poorly regulated district heating LBL is a penalising energy saving measures such as improved fabric. This is counter to the London plan energy hierarchy, and is a fundamental conflict in that policy.

The heat losses from district heat are fixed. So, as buildings become more efficient, they become less and less suitable for connection to district heating.

9. As a comparative study, how much is the cost of a combination boiler installation in terms of Installation Costs, Fuel Costs, Operation & Maintenance Costs, and Replacement Cost? Around half of that of district heating. (Ref table 35 of this:

10. What are the other low energy options for providing heat to dwellings in the borough and what are the barriers to beneficial energy options being adopted? Reducing the demand through insulation and airtightness will yield a reduction in energy use. Modern construction needs very little heat at all. In these conditions it is easy to use more energy moving the heat around and loose energy with poor controls than the actual building heating requirements. Appropriately sized and well controlled conventional systems will provide savings. In time the fuel sources of gas or electricity will decarbonise at a national level. This simple approach is basically shut down in London due to the need to install district heating which needs to sell heat to be economic and stops any innovative ways to provide heat locally. Efficient use of fossil fuels; Gas heating with Passivhaus fabric standards & Passivhaus quality control; Air source heat pumps in some examples.

11. What is the effect of the costs differentials on energy poverty? We presented an analysis to the GLA in 2012 which showed that district heating could cost around twice as much to operate than gas combi boilers, potentially bringing social tenants 80% of the way to the fuel poverty threshold for a brand new building in Lewisham.

12. What are the options for making sure that residents with higher cost heating systems over other systems are not penalised. What are the options for allocating the costs differentials if the putative benefits are for the greater good of society rather than the individuals. Is this approach a defendable use of public money? The price that a resident pays for heat from a district heating system could be capped at what they would pay for an equivalent market-linked gas combi boiler. We can not identify a group who could fairly be forced to pay for these ongoing costs. If no one party is responsible, or if no one party can legally be pursued, then the council has to pick up the cost. District heating is creating a legacy which must be dealt with, usually at the tax payer’s expense, much like asbestos.
Appendix C

As part of the review, Seven Registered Housing Providers in Lewisham were invited to submit some written evidence to the Committee. Hexagon Housing and Family Mosaic responded, with Hexagon Housing reporting that as an organisation they did not have much experience of communal heating except in hostels, so would not be providing a written submission. A short written submission was received from the Director of Property Services at Family Mosaic, the housing provider at Parkside (the regenerated section of the Heathside and Lethbridge estate).

Submission from Family Mosaic

I have looked at the review and I have looked at some of the key questions that are being raised. I think it is absolutely vital that Council also considers as part of this review a number of other factors:

1. What are the plans for reviewing energy price predictions over the next 10 years and comparing that to the present position. Reviewing a district heating system in isolation as opposed to a 10, 20, 30 year prediction, would be I suggest more beneficial. Housing isn’t just about residents today, it is about the needs and the customer use in the future.

2. Many local authorities look at the communal heating systems as a long term strategy for a potential “network” of sites across the borough. Indeed, many local authorities have concrete plans for this. Lewisham will no doubt be looking at this for the future as well.

3. The reduction in CO2 emissions through the set up with a combined heat and power system will and does constitute a significant and beneficial change to the reduction of emissions into the atmosphere.

4. Design and operation of communal heating systems continues to evolve and the down side of these systems is that when something goes wrong, it doesn’t just go wrong for one resident it can go wrong for hundreds of residents, hence exacerbated the problem. The committee might actually like to ascertain how many times individual gas boilers go down across the borough over a period of time to see just how many individual residents are effected rather than assuming that communal heating systems always produce the worst service.

5. Overheating – this is an important area and good design is absolutely vital to producing better quality systems. However, our buildings are becoming more and more “air tight” and with the push for higher density this can create problems. We are now ensuring that the design and calculations associated with potential overheating form part of the decision making process very much at the start of the scheme rather...
than later on during the construction process. This of course is not only about heat levels within the flats it is also about the distribution areas such as corridors and risers.
Lewisham Housing Select Committee: District heating inquiry
April 2015

About the Association for Decentralised Energy
The Association for Decentralised Energy is the leading advocate of an integrated approach to delivering energy locally, designed around the needs of the user, including with CHP and district heating. Our over 90 members include a wide range of companies and organisations, including industrial manufacturers, energy service providers, local authorities and housing associations.

We appreciate the Lewisham Housing Select Committee's ongoing concerns regarding the performance of district heating schemes in specific recent housing developments. We welcomed the previous opportunity to provide oral evidence to the committee.

Following that evidence session, we wanted to highlight:

- The specific consumer benefits of district heating;
- The recent measures which are being put in place to increase consumer confidence and trust district heating installations; and,
- Additional measures which Lewisham could implement to further improve the quality of district heating installation and operation in Lewisham.

Consumer benefits of district heating
Every district heating customer deserves a fair deal and great service. District heating can provide significant benefits for their heat customers. Our ‘Consumer in focus’ case studies show how consumers can benefit from district heating, which can be read here. These benefits include:

- Helping to manage fuel bills.
- Reducing bills by providing residents with access to lower gas retail prices.
- Reducing maintenance costs by including only one professionally-managed heating unit to maintain. Tenants split the cost of the maintenance.
- Helping fuel poor tenants to access lower cost technologies, such as by switching tenants from expensive and inefficient electric heating to highly-efficient gas CHP or renewables.
- Making use of existing low-cost ‘waste’ heat resources from nearby power stations, hospitals and London Underground stations.
- Access to lower carbon heating solutions, including renewables or higher efficiency heat generation through combined heat and power (CHP).

Tools to ensure district heating benefits are secured
Just as with poorly built roofs, badly ventilated buildings, or incorrectly installed boilers, district heating needs to be designed, installed and operated correctly if its benefits are to materialise.

There are three tools, which are now coming into place, which can help provide security and certainty for consumers that they will see the benefits of district heating schemes:

- New industry-wide heat network standards, also known as the Code of Practice;
- An independent heat customer protection scheme, called Heat Trust; and,
- New heat network metering and billing regulations.

Some of these initiatives are the result of over two years of collaboration between the district heating industry, the UK and Scottish governments, and consumer groups such as Which?

1. District Heating Code of Practice

To ensure that heat networks are designed and operate effectively, the Association for Decentralised Energy and CIBSE have brought together industry partners to establish common standards for the development of district heating.

The Code of Practice for Heat Networks in the UK has been developed by a group of industry experts under a joint initiative by CIBSE and the ADE. The Code sets out standards to ensure the conception, design, build and operation of efficient, reliable and cost effective district heating for all users. The Code aims to establish minimum standards for new and retrofitting district and community heating networks schemes.

Recognising that district heating projects may need to adapt to varying local situations, the Code seeks to establish common standards for the development of reliable and efficient district heating whilst allowing for innovation. Roles and responsibilities of different stakeholders throughout the project are also specified.

Setting minimum (and best practice) standards should provide greater confidence for specifiers and developers, including local authorities and housing associations. These and other organisations can include these standards in the tendering/contracting process to specify minimum standards set out in the Code. Similarly, planning authorities could require new district heating developments to meet the design, installation and commissioning standards set out in the Code of Practice in their planning requirements.

The Code of Practice will be formally published early May 2015.

2. Heat Trust

The district heating industry has worked with consumer representatives since 2012 to develop the proposals for Heat Trust. The Association for Decentralised Energy announced in March that it was formally backing Heat Trust. The scheme is looking to launch later in 2015.

Heat Trust is aimed at heat energy suppliers who contract with metered or unmetered domestic and micro business properties where the heat customer pays their supplier directly for their heat energy. Although voluntary, the Scheme is supported by government, industry and consumer groups as an industry-led self-regulation initiative that recognises best practice.

Where appropriate, the level of protection afforded under the Scheme is comparable to that of gas and electricity customers. The proposals contain two key components:

- Assessment criteria by which to evaluate the level of protection a Heat Supplier’s Heat Supply Agreement provides to the heat network’s customers; and
Independent adjudication, a low cost form of customer dispute resolution once heat supplier's complaint procedure is exhausted.

The Scheme has already attracted significant interest from heat suppliers, and expects to provide protection to over 20,000 heat customers in its first year.

As members of the Scheme, suppliers agree to abide by the Scheme Rules and Bye-Laws. The Scheme includes rules on the following:

- Support for vulnerable heat customers
- Heat supplier obligations
- Heat customer service and reporting a fault or emergency
- Joining and leaving procedures
- Heat meters
- Heat Interface Units
- Heat bill and heat charge calculations
- Heat bill payment arrangements and the management of arrears
- Suspension and resumptions of service processes
- Complaint handling and independent complaint handling
- Privacy policy and data protection

3. New Heat network metering regulations

Under new regulations put in place from December 2014, heat network metering and billing is now closely regulated through the National Measurement Office. These new regulations aim to:

- Give consumers control of the cost of heating and cooling;
- Set minimum requirements surrounding the transparent billing of consumers; and,
- Improve consistency and efficiency, alongside promoting the roll out and better management of heating and cooling networks.

There are a number of requirements in relation to the billing of consumers based on their consumption. These requirements include quarterly billing, optional electronic billing and access to consumption information and comparative data.

These new regulations will help to ensure that all heat customers on all new schemes across the UK will receive the quality of billing information they need.

Additional potential steps for Lewisham

The Association for Decentralised Energy recognises that while these three initiatives are important steps for improving consumer confidence in district heating, there are additional ways for Lewisham planning officials to further strengthen the quality of heating installations, including district heating as well as alternative solutions, in new developments. We have set out three recommendations below.

1. Ensure that any proposal is technology neutral.

There are a range of different possible heating solutions for a new building development, and all of them face a risk that performance in operation does not meet design. For example, DECC
analysis of both heat pumps\(^1\) and biomass boilers\(^2\) have found in-use performance has not met design expectations. We therefore recommend that any measures which Lewisham implements do not unfairly target one technology over any other.

For example, if Lewisham were to require district heating schemes to have their performance reviewed after commissioning, any such ‘in use’ review should be applied to all heating solutions in new development, as there is clear government evidence that this risk exists for a range of different heating solutions, and not just district heating schemes. The same principle should apply for any data collection requirements.

2. Expert review of design proposals
We would recommend that all new developments are required to provide detailed consultancy review of their proposed heating solutions, including expected efficiency and carbon savings. These reports could be used to help planning officials determine that the proposed solution is practical and appropriate for that development, taking into account the development’s size, heat demand and demand profile.

In order to ensure such an assessment can be done well, the planning authority could also invest in specialist training or hire outside experts to review proposed heating solutions.

3. Set the Code of Practice as a minimum standard
Planning officials should require all developments which plan to use district heating ensure their schemes meet the standards of the Heat Network Code of Practice.

The Code sets out standards to ensure the conception, design, build and operation of efficient, cost effective district heating for all users. Planning approval could be contingent on schemes’ ability to show they have met the minimum standards set out in the Code of Practice.

However, we would note that similar standards should be required for all proposed heating solutions for new developments, not just district heating.

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For further information please contact:
Jonathan Graham
Head of Policy
Association for Decentralised Energy

Tel: +44 (0) 20 3031 8740
Jonathan.graham@theade.co.uk

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\(^1\) DECC 2012. *Detailed analysis from the first phase of the Energy Saving Trust’s heat pump field trial.*


www.theade.co.uk
1. Summary

1.1 This report informs Mayor and Cabinet of the comments and views of the Overview and Scrutiny Committee, arising from discussions held with the London Fire Brigade, as part of the Public Spending in Lewisham review, on 13 July 2015.

2. Recommendation

2.1 Mayor and Cabinet is recommended to note the views, and consider the request, of the Overview and Scrutiny Committee as set out in section three of this referral.

3. Overview and Scrutiny Committee views

3.1 On 13 July 2015, the full Overview and Scrutiny Committee questioned representatives from the London Fire Brigade, Ambulance Service and Metropolitan Police. The Committee agreed to recommend that the Mayor request a full briefing on Forest Hill Station’s second fire appliance and the relevant Mayoral Direction, from the London Fire Brigade.

3.2 The Committee heard that the second appliance was currently being held elsewhere in order to provide emergency fire cover whilst there was the possibility of industrial action. However, there had now been a Mayoral Direction¹ requiring the 13 appliances from across London currently being held for contingency purposes, to not be returned pending decisions on 2016/17 savings proposals, which could include their permanent decommissioning. Should such a saving be taken, modelling would be carried out to determine which 13 appliances should be decommissioned based on the impact their removal would have.

4. Financial Implications

4.1 There are no financial implications arising out of this report per se.

5. Legal Implications

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

¹ See: https://www.london.gov.uk/mayor-assembly/mayor/mayoral-decisions/MD1516
6. Further Implications

6.1 At this stage there are no specific environmental, equalities or crime and disorder implications to consider.

Background papers

Public Spending In Lewisham – Officer report to the Overview and Scrutiny Committee, 13.07.15

If you have any queries on this report, please contact Charlotte Dale, Overview and Scrutiny Manager (0208 3149534)
1. **Purpose of Report**

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

2. **Recommendation**

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

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BACKGROUND PAPERS and AUTHOR

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

http://councilmeetings.lewisham.gov.uk/ieListMeetings.aspx?CId=139&Year=0
Agenda Item 5

Chief Officer Confirmation of Report Submission

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

Information  
Part 1  x  Part 2  Key Decision

Date of Meeting  
15 July 2015

Title of Report  
Response to Consultation on Remodelling Lewisham’s Adult Day Services and Associated Transport

Originator of Report  
Heather Hughes, Joint Commissioning Lead Complex Care & Learning Disability  Ext. 4351 4351

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

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Signed  
Date

Director/Head of Service

Signed  
Date

Cabinet Member

Control Record by Committee Support

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http://assets/sites/em/t/comexdrt/dmt shared documents/committee reports/mayor and cabinet 15 July 2015/1007 sheet - response to consultation on remodeling lewisham’s adult day services and associated transport
Chief Officer Confirmation of Report Submission

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

Information: Part 1 [x] Part 2 [ ] Key Decision [ ]

Date of Meeting  15 July 2015

Title of Report Response to Consultation on Remodelling Lewisham’s Adult Day Services and Associated Transport

Originator of Report Heather Hughes, Joint Commissioning Lead Complex Care & Learning Disability Ext. 43511

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

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(please see separate form for Aileen Buckton and Cllr Best signatures)

Signed       Director/Head of Service
Date

Signed       (Cllr Joan Millbank) Cabinet Member
Date  6/7/2015

Control Record by Committee Support

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Reasons for Lateness and Urgency

This report was not available for the original dispatch because of the need to complete consultation and ensure legal advice was confirmed. The report is urgent and cannot wait until the next meeting of Mayor & Cabinet on September 9 2015 as the reorganisation would be delayed prolonging uncertainty of provision for vulnerable service users.

Where a report is received less than 5 clear days before the date of the meeting at which the matter is being considered, then under the Local Government Act 1972 Section 100(b)(4) the Chair of the Committee can take the matter as a matter of urgency if he is satisfied that there are special circumstances requiring it to be treated as a matter of urgency. These special circumstances have to be specified in the minutes of the meeting.

1. SUMMARY

1.1. On 11th February 2015 the Mayor and Cabinet considered five proposals relating to changes to day services that would continue the process of modernising day services in Lewisham, making them more personalised, while also delivering savings. The Mayor at the Mayor and Cabinet meeting agreed that officers should proceed to consult formally on Option 5 which was presented to them. They also agreed that the consultation would also include changes to how the transport to day services is delivered, with a specific proposed reduction in the use of the Council’s Door 2 Door service.

1.2. The meeting also considered seven options for the funding of transport to non statutory evening clubs but did not agree to any specific option, instead requesting that officers work to find alternatives that would support people being able to continue to attend the clubs, but more cost effectively. Overall these proposals would deliver £1.1 million of a £1.3 million savings target for day services and associated transport.
This report sets out the outcomes of that consultation and officers’ responses.

1.3. The consultation was specific to seven areas of change:

(i) the consolidation of direct Council managed provision to three specific service ‘types’ – the Challenging Needs Service (CNS), the Intensive Support Service (ISR) and the Dementia Service - and the employment pathways developed;

(ii) the allocation of a personal budget to all other adults with a learning disability or younger adults with a physical disability/long term condition;

(iii) moving the ISR service from the Leemore to the Ladywell Centre;

(iv) moving day services for older adults from Ladywell to Cinnamon Court, Cedar Court or the Calabash Centre;

(v) the commissioning of a ‘drop in’ service at Ladywell for people whose assessments show that they are not eligible for funded day services;

(vi) the consolidation of the Council’s Door2Door transport to older adults and people with complex needs with a direct payment being offered to other adults eligible for Council funded transport;

(vii) opening up three of the four centres for wider and more general community use in partnership with the third sector.

1.4. The consultation paper was available on the Council website and was posted to every centre user, with an accessible version being sent to users with a learning disability and the full version sent to their family carers. Key stakeholder groups were also advised of the start of the consultation. There were a number of open meetings which were mainly attended by centre users and their families, plus a series of independently facilitated meetings for service users with a learning disability. There was a ‘Provider Fair’ held where people could come and talk directly to a range of service providers who could offer alternative day care. Older adults were supported to go and visit alternative day services. Approximately 330 people attended the consultation meetings and of the questionnaires sent out, 121 of them, of which 55 were in accessible format, were returned.

1.5. As with many proposals relating to service changes the consultation, did often reflect the view that people would prefer there to be no change to their current services. The electronic (online) responses showed a particularly high level of disagreement to any changes being made. There was good engagement with the discussion of the proposals at the public meetings, and while disagreement with change was expressed, there was also an understanding that savings had to be made. Older adults were given an opportunity to visit alternative day centres and users of the ISR service and their families were supported to visit the Ladywell centre to consider the implications of the proposed move of the service there.

1.6. Where people could recognise what the Council was trying to achieve strategically, they wanted reassurance about what those changes
meant for them specifically. The process of undertaking individual assessments, which began in April and is due to be completed at the end of July, has allowed people to have fuller discussions about their own particular situations and next steps for them. People are generally more reassured after these discussions and the completion of their own assessment. Priority was given to those service user where the proposal signposted a service relocation – older adults, people with long term conditions and the ISR service. The reviews of people with a learning disability began May.

1.7. Throughout the consultation, issues of significance for different groups emerged. Familiarity of service context and delivery, e.g. in the staffing, emerged as issues of importance. Overall, participants were particularly keen to highlight the importance of maintaining friendships. Families of people with a learning disability expressed strong views about safety and safeguarding in shared buildings, and some concern was expressed about who those other groups might be. People found it difficult to conceptualise being in a shared building, with specific areas being designated for the delivery of day services. The Council will work with service users and their families to help address these concerns; and work on the guidelines for sharing the community hubs. Some older adults and people with long term conditions selected to move to alternative service providers during the consultation period, with the help of families and social workers who supported the moves. These service changes have been successfully achieved.

1.8. Many people wanted to know what the implications were for staff, and whether the same staff would support them after the move.

1.9. There were naturally anxieties about very practical issues; people sought reassurance that the Council would assist them to identify alternative means of transport and alternative providers and also that they would not be forced to take a direct payment if they found that too onerous.

1.10. Concern was expressed also about potential implications for family carers, particularly older carers and carers who worked full time.

1.11. A number of people understood the strategic changes that the Council is trying to achieve, and key stakeholders were particularly supportive of the recommendations, though all emphasised the importance of the transition process being carefully managed. Additionally, provider partners also challenged the Council’s view that the local market was under developed to support people with complex needs.

1.12. The report of 11 February 2015 also proposed a recommendation to reconfigure the discretionary transport to the Mencap evening clubs and the SEALS club to save £84K. As requested by Mayor and Cabinet and Healthier Communities Select Committee, officers have worked with Lewisham Mencap and provider partners to find a way of ensuring that people can continue to attend the clubs.
1.13. The day service and associated transport proposals will deliver £1.1 million of the £1.3 million savings associated with these proposals. £200K has already been achieved from the mental health service budget. The proposals will deliver part year savings in 2015/16 with the remainder being realised for the beginning of 2016/17.

2. **RECOMMENDATIONS**

2.1. The Mayor is asked to consider the outcomes of the consultation as set out in section 6 of this report and the Equalities Analysis Assessment in Appendix 12.

2.2. The Mayor is also asked to consider this report in conjunction with the ‘Voluntary Sector Accommodation Implementation Plan’ report also being presented.

2.3. The Mayor is then asked to agree the following recommendations:

2.4. That the Council consolidates its service provision to the three services for service users with complex needs – the Intensive Support resource (ISR), the Challenging Needs Service (CNS) and the Specialist Dementia Service.

2.5. That an undertaking is given to identify specific partners to work with the Council to maintain key activities in the areas of supported employment (e.g. Grow and ‘Tuck Stop’) and also performance art (i.e. ‘Uproar’ and ‘Dare to Dream’).

2.6. That the Intensive Support (ISR) service for people with profound learning disabilities and complex needs currently at Leemore moves to the Ladywell Centre.

2.7. That a service to be known as ‘A Place to Meet….’ (the ‘drop in’ service) is commissioned to support people no longer eligible for Council funded day care.

2.8. That the older adults currently using the Ladywell Centre who have not already moved to the specialist Dementia Unit move to the Housing 21 managed day centres at Cedar Court and Cinnamon Court or other similar provision of their expressed preference.

2.9. That specific areas are allocated for the delivery of services to people with a learning disability in Mulberry, Leemore and Naborhood. These centres extend their use to the wider Lewisham community as community hubs for a wider range of purposes in partnership with existing third sector organisations.

2.10. That these three centres, Leemore, Mulberry and Naborhood are recognised as community hubs as part of the Community Services
2.11. That voluntary and community providers be invited to offer activities and support to people who will be receiving a direct payment or personal budget, either via the community hubs or alongside them.

2.12. That service users have the opportunity to use their direct payment to employ a personal assistant and make use of the community hubs.

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

2.14. That £14K per annum continues to be available to fund transport to evening clubs for those existing people living at home with their families.

3. POLICY CONTEXT

3.1. The function of Adult Social Care is to ensure that vulnerable adults can access appropriate support for their needs within the framework of statutory duties and agreed policies. For adults, this is determined through the completion of an assessment in accordance with s 47 of the NHS and Community Care Act (1990), now replaced by the Care Act 2014, followed by the application of the appropriate eligibility criteria and service decisions.

3.2. There have been a number of government documents which set out the pathway of ‘Personalisation’ as a way of meeting those needs, so that eligible service users have both greater flexibility about the service they receive and greater control over how they are delivered (for example: ‘Putting People First’ (2007); ‘Transforming Social Care’ [LAC (DH) 2008]; ‘Caring for Our Future: reforming care and support’ (2012)). These policy and guidance documents have promoted the provision of Direct Payments whereby eligible adults are given an assessed sum as cash to purchase their own service and the local authority’s role, rather than being one of a direct provider of services, becomes one more focused on market development and shaping.

3.3. The Care Act 2014 is the most substantial piece of legislation relating to adult social care to be implemented since 1948. It has taken previous legislation, common law decisions and other good practice guidance and consolidated and clarified them. The Care Act places a wide emphasis on prevention, the provision of advice and information, changes to eligibility, funding reform and market shaping and commissioning. This final aspect of the Act also emphasises the use of personal budgets and direct payments; and requires the Council to
promote appropriate service supply across the provider market and assure quality and diversity to support the welfare of adults in the community. It also requires the Council to engage with providers and local communities when redesigning services, both universal and targeted, and planning for the future.

3.4. The final report of the Local Government Association’s Adult Social Care Efficiency (ASCE) Programme published in July 2014, sets out a number of initiatives that Councils across the country have put in place to deliver services that will meet the requirements of the Care Act in the current financial climate. It sets out advice on how to agree a new contract with citizens and communities, managing demand, transforming services, improving commissioning and developing more integrated services.

3.5. The lessons learnt from this programme mirror steps already being undertaken in Lewisham in order to develop services which consider workforce optimisation, cultural change and creative approaches to delivering care and support while managing demand. The ASCE report offers a specific focus on managing demand and utilising community offers to help deliver personalisation, prevention and early intervention; improving commissioning using outcome-based approaches which maximise independence; and integrating services putting people at the centre of care and support.

3.6. The recommendations set out in this report to Mayor and Cabinet seek to make further progress in the delivery of the Council’s Sustainable Communities Strategy priorities of ‘empowered and responsible’ and ‘healthy, active and enjoyable’.

4. BACKGROUND

Adult Day Services

4.1. Adult Social Care has been delivering a programme of modernising its local day service offer in line with the principles of choice and control, by promoting the use of personalised budgets and direct payments. The principles of day service modernisation promote people as valued and active citizens, encouraging independence and, particularly for working aged adults, supported employment.

4.2. The Council has worked with third sector partners to develop cost effective relevant alternative day services and activities. The ‘Communities that Care’ and Main Grants programmes have encouraged ‘non traditional’ day service offers (e.g. ‘Meet me at the Albany’, Entelechy, the ‘Allsorts’ programmes and ‘Community Connections’). Direct service procurement has also expanded the range and type of employment opportunities including social enterprises providing cleaning services, community cafes and gardening schemes. This is in addition to continuing to commission day services at the Calabash Centre and Cinnamon and Cedar Court extra
care services. There is also a contractual requirement for community (day) opportunities to be offered by new extra care housing providers at Conrad Court and Campshill Road.

4.3. As the social care Resource Allocation System (RAS) is implemented, there is increasing scope for more personalised service responses. There has been an increase in the number of direct payments and personal budgets in Lewisham, and an uptake in the use of personal assistants to support the person to directly choose their own activities and create their own routines for the day.

4.4. There is a clear correlating trend of reduction in people using the Council's day centres for day services and an ongoing reduction in people using the Council's transport, with a number of buses travelling with significant spare capacity.

4.5. As part of the government’s austerity measures, adult social care is required to reduce the cost of its services, whilst ensuring that vulnerable adults remain appropriately supported and safe. The Council is required to make further savings of £84 million across 15/16, 16/17 and 17/18. As part of the budget agreed in February 2014 adult social care needs to find £1.3m savings in day services and identify a further £7.9m towards the budget reductions by 2018. These are costs pressures that must be addressed as part of the Council’s overall duty to set a balanced budget.

4.6. In recognition of the above changes, the Council is now addressing its day service and associated transport offer to ensure that it is delivering cost efficient services that make best use of capital assets. This includes a review of what the Council should directly deliver and why. In these difficult financial times, it must also act as ‘one council’ and consider synergies across different departments.

The Council's current directly managed service offer

4.7. The Council directly manages four day centres and the services delivered from them. Three of the Council managed centres are learning disability specific day centres: the Mulberry Centre in New Cross, the Leemore Centre in Lewisham and the Naborhood Centre in Sydenham. There are specific bespoke services for people whose behaviour is challenging at the Mulberry Centre (the CNS Service), and for people with a profound learning disability and complex physical support needs (the ISR service) at the Leemore Centre. The fourth centre, the Ladywell Centre, is currently nominated as a centre for older adults and people with physical disabilities. The specialist Dementia day service, which was recently extended, is also located at Ladywell.

4.8. The numbers of people using the centres is reducing year on year due to the range of alternatives generally now available; changes in society’s approach to the needs of people with long term conditions/
physical disability; and because young people who might meet eligibility for council funded services are receiving their education in out of borough schools and colleges and not returning to the borough at the end of their education. Overall, there has been a reduction in numbers using these centres.

4.9. The Council’s Door2Door transport service is organisationally linked with specific day centre locations: the Council’s own provision (Ladywell, Leemore, Naborhood and Mulberry), the Calabash Centre and Cinnamon and Cedar Courts. A number of buses are shared with education and a number are used solely by adult social care. Changes as to how people want their service to be delivered, along with the impact of the adult social care transport policy, is highlighting the inherent inflexibility of this arrangement in delivering the personalisation agenda, and is increasingly reflecting an inefficient use of Council assets as numbers continue to reduce.

4.10. The Council remains committed to prioritising its responsibilities to meeting the needs of vulnerable adults. It aims to meet these needs creatively, delivering high quality services and promoting safety within the financial restraints that it is facing.

**Developing a new community model**

4.11. One response to this underutilisation of assets could have been to close buildings and centralise the service to one location. This would have many disadvantages in terms of geographical spread, the co-location of service users with different needs and importantly would not deliver the savings required. It would also not create a model with the vision for market development enshrined in the Care Act. Additionally, over the last 18 months, discussions between officers and people with a learning disability and their families highlighted that while some people might support this, a significant number would not.

4.12. A more creative approach to underutilisation would be to use this as an opportunity to extend the usage of buildings at Mulberry, Naborhood and Leemore as general community assets, opening up the buildings and facilities to the wider Lewisham community. This would develop on from the innovation of the successful Community Library model, with each building being led by core third sector partners, with the Council continuing to provide a specified service within the building.

4.13. Further information about Community and Voluntary Sector Hubs and the Voluntary Sector Accommodation plan, and how this intertwines with these Day Services proposals can be found within the ‘Voluntary Sector Accommodation Implementation Plan’ report which is also being considered at Mayor and Cabinet on the 15 July 2015.

4.14. The buildings would continue to be available for use by Adult Social Care for people who will participate in a range of leisure, art, employment, and education related activities, delivered by learning
disability specific providers of the service users’ choice. The buildings would also support general opportunities for supported employment (such as reception cover, meals production and restaurant management) and other, wider activities than those currently on offer from social care. These can include:

- a range of apprenticeships
- short ‘pop-up’ courses, events and activities;
- places for meetings and training,
- opportunities for people to learn to cook;
- office space and touchdown desks for voluntary and community organisations
- an open space for people with similar interests to meet.

The possibilities can be potentially extended further if the service user wishes to do so. The result would be lively, inclusive and vibrant locations, where people use the available services as part of a number of participating citizen groups.

4.15. The vision for Leemore: the building will be reconfigured to provide a comprehensive hub with a particular focus around advice and information led by the Lewisham Citizens Advice Bureau, who would relocate to the centre as would Voluntary Action Lewisham. The voluntary and community organisations already in the building would remain onsite as part of the community hub (Contact a Family and Lewisham Community Transport). The building will provide a new welcoming public space incorporating a functioning café/kitchen which will provide for all service users and user groups within the building as well as the public. As well as this public space, there will also be shared space for VCS organisations and current service users to work together and bring life to the building, as well as core space for office working and for services for people with learning disabilities. In the first instance the building will be managed by the council’s community premises team with VCS organisations that are based there acting as hosts to ensure a welcoming and inclusive environment is created.

4.16. The vision for Mulberry: the building will become a key community hub in the north of the Borough; offering extensive core accommodation for a number of VCS organisations alongside dedicated, self contained space for the Challenging Needs Service. Further activity space will be available for use by people with learning disabilities and their providers as well as the VCS organisations. A number of internal and external public spaces will also help enliven the centre, serviced by the kitchen area and extensive Wi-Fi throughout the building. The centre will be managed in the first instance by the council’s community premises team with VCS organisations that are based there acting as hosts to ensure a welcoming and inclusive environment is created. The employment scheme ‘Tuck Stop’ which supports the patients’ café at the Waldron Centre will continue to operate from Mulberry in partnership with a partner organisation.
4.17. The vision for Naborhood: this building will become a vibrant community centre in the heart of Sydenham. It will feature a mix of local organisations including the Sydenham Society and Sydenham Arts and will have a core offer focused around dance and physical movement activities, and healthy eating. Again there will be a welcoming public space to draw the local community and users together, alongside shared activity space and core space for office workers and for people with learning disabilities and their service providers. As with the other premises this building would initially be managed via the Community Premises team. It is envisioned that this building may quite quickly be managed by a community consortium.

4.18. The vision for Ladywell: while seeking to retain Ladywell as a disability specific venue, both in-and out-reach opportunities will be developed from there. Learning from and building on the strengths of ‘Meet me at the Albany’ the proposal is to commission ‘A Place to Meet and…’ where a core partner will tailor and coordinate activities for those who do not have eligible Social Care needs, but would benefit from an enriched community offer over and above mainstream opportunities. The gym will be managed as part of the offer with a wider leisure partner, attracting both the wider community as well as being used by service users in the ISR and as part of the ‘Place to Meet and…’ offer. The GROW gardening project will continue to be based there and we will be seeking a partner who will further develop that scheme to support other citizens who will benefit from it. The Ladywell kitchen will become available for training or supported employment use from July 2016. The Council itself will continue to be the responsible coordinating management body and will have its own management base there.

4.19. Developing the centres as community hubs will add a significant component to the Council’s aims of promoting good health and improving people’s quality of life. Whatever someone’s age, access to good personal care facilities for people who need more than the usual wheelchair accessible toilet is one of the limiting factors accessing community spaces. Fear of going out to meet friends in public places, going to leisure centres or even just going to the shops can be severely limited for a person and/or their family when personal care might require support from a second person, a bigger than usual space with a hoist and adult changing table, there is a need for a wash or even shower, or having clinical waste facilities available. All of the day centres have appropriate personal care facilities near high street areas which can be made available to both adults and children.

5. OPTIONS PRESENTED AT MAYOR AND CABINET IN FEBRUARY 2015 AND THE AGREED PREFERRED OPTION

5.1. Prior to the 11th February Mayor and Cabinet report, officers had already undertaken significant informal discussions with services users and staff over the previous 18 month period around how savings might be made. There had also been a number of informal briefings of affected services users, families and staff. The option appraisals
presented at the meeting on 11th February used that ‘soft intelligence’ alongside what was known about other changes and savings that had to be made across the Council.

5.2. The options were also presented to Healthier Communities Select Committee on 14th January 2015 prior to being considered by Mayor and Cabinet. That Committee referred the savings proposals for the evening clubs to Mayor and Cabinet for further consideration. The options previously considered by Mayor and Cabinet are set out in full below to remind members of the options that were not preferred as well as the option that was agreed for consultation. These were:-

5.3. **Option 1** – That the management of the in-house provision continues as it is. The advantages are that users and carers would be supportive as the service and its staff are well known and well regarded. Some savings may be made. The disadvantages are that opportunities for further market developments are potentially stifled, making it difficult for the Council to fulfil its new duty to promote market development under the Care Act. Furthermore a rigid service does not provide the flexibility and individual focus required to enable adults to fully realise the potential of their Direct Payments and with the Council as a provider, users may find the range of choice and flexibility of services on offer to them decrease in the long term at a higher cost overall. The service would not therefore, be fit for a developing more flexible user base. The anticipated level of savings will not be achieved by this option.

5.4. **Option 2** – That the Council closes its directly managed service to new referrals who are referred instead to other providers. The advantage of this option is that existing users and families are very likely to support the proposal. There is also potential to tailor the staffing levels to client usage in a planned manner. The disadvantages are that there may be a perception of a two-tier service with continuing service users receiving a declining service while new service users feel aggrieved that they cannot access the in-house service. Potentially it will fragment the service, making it difficult to pool budgets and design new service offers which again frustrates the full potential of the use of Direct Payments and Personal Budgets. The staff: client ratio within the in-house service may not be adequate to ensure client safety and also be efficient, thereby preventing potential for efficiency savings on staffing costs and possibly representing a cost pressure. Additionally the buildings will become increasingly empty and represent a poor use of assets.

5.5. **Option 3** – That the in-house service continues to support service users but its location is rationalised to a single centre. The advantages are that there is potential saving in management costs and some rationalisation in front line staff through increased staff: client ratios. There would be a rationalisation of capital assets, and the use of transport to a single location. Families would be likely to support it because of the familiarity of a service remaining directly managed by the Council. The disadvantages are the risk of continued institutional
service delivery and ‘warehousing’, with fewer activities delivered to larger groups and more ‘engaging’ clients drawing disproportionate staff attention. There are additional potential risks associated with client mix (e.g. people with complex care needs sharing space with people with challenging behaviour). Families may view this option as not meeting individual client needs and minimising choice. This option also fails to promote market development, which again does not meet the Council’s overall duties to promote market diversity and personalisation in the Care Act.

5.6. **Option 4** – Full outsourcing of the in-house service development through formal procurement or as a ‘mutual’. The advantages are continuity for service users and their families, the identification, or development of new, third sector partner(s) who could deliver the modernisation agenda for the Council, a high degree of control by existing staff over service design and delivery and efficiencies in staff costs over time. The disadvantages are the potential impact of TUPE on any efficiency savings. Also, during the consultation with staff in 13/14, the idea of a staff mutual was discussed and there was little enthusiasm from the staff team for the idea and there has been no approach from the staff team subsequently. Service users and families are likely to express concerns that the service is not directly managed by the Council, and complex clients might not have their needs fully met by a non-Council provider in an undeveloped market.

5.7. There are additional commissioning challenges around developing a procurement exercise, including soft market testing, which may add additional delay in achieving efficiency savings, regardless of outsourcing to a partner or mutual. There is a mix of in-house, outsourced and mutual led organisations that provide day services for other councils in the South East. However, it is notable that Councils which previously outsourced to a single provider are now refining their current procurement programmes to include more providers.

5.8. **Option 5** - That the Council consolidates its directly delivered services to include only those people with complex needs (specifically the ISR, Dementia and CNS services) and its sheltered employment services. Older adults not part of the specialist Dementia services are supported to move to other older adult providers, and all other service users (except for a small number of current service users whose needs could be met by a commissioned “drop in” service) be allocated a personal budget and supported to design and purchase their services from other providers delivered in the community hubs. As part of this proposal the ISR service currently located at the Leemore Centre would transfer to the Ladywell Centre. The specialist dementia is already located at Ladywell and the Challenging Needs Service (CNS) located at Mulberry would stay where they are as would the employment schemes.

5.9. The advantages are that the Council would retain management responsibility for its most complex clients, whilst promoting the potential
for market development for a the wider group of adults. There would be increased flexibility of the choice and shape of offers for individuals and groups, including making personal budgets available to CNS, ISR and Dementia service users. Readily available building based day services for older adults in the borough are maintained, whilst unused day service places of older adults in other contracts are minimised. There would be a clearly identifiable ‘disability base’ available whilst also supporting service presence across the day centres. The required level of savings could be achieved relatively quickly. The disadvantages are that service users and their families may prefer their service to be managed by the Council. There will be concerns about maintaining friendship groups, families may be concerned that a personal budget/direct payment is another job for them to have to do, some service users will move to another service location, there would be some challenges in managing the logistics of a large simultaneous number of personalised services, and there would be a need to develop new shared space protocols with a potentially large variety of providers.

5.10. These options were considered by the Healthier Communities Select Committee prior to the Mayor and Cabinet meeting of 11th February 2015; and by service users, their families, stakeholders and staff in briefing sessions prior to the report to Mayor and Cabinet. This provided people with the opportunity to discuss the proposed options to reconfigure day services and how the Council would continue to support people. It also gave officers the opportunity to gauge the people’s response to the options being proposed. This helped shape the Councils’ preferred option which was recommended to the Mayor and Cabinet in the February report.

5.11. The Mayor agreed that officers should proceed to formal consultation on Option 5. This option meets a number of strategic outcomes as it:

(i) allows the council to retain its management responsibility for complex clients;
(ii) promotes the extension of personalisation through the use of direct payments/personal budgets to commission an individuals services from community groups and thus promoting the sustainability of the local third sector provider market;
(iii) allows the retention of a disability specific centre as well as the maintenance of specific space at the other centres;
(iv) supports an outwards looking service, strengthened as buildings are shared with other VCS providers;
(v) builds in future flexibility to how both the buildings and the service can operate as different parts of the service offer can be changed differentially depending on individual preference;
(vi) offers best value to the council as its avoids TUPE implications relating to outsourcing, and fills contracted day service vacancies elsewhere.

Proposal to reduce the usage of Door2Door
5.12. The Mayor also agreed that officers should include in the consultation the proposal to reduce the non shared transport routes on the Council’s in-house transport Door2Door. The year on year reduction in the use of Door2Door and the fact that it can no longer fully meet the transport needs of assessed eligible adults in terms of flexibility and availability means it is no longer fit for purpose or cost efficient for adult social care.

5.13. Specifically, the proposal is to retain transport for three client groups (i) people with challenging behaviour (CNS) and specifically the Mulberry mini bus (ii) people with learning disability and complex physical support needs (ISR) and (iii) people using the specialist dementia service. All other users with eligible needs for funded transport would be offered a personal budget allocation as a direct payment to maximise other more flexible and personalised ways to support arrival at day activities. In order to deliver a personalised transport offer to the level required, the link between transport routes and specific locations needs to be disestablished.

5.14. The biggest challenge to making savings in this area is the rationalisation of routes shared with education (approximately two thirds of the buses). Those routes which are social care specific and used entirely for transport for people with a learning disability most easily lend themselves to the changeover to a more flexible approach. The specific, non shared, routes equate to a cost of £675K per annum from which officers are looking to make savings of £200K.

5.15. The proposals to reshape transport may raise concerns for some families who may view having to organise transport as an additional task for which they will have responsibility. Also, Door2Door is viewed as a reliable transport offer. However, a number of families already use alternative transport arrangements and therefore, while transitional issues might be expected, concerns will settle over time.

5.16. It is not envisaged that transport for older adults will be affected by this proposal. However, there may be an increased number of people on transport routes to other older adult services which in turn may offer further savings.

5.17. While some of the busses are leased on a short term basis, there are a number of busses that are owned by the Council. The Council may need to sell the lease onto other organisations pending the end of the lease period. The proposals may also have redundancy implications for drivers and escorts.

6. FORMAL CONSULTATION PROCESS - REMODELLING THE COUNCIL’S DAY SERVICES AT LEEMORE, LADYWELL, MULBERRY AND NABORHOOD CENTRES

Process and activity of consultation
6.1. Following Mayor and Cabinet’s agreement to consult on Option 5, a three month formal consultation on the remodelling of day services was launched on 23rd February 2015 and closed on 18th May 2015. The consultation documents are attached as Appendixes 1 and 2. In total 330 people attended meetings, and 121 consultation questionnaires were returned (55 accessible and 66 general).

6.2. The consultation document was available on the Council’s website. It was also posted to every older adult and person with a long term condition using the Ladywell centre, and to the families of people with a learning disability. People with a learning disability received an accessible version of the consultation document. A stamped addressed envelope for the response was included in the mail out.

6.3. Key stakeholders were made directly aware of the consultation by email. These included Lewisham Mencap, Lewisham Speaking Up, Lewisham Disability Coalition, the Pensioners Forum, Age UK and a range of direct service providers including Voluntary Action Lewisham, Lewisham Disability Coalition, Carers Lewisham, Age UK, Lewisham and Bromley MIND, SLaM, GSTT, Lewisham Nexus, Three Cs, PLUS, Aurora Options, Camden Society, and Certitude, Hestia Support and Care, and Housing and Care 21 among others. The consultation was also posted on the Council’s website.

6.4. The document contained a contact phone number, address and email address to ensure that people who could not, or preferred not to attend meetings were able to contact the Council about the proposals and to respond to the consultation.

6.5. In addition to the consultation documentation, senior officers held six open formal consultation meetings, one at Ladywell and one at Leemore, each month for three months: these were attended both by users of the service and their families, and also some members of the general public.

6.6. There were six independently facilitated meetings for people with a learning disability, two at each of the centres, where information was presented in a more accessible format and the ideas explained and discussed. The first meeting concentrated on three of the consultation proposals, and the second on a further three proposals. The LD service user reference planning group had chosen not to consider the proposal relating to older adults at the Ladywell Centre. These meetings were devised, formatted and facilitated specifically for the learning disabled client group. Some family carers and staff also attended which also facilitated a more individualised interpretation of the material for some service users attending.

6.7. Additionally, the Council received a number of letters and emails from users, families and members of the public.
6.8. A full chronology and summary of all these events is attached as Appendix 4.

6.9. Older adults were supported as part of the consultation to visit the other day centre provision in the borough with Hestia at the Calabash Centre, and Housing 21 at Cinnamon Court and Cedar Court. A ‘Provider Fair’ took place in March for service users and their families to attend and talk to potential other providers directly about who they were and what they could offer and a second Provider Fair was held on 7th July in response to the consultation discussions. The families of people who could be affected by the proposal to move the ISR to Ladywell were also offered an opportunity to visit Ladywell and comment on the environment and what would support the move.

6.10. Additionally, there were management briefings to Council staff about the proposals in January and again in June. There was also a general meeting with non-council providers in March to talk through the proposals and the proposals were also raised at the Pensioners Forum and at a Carers Lewisham Carers meeting in February.

6.11. A programme of assessments and support planning was begun in April and will continue until the end of July 2015. All service users have received a letter with a date for their assessment, and where possible they or their family have also been contacted by phone to confirm the time and date. Assessments have been held in the evenings and at home where that has better suited the family. Key workers have been involved in assessments to ensure that as much information is available as possible. As part of the assessments, service users have discussed the type of activities they like and interests they have so as to inform the support plan, and have also discussed the possibility of pooling their budgets with friendship groups.

6.12. Priority in the assessment schedule was given to those people where the proposals were signposting a move of service, i.e. older adults, younger adults with long term conditions and learning disabled people who use the ISR (Intensive Support Resource) service. Where service users and families have expressed an interest in changing their service through the consultation process, this has been supported and facilitated. There have been successful transitions already made. Should the Mayor agree the recommendations in this paper, officers will work with service users and their families to formulate support plans and identify transport options.

Consultation Outcomes

6.13. The formal consultation process has included a formal questionnaire, a series of meetings with people likely to be affected and members of the public, and additional emails and letters have been received. The subsequent individual assessment meetings, though not part of this formal consultation process, have been informed by the content of the
consultation process and supported more informed engagement in that process by people and their families. The key issues raised in the consultation process are set out in the tables below. An analysis of the returned consultation questionnaires, the letters and emails are attached in Appendix 3-5. A summary of some the outcomes following social work assessments which have been undertaken as at 22nd June 2015 are attached, as Appendix 9.

6.14. The consultation outcomes were considered by Healthier Communities Select Committee on the 25th June 2015 who made no referrals back to Mayor and Cabinet. Copies have also been sent to individual clients and key stakeholders for information, with a covering letter of thanks.

6.15. Officers recognise that the scale and nature of the change proposals, are challenging for people to engage with. Officers would like to thank clients and their families, as well as members of the public, who gave time to attend meetings, send letters or emails, and/or to complete the questionnaires. There was lively discussion and engagement through all media, but particularly at meetings, and a number of very interesting points were made.

6.16. Some people used the opportunity to express views on issues that were not part of this formal consultation. These comments were responded to as appropriate through the meetings where they were raised but are not specifically reported in this report.

6.17. It also became clear that a small number of people were being affected by more than one of the Council’s savings proposals. For example, some of the older adults were also affected by the change to laundry arrangements and reported feeling overwhelmed by the level of assessments and review processes. Some of the younger adults were also affected by reviews relating to changes in ILF funding. Some primary family carers were affected by change proposals for both the learning disability day service and the older adults service for different family members. Some people expressed frustration that they had only just started the centre(s) and had not been alerted to the possibility of change when they started.

6.18. There were different views expressed between the meetings held at Ladywell, which were mainly attended by older adults, people with long term conditions and their families and those at Leemore which were mainly attended by the families of people with a learning disability. This reflected the different perspectives of the client groups but the nature and concerns of the comments made were similar. There were some people who attended all meetings at each of the venues, though in general, the meetings were organised to allow different people to attend on days and at times most convenient to them, and this was generally the case. It should also be noted that the electronic consultation system cannot trace whether there were multiple questionnaires completed from the same electronic address, or how many people completed both the electronic questionnaire and also a
paper copy. However, it is of note that comments on different forms were often similar if not verbatim.

6.19. The following tables summarise the main comments made through any of the consultation media used (i.e. both at meetings and in written submissions) Not every comment is included and officers recognise that the format carries a risk of masking the impact of the points being made. However, officers believe that the content is a true reflection of the key points raised and the sentiments with which they were expressed.

6.20. The quantative data (i.e. the graphs from the consultation questionnaires) has a separate response analysis in the associated appendix (Appendix 3). There was a clear preference for people to strongly disagree with all the proposals which officers need to be mindful of. This tendency was less marked with regard to the Council reducing its directly managed services (26 for and 35 against). Therefore, the responses to proposals 2 and 5 about direct payments are likely to be linked to concerns about not knowing the specific impact for the individual in terms of who will deliver their service and the reliability of alternative transport providers. Proposals 3 and 4 regarding the potential moves of both the ISR group and older adults show some support or a neutral position. There was a mixed response also for the proposal to develop a ‘drop in’ service as an alternative to no service. People were also in disagreement with the proposal to open the centres up to other third sector providers.

6.21. It is officers’ view that questionnaires are one part of a story and need to be considered alongside other aspects of the consultation. Concerns are to be expected in a change programme as significant as this, which presents a fundamental rethink and repositioning of the service. The engagement in the meetings and the summary of statements being presented from the social work assessments suggest that as the individual discussions are taking place, and as people and their families are having the opportunity to discuss and plan their future services, and in particular are being reassured that they will still receive a service, these concerns will and are reducing. Similarly, as officers can confirm who the third sector partners are, and can work with all related parties on shared building protocols, concerns about shared buildings will also reduce.

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<thead>
<tr>
<th>General comments about the savings and the process</th>
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<tbody>
<tr>
<td>Comment</td>
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<tr>
<td>People who are affected by this and the other savings proposals should be given a reduction in their council tax to offset the impact on them. We’ve already lost the laundry service.</td>
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<tr>
<td>The Council could save money by being less bureaucratic, having fewer meetings, turning off lights in the Town Hall, spending less on road works, close one of the centres and save running costs etc</td>
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<tr>
<td>What percentage of the total cost of service does this saving represent?</td>
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<tr>
<td>We feel as if we’re being pushed out just to save money. It seems like day services are at the top of the list for cuts. You should be cutting the number of managers.</td>
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<tr>
<td>Why doesn’t the Council rent out its buildings to make money?</td>
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It doesn’t seem to us that anything has changed between the first meeting and the later meetings.

The consultation meetings are repeated in order to give an opportunity to the biggest number of people to ask questions and give their views about the proposals, and also ideas about what could be put in place to minimise their negative impact. However, officers were able to respond to some suggestions made through the process to make it more helpful and effective: visits to other providers for older adults; co-production of ideas for the specification for the ‘drop in’ service; a focus group for shared working protocols for the community ‘hubs’ is being arranged for the 22 July; formally advising family carers of the dates of the facilitated meetings for service user with a learning disability; a second provider fair was planned for the 7 July.

The proposals offer a reasonable way forward in the current financial situation and offer people greater choice and control. However, people will need support through the change process outlined, and attention should be paid to friendship groups

Support planners and commissioners will work with people and their families throughout the whole of the change process until the outcomes are clear and each person’s support is stable. The Council understands the importance of friends and have given an undertaking that older adults can move as groups of friends. Analysis of friendship groups of people with learning disabilities show that although some groups spend some time in activities together, the friendships are primarily experienced through shared leisure and break times in the centres.
The consultation process is flawed. Information has come over as vague and non specific and impossible to interpret.

Officers recognise that the proposals are complex and many have been difficult to understand but do not believe that the consultation process has been flawed.

Significant effort has been made to engage with people both before and during the consultation to ensure that they were aware of the proposals being presented to the Mayor and Cabinet. This has included providing sessions supported by an independent facilitator, sessions with carers as well as service users and engaging with a number of community organisations and advocacy groups working with people who would be affected by the proposals.

While officers understand that people have wanted to discuss the impact of the wider proposals on their particular personal situation, these could not be discussed during a public meeting and will addressed through the individual assessments. Officers also recognise the frustration that service users and their families have felt while waiting for these assessments to take place, and thank families for their patience.

<table>
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<tr>
<th>Proposal 1: Reduction in Council direct service management</th>
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<tbody>
<tr>
<td><strong>Comment</strong></td>
</tr>
<tr>
<td>We don’t want anything to change. We want our service to still be delivered by the Council.</td>
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</tbody>
</table>
### Proposal 1: Reduction in Council direct service management

<table>
<thead>
<tr>
<th>Comment</th>
<th>Officer Response</th>
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<tbody>
<tr>
<td>What will happen to the staff? Will I have the same key worker?</td>
<td>The scope of the changes being proposed means the Council cannot guarantee that service users will have the same staff working with them. Officers will ensure that there is familiar staff support through the period of transition until service users are familiar with new locations or providers; and that there is a good working knowledge of each person’s needs with an appropriate level of detail. Officers understand that this can cause anxiety and officers will work as quickly as possible to confirm staff arrangements. There will be a separate consultation process with staff after the Mayor and Cabinet decision.</td>
</tr>
<tr>
<td>There are other providers in the market who can deliver good support to people with complex needs and we think that the Council’s decision to retain direct management of any services is unnecessary.</td>
<td>The Council recognises this provider position. However, it still believes that it is best placed at this point in time to manage delivery of these specific services.</td>
</tr>
</tbody>
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### Proposal 2: That other than the ISR, CNS and Dementia services, other people with a learning disability, and also people with physical disability/long term conditions, will be allocated a direct payment or personal budget and helped to buy care from new providers.

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<tr>
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<tbody>
<tr>
<td>Will the money I get be able to buy the same number of days as I get presently?</td>
<td>The assessment process identifies a person’s needs that the Council will meet, while the support planning process will help people think about how those needs can be met. It is recognised that many people will need to combine the money available to them in order to maximise the number of hours and days that they are supported, purchasing support as a group. However, some people may want to use this as an opportunity to purchase more intense, 1:1 support for less time. The Council needs to strike a balance between what people want to do in order to meet their needs and the amount of money available to them for that. Support Planners will be available to help people with this when organising their support.</td>
</tr>
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</table>
Proposal 2: That other than the ISR, CNS and Dementia services, other people with a learning disability, and also people with physical disability/long term conditions, will be allocated a direct payment or personal budget and helped to buy care from new providers.

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>The Council’s systems for Direct payments is not very effective</td>
<td>The Council recognises that some people have experienced difficulties in the past with the Direct Payment process. However the Council has worked hard, particularly over the past year, to improve the service so that it is more efficient and responsive.</td>
</tr>
<tr>
<td>Direct payments are just something else for family carers to worry about. We don’t want to have to organise everything. It’s too much!</td>
<td>Officers recognise this is a strongly expressed position from service users and family carers. It also recognises the important role which family carers play in providing support for people and does not wish to place further burdens on them. Therefore, the Direct Payment system now includes managed accounts supported by the Council. Service users and their families can also be helped to identify a provider who would manage an individual’s accounts for day services and associated transport. Support planners will take time to explain these options as part of the assessment process.</td>
</tr>
<tr>
<td>What about the impact on carers who work full time and would have to give up work or who are older carers and can only keep their relative at home because of the respite the day centre gives them.</td>
<td>Assessments have a duty to consider all of the person’s needs and also the carers’ needs, including their desire to work, pursue education and need for support in order to maintain their caring role.</td>
</tr>
</tbody>
</table>
**Proposal 2: That other than the ISR, CNS and Dementia services, other people with a learning disability, and also people with physical disability/long term conditions, will be allocated a direct payment or personal budget and helped to buy care from new providers.**

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<thead>
<tr>
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</tr>
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<tbody>
<tr>
<td>People have been friends for a long time. These proposals will split everybody up.</td>
<td>Officers recognise how important it is for people to keep in touch with their friends and the impact this can have on their wellbeing. To help understand the dynamics of the friendship groups which have formed in day services, staff in the centres have been mapping people’s friends. An analysis of these friendships suggest that they may be sustained by sharing leisure and break times in shared buildings as much as by shared activities. It also suggested that not all friendships are reciprocal and groups can change over time. This information will be used by Support Planners who will be mindful of how important these friendships are when completing support plans. Officers have already given a commitment to older adults that they can move to alternative day centres with their friends. The proposals also offer an opportunity for people to choose to spend time with friends who may currently be in other services.</td>
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**Proposal 3: The ISR service to move to the Ladywell Centre**

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<tr>
<th>Comment</th>
<th>Officer Response</th>
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<tbody>
<tr>
<td>We are happy for our children to move here. It's better provision.</td>
<td>The Council is pleased that some families directly affected by this proposal are happy to support it.</td>
</tr>
<tr>
<td>This is going set the service back decades and will isolate people. People with complex needs like to take part in activities where other people are busy and active.</td>
<td>The co-location of the ‘drop in’ service at Ladywell will ensure that opportunities remain for people in ISR to proactively engage with other people whose intellectual and physical disabilities provide a supportive environment for people with complex needs. The high staff to client ratio will continue to support the group to take part in community based activities and events in leisure centres, trips to town, lunches out and so on.</td>
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### Proposal 3: The ISR service to move to the Ladywell Centre

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<tr>
<td>As specialist learning disability clinicians, we believe that this move of the ISR to Ladywell offers a much better experience, particularly if there can also be access to the gym for some activities.</td>
<td>Officers agree that this is an improved offer for this very complex group of people and are pleased it has the support of specialist clinicians.</td>
</tr>
<tr>
<td>I’m concerned that the staff will change and they won’t have the right skills to support the complex needs of my relative.</td>
<td>There may be some changes to staff. However, specific and individualised training is given to all staff by the learning disability specialist clinical therapists, particularly physiotherapists and speech and language therapists. That team will undertake a special period of training and support to new and also existing ISR staff.</td>
</tr>
<tr>
<td>What about is there are staff shortages? Currently this is backed up from the Leemore ‘mainstream’ service.</td>
<td>As this service will be based at Leemore, where the Dementia service is, there is opportunity for there to be back up across these two services, and the management base will also be at the Leemore Centre which will also support immediate resolution of any day to day staffing shortages.</td>
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### Proposal 4: Older adults at Ladywell (excluding the dementia service) move to other day centres for older adults

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<tr>
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<tbody>
<tr>
<td>This (the Ladywell) is the best centre for older people. The Council should leave the older people here who have worked all their lives, and build additional floors for everybody else.</td>
<td>Council officers recognise that Ladywell, and indeed all the centres, are deeply valued by the people who use them. They also understand that change is difficult for everyone involved, particularly for older people.</td>
</tr>
<tr>
<td></td>
<td>However, officers believe that there are other good offers for day services and will work with older adults to make sure that the moves are made as easy and seamless as possible. People can also move with their friends.</td>
</tr>
<tr>
<td></td>
<td>While the Ladywell centre is a good building, adding additional floors would be expensive and would in any case probably mean the centre would have to close for the period of any building works.</td>
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</table>
### Proposal 4: Older adults at Ladywell (excluding the dementia service) move to other day centres for older adults

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<tr>
<td>The other centres for older adults can’t support the same level of personal care which is a worry.</td>
<td>The other centres do have adapted WCs and there is access to washing and disability changing facilities. Staff already provide support with personal care and other day service providers are able to accommodate a wide range of personal care needs. Providers can purchase, or the Council will transfer, any person specific equipment that may be required to support the person. Officers know that some of the individual ‘taster’ visits were not as reassuring in this respect as they could have been.</td>
</tr>
<tr>
<td>My mum waited ages to get a place here, has only just started and now she’s going to have to leave. Nobody told us this was happening.</td>
<td>The Council apologises for any distress caused to people who have found themselves in this situation. Until Mayor and Cabinet agreed in February to consult on these specific change proposals, officers could have been unnecessarily raising anxieties. Since the consultation has started, new people referred to the service have been advised of the proposals offered an alternative provision with another provider.</td>
</tr>
<tr>
<td>I like it here. I’ve made friends, and we enjoy doing the same things together.</td>
<td>Officers will support people to move in groups of friends to one of the other centres. We will make sure that people continue to get to do the same kinds of things they do currently.</td>
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### Proposal 5: Drop in service for people needing minimal supervision and support

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<tr>
<td>‘Light touch’/ drop in means nothing to us. Describe this service.</td>
<td>This service will ultimately be shaped around the people who will use it. Those people are likely to be intellectually competent and may or may not have a physical disability or learning disability. Through the course of the consultation, officers have heard people talk about the importance of having somewhere to meet and catch up with their friends, or where they can take part in activities, all in a safe environment with some support available should they need it. As such officers have named this service ‘A Place to Meet’ which reflects the wide range of reasons why people might come now and in the future.</td>
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### Proposal 5: Drop in service for people needing minimal supervision and support

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<tr>
<td>The kinds of activities available will range from learning life-skills to leisure activities: help to read, write and manage a budget; also opportunities to develop self advocacy skills and practice skills to help get a job. Leisure activities can include board games, dominoes or pool. This will also be a place where people can meet up before going off somewhere else together and meeting up again at the end of the day. Alternatively this can be a place where people can come and have a cup of tea and a snack and ‘just be’.</td>
<td></td>
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| People are too disabled to have a service like this. How are you going to keep them safe? | While the service is described as being ‘light touch’ there will be staff and volunteers available who can help people be safe. Because it is proposed that this service will be developed at Ladywell, which will be the disability specific centre, there will be a higher level of controlled access to, and management of, the building. |

| Will this service be open to people with long term conditions? | If an assessment shows that having ‘A Place to Meet’ is a good option for people with long terms conditions then they can be referred to this service by the support planner. It is also possible that some people with long term conditions would want to be volunteers or mentors and will be able to support some of the other users who have a learning disability, rather being a service user. |

| Ladywell will be a new centre for some people to go to. What if people don’t want to go there? | The Council has previously agreed that some kind of support should be available to help existing service users whose assessed needs might otherwise mean they would receive no support from the Council. People might choose to not take up this offer and could meet in the public areas that will be designed into the other centres. However, this proposal is the formal offer of support from the Council. |

| Ladywell is too far away from everything else and it’s difficult to get to. | While officers recognise that the centre is located near parkland and although it is not on a high street, the Ladywell Centre is well placed for access to all activities in Lewisham. It is close to central rail and bus links, being no more than half a mile from Ladywell Station, and local bus stops. By foot it is accessible |
### Proposal 5: Drop in service for people needing minimal supervision and support

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<td>What if I go to the drop in and my friend, who is eligible for a council funded service, wants to come with me?</td>
<td>The specification for this service is flexible enough so that people who want to use their personal budget to pay for that service can do so, as long as it meets their identified needs.</td>
</tr>
<tr>
<td>Will people need to pay for this service?</td>
<td>The aim of this service is to help people who would not otherwise receive any support from social care as they do not have eligible needs. Where this service is being offered to people as an alternative to ‘no service’, then the Council will commission the service and meet the cost. The Council also recognises that people who do receive support from social care will want to keep in touch with their friends in this service. As such the Council has made the specification for the drop-in flexible so that people with eligible needs will be able to buy days from their own resources or their direct payments.</td>
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### Proposal 6: People in CNS, ISR and Dementia will continue to receive transport from Door2Door. People with a learning disability and physical disability eligible for funded transport to receive a personal budget or direct payment to have that need met.

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<td>How will the decision be made about who gets what transport?</td>
<td>Part of a person’s assessment will consider if they are able to travel independently, how well they are able to travel and if they are eligible for support from the Council. Those who are eligible for support from the Council will be offered either a Direct Payment or Personal Budget and help by a Support Planner to arrange alternative transport. The Council has been supporting schemes in the voluntary and community sector who provide transport; and will be working with them to extend these offers to people who are in currently in day services. There is also the option of using taxis with the Taxicard/Capital Call scheme, using Dial-a-Ride or arranging transport with carers.</td>
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<td>Taxis are not a good option for people with a learning disability. People are let out of the taxi without being taken to the door to make sure that someone is there to let them in.</td>
<td>The taxis that will be recommended for use will have been ‘vetted’ as part of the Council’s Taxi Framework Agreement. As such they have experience of working with people with both learning and physical disabilities. As part of the Framework providers are also vetted and audited by the Council. A number of people in day services already use taxis for transport and this is working well.</td>
</tr>
<tr>
<td>Getting a direct payment is one thing too many for families who are already at stretching point. What happens if the transport doesn’t turn up - people can’t get to work.</td>
<td>Some people are already planning to put together the money that the Council will make available as a direct payment for transport and organising themselves into a car pool, taking turns to get people to their day service. The existing taxi providers on the framework have proven to be reliable, understanding the importance of supporting vulnerable people and being on time. That said there can be unavoidable delays, as there are now with Door2Door. Having a direct payment can help families have better control over the quality of the service provided: if the taxi doesn’t turn up, you can call another taxi and use a different company. Officers recognise that organising transport will be a new experience for people and as such will support people through the transfer from Door2Door, including helping people to set up accounts with taxi firms. Once organised there should be a minimal amount of effort required as the transport will be booked on a regular basis.</td>
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<td>What about where people cannot travel on their own?</td>
<td>Where appropriate the Council has a travel buddy scheme, which would be helpful to some people who can use public transport but still need some help and support. There is also help with independent travel training for those who are more able to travel on their own. The Council’s taxi service includes provision for escorts to help people where necessary; due to the need for help with a wheelchair or because of challenging behaviour. People can pool their money to share the cost of the transport and escorts to make them more effective, or where appropriate the Council can look at individual cases.</td>
</tr>
<tr>
<td>There’s no consistency with taxi drivers. I wouldn’t want to trust my relative with people I don’t know</td>
<td>Officers understand that initially people will be concerned about not knowing the driver, and that it will not always be possible to get the same driver all the time. However, with regular pickups, there is usually a small group of regular drivers. In addition the companies on the taxi framework have to provide drivers with DBR checks and are audited for compliance by Council officers. The volunteer driver scheme also welcomes regular bookings as these give the drivers regular work which provide consistency and opportunity for the development of a relationship with the family. Some people have already had positive experience of using the volunteer driver scheme.</td>
</tr>
<tr>
<td>Concerned that changes to evening transport means that people will not be able to get to the clubs</td>
<td>The evening club transport is not part of this formal consultation and officers will be talking separately to the people involved, providers and to Mencap, about how people might get to clubs in the future.</td>
</tr>
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### Proposal 6: People in CNS, ISR and Dementia will continue to receive transport from Door2Door. People with a learning disability and physical disability eligible for funded transport to receive a personal budget or direct payment to have that need met.

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<tr>
<td>Re-organise the whole of transport so that it is more efficient</td>
<td>Officers are looking for savings in the delivery of Door2Door transport. Part of day service transport is shared with the buses to special schools but these savings proposals are linked to the six specific buses which are solely used for learning disability day services. The transport budgets are among some of the most complex in the Council because of this interrelationship between adult social care and education, and a change in one specific area does not directly lead to a reduction in cost. This is why officers have focused on the buses which are dedicated to Social Care.</td>
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### Proposal 7: Mulberry, Leemore and Naborhood Centres to be shared resources with a number of other providers.

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<tr>
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<tbody>
<tr>
<td>Why don’t you just have the one centre and move everybody there?</td>
<td>Officers acknowledge the anxiety people have expressed about sharing spaces with groups who are not social care service providers. People also expressed concern about the buildings being shared with different client groups. However, there are also risks associated with bringing together a wide range of people with a wide range of complex needs into a single building. Putting together people with very challenging behaviour and learning disability, and others who are physically frail pose too great a risk to manage in a single building. Some families have expressed extreme concern that officers might even be considering this as an option. It would also be difficult to achieve a consensus on which specific building should be kept, as peoples expressed preference during the consultation was the one their relative attended. Officers understand that people find it difficult to accept that changing the number of centres does not help make the saving on the day care budget as buildings costs are part of a different budget.</td>
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<tbody>
<tr>
<td><strong>Comment</strong></td>
</tr>
<tr>
<td>I don’t understand what it is that the Council is trying to do. Why should we have to share the centres with other groups?</td>
</tr>
<tr>
<td>Who are these other providers? What are these other services? They should be here talking to us.</td>
</tr>
</tbody>
</table>
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<td>How will you make sure that my relative is safe? They will be at risk if just anybody can walk into the centre.</td>
<td>Officers understand that people are anxious about the safety of their relative in a building shared with other groups and organisations. Officers will work with all the providers to put in place a shared services agreement to ensure that buildings are safe. An initial meeting with key stakeholders to develop this has been arranged for the 22 July. Officers have worked with other providers who share buildings for different purposes and where there is open access (e.g. at the Calabash Centre, the Albany and Adult Education). Some parts of any building will have open access and shared while other areas will be more secure and access will be limited. There will be core/lead providers in each of the buildings and the staff who are working with vulnerable adults in the community ‘hubs’ will have ongoing responsibility for safeguarding.</td>
</tr>
<tr>
<td>How can we know that people with a learning disability will not be squeezed out of the shared buildings completely and end up with nothing?</td>
<td>Keeping the buildings in use to support people with learning disabilities is a key objective of these proposals. Officers have identified specific areas in each of the centres which will be designated for use by people with learning disabilities and for use by the organisations supporting them. However, people will also be supported and encouraged to use the other activities and opportunities available in the hubs, including specific activities aimed at people with learning disabilities like employment opportunities; as well as all of the activities that will be developed in the hubs for use by the wider community such as the general shared areas e.g. café/dining areas/IT areas and any ‘pop-up’ short term activities as may be organised by other providers. Officers believe this is a really good opportunity for people with learning disabilities to be an active part of a wider range of services and activities available in the community.</td>
</tr>
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7. RESPONSE TO THE CONSULTATION

7.1. Section 6 sets out a summary of key points from the consultation. It considers areas of specific concern by each proposal and sets out specific responses and assurances from officers about what actions will be put in place so as to meet or minimise those concerns.

The general process and management of change

7.2. Officers are mindful that during the consultation many people wanted to talk about the specific implications for their own circumstances.
Response - The social work reviews and assessments have now given people an opportunity to have that discussion. Officers will continue to have close and detailed discussions with service users and their families until their specific service offer is in place and stable.


7.3. People have highlighted the need for a robust process to transfer information to new providers so that they can support people well.
Response – Officers undertake to support visits from and to any new provider and to transfer any individual specific information and management plans as may be required. The Council will ensure that there is a member of staff who knows the person available throughout the change process. Officers will work with people and their families to support them in their discussion and decision making with any new provider to put in place an outline specification of the service to be delivered.

7.4. Through the period of consultation it has become clear that the employment pathways for the café/shop at Naborhood, the GROW Project and the ‘Tuck Stop’ are not as significant a part of the service offer as had been initially advised: in fact the Naborhood café/shop is an idea in development rather than a service in delivery. Response – Employment is a key strategic outcome for adults with a learning disability and younger adults. These are important activities for the current service users. However, these services are too small and resource heavy to be retained within the Council: they need to be developed and expanded. Officers will, therefore, identify one or more partners who can maintain and strengthen the work that has been initiated by the Lifestyles service.

7.5. Officers note that a number of people will need to identify new provision and new providers, and that the provider fairs have given some idea about what is available, but that proposal will want further detailed discussion about how individual needs will be met and by whom? Response - Officers will work with individuals and with groups, and their families as appropriate, to specify the services that they want and support them to establish the process for selecting providers that works best for them. including interviewing potential providers.
7.6. Officers recognise the importance of the drama and arts activities ‘Uproar’ and ‘Dare to Dream’ currently part of the service. **Response** – Officers will identify a specific performing arts partner to continue these offers in the new service.

**Proposal 2 – The allocation of Direct Payments/ Personal Budgets**

7.7. Officers acknowledge that many people have expressed a preference to not manage direct payments. **Response** – As part of support planning, officers will work with service users to establish Council managed budgets or Individual Service Funds. For some people the Council will continue to commission services from named providers.

7.8. Officers acknowledge that a formal consultation meeting does not allow for detailed discussions regarding individual impacts and choices. Therefore the implication of what direct payments and individual budgets mean; and what provisions will be available for people was not clear. As assessments are being completed the work on new support and activity preferences is becoming more tangible. **Response** - Officers will work with individuals and groups, and their families as appropriate, to identify which providers they would prefer to deliver their services. Depending on what that choice is, officers will work with people to identify the best and most efficient payment system and will work with service users and their families to establish the selection process that works best for them.

7.9. Officers recognise the strong views about the importance of friendship groups. **Response** – Officers have given an undertaking that people can move together in friendship groups. Where services are commissioned as individual or group specific, there will be a requirement for providers to facilitate shared social time. Both the specific allocation of service space in the buildings and also the shared spaces of the community hubs will facilitate this.

**Proposal 3 – The ISR move to Ladywell**

7.10. The proposal to move the ISR service to Ladywell, while not supported through the consultation questionnaires is accepted in the main by affected families. Families are highlighting specific issues around the importance of familiarity of staff and change management. **Response** – Officers will ensure that the change of location is managed sensitively. No specific assurance can be given about staff at this time as this is subject to a separate consultation. However, the LD clinical team has arranged for the delivery of an intensive training package to the service so that all staff are competent and confident in meeting the needs of this service.

**Proposal 4 – Older adults moving to other day centres**
7.11. The opportunity to visit alternative centres during the consultation process has helped make this proposal and its potential outcomes more concrete for those affected. Older adults have been able to express a preference for one of the proposed services or for something different during the consultation period. Alternative services for all older adults have now been identified. **Response** – Officers have already committed to maintain friendship groups through the moves and the majority of people have already expressed a preference for a specific provider with their friends. Transition meetings have been agreed between staff from the Ladywell Centre and from providers, who have also committed to spending time at each service during the transition period to ensure a smooth transfer of knowledge and skills; and to provide ‘a known face’ in the early post move days.

**Proposal 5 – A Drop In service for people needing minimal support**

7.12. Officers acknowledge that as a new service offer, the concept of ‘drop in’ has been difficult for service user and their families to conceptualise. In particular, people have expressed anxiety that there will be no support available. **Response** - Officers have worked with a group of advocates and key partners to explore in more detail what this service can offer. It has been renamed as ‘A Place to Meet and...’ (i) go onto somewhere else, (ii) play dominoes, cards or board games, (iii) just sit and chat (iv) get help and advice about bills and budgeting (v) improve reading and writing skills (vii) be a volunteer/ mentor. In reality, the people who will use it will define and control over time what and when they use the space for. The service will be called down from the day service framework and will be the first new service in place.

7.13. People were concerned that this offer meant that their relative would spend days alone in the family home as they do not meet eligibility criteria for Council funded services. **Response** –This offer is being developed to be available during the core hours from 10-3 but there will be facilitated access to the building from 9-4.

7.14. There was also concern about loss of friendship groups because of the change in location of the service from the current three LD centres. **Response** – The people who are likely to be referred for this offer are likely to already be in friendship groups and will also meet up with wider friendship groups at the Mencap evening clubs. The development of a supported ‘drop in’ service at all centres is not sustainable, though people will have legitimate access to the public areas of the community hubs.

**Proposal 6 – Personal Budget/ Direct Payment for transport**

7.15. Officers have heard the concerns about Direct Payments that have been raised in the consultation. **Response** – The Council will put in place prepaid cards to ensure easy availability for cash in advance to pay transport providers directly. The Council will also advise people on
how to set up accounts with taxi firms and will advise them of firms on
the Council’s framework.

7.16. Officers understand that some people with a learning disability will
require support to travel. **Response** – Officers will be assessing the
nature and level of the support required as part of the assessment.
Where transport by public transport with a travel buddy/ travel training,
by shared taxi or by the volunteer driver scheme is assessed as not
sufficient, the Council will consider escorted taxis.

**Proposal 7 – Shared use of Mulberry Leemore and Naborhood**

7.17. Officers understand the anxiety of people and their families around
safety and security. **Response** – A number of rooms have been
identified in each of the 3 centres for specific use for service delivery to
people with a learning disability (see Appendix 10). To support security,
and minimise random disruption of activities, doors will have secure
access through the use of key codes or swipe cards. Only the
Challenging Needs Service (CNS) at Mulberry will have restricted
access to the specific area.

7.18. The consultation about changes to the Council’s day services running
in parallel to the specific consultation with voluntary and third sector
partners about the future use of buildings has meant that officers have
been unable to confirm with people who those organisations might be.
This has resulted in concern about health and safety, and also
safeguarding, of how the buildings will be organised. **Response** –
Officers have noted particular questions that have been raised through
the consultation process and have also offered a further opportunity to
family carers to list the questions and concerns that they would wish to
see included in a shared use agreement. A focus group has been
established to look at the list of issues and write the shared use
agreement. In the first instance, the overall management of the
buildings will remain with the Council.

**Recommendations**

7.19. The Mayor is asked to consider the responses from the consultation
and officers’ responses to the same. Officers recognise that service
users and their families have concerns about the proposals. These
concerns will be managed as the assessment and support planning
processes are completed, as tangible new service offers are identified
and put in place, and as additional measures are put in place as
highlighted in the officers’ response in sections 7.2 to 7.18 above. It is
officers’ view that Option 5 remains the preferred option to deliver
individualised services, support the Council’s duty under the Care Act
to manage and grow the market, and to deliver the savings of £1.1
million as a contribution to the overall target of £1.3 million set for day
services in 2015/16. The Mayor is therefore, asked to agree the
recommendations below:
7.20. That the Council consolidates its service provision to the three services for service user with complex needs – the Intensive Support resource (ISR), the Challenging Needs Service (CNS) and the Specialist Dementia Service.

7.21. That an undertaking is given to identify specific partners to work with the Council to maintain key activities in the areas of supported employment (e.g. Grow and ‘Tuck Stop’) and also performance art (i.e. ‘Uproar’ and ‘Dare to Dream’).

7.22. That the Intensive Support (ISR) service for people with profound learning disabilities and complex needs currently at Leemore move to the Ladywell Centre.

7.23. That a service to be known as ‘A Place to Meet….’ (the ‘drop in’ service) is commissioned to support people no longer eligible for Council funded day care.

7.24. That the older adults currently using the Ladywell Centre who have not already moved to the specialist Dementia Unit move to the Housing 21 managed day centres at Cedar Court and Cinnamon Court or other similar provision of their expressed preference.

7.25. That specific areas are allocated for the delivery of services to people with a learning disability in Mulberry, Leemore and Naborhood. These centres extend their use to the wider Lewisham community as community hubs for a wider range of purposes in partnership with existing third sector organisations.

7.26. That these three centres, Leemore Mulberry and Naborhood are recognised as community hubs as part of the Community Services Assets portfolio, and there will be different rental and running costs and charges from those applied to general lettings.

7.27. That voluntary and community providers be invited to offer activities and support to people who will be receiving a direct payment or personal budget, either via the community hubs or alongside them.

7.28. That services users have the opportunity to use their direct payment to employ a personal assistant and make use of the community hubs.

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

8. TRANSPORT TO EVENING CLUBS
8.1. The Council has historically funded transport to evening clubs, primarily the Lewisham Mencap clubs on Monday Tuesday and Thursday evenings but also the SEALS swimming club on a Friday. This funding is discretionary and Door2Door drivers and escorts are paid overtime rates to make the service available. The Mayor was asked to consider this funding to make savings of £84K. Healthier Communities Select Committee had also consider this at their meeting on the 14th January 2015.

8.2. Mayor and Cabinet were advised that all but 4 of the 82 people who used the transport to the Mencap evening clubs also received other significant packages of care, with 45 people living in 24 hour services. In February there were 3 people attending the SEALS club on a Friday: that figure is now 2. Many of the people who use Door2Door also use alternative means of transport on other nights that they attend the clubs, such as dial a ride, public transport and taxis and some families on some nights also escort people.

8.3. Mayor and Cabinet were asked to consider a number of options relating to the future of the evening club transport and these have been set out again below.

8.4. **Option 1** – Continue to fund the transport as is. The advantage is that it would be popular with Lewisham Mencap and with families. The disadvantage is that this will continue to cost the Council in excess of £84K. This is a significant sum in a difficult financial climate, the money being spent on a group of people who are mainly already in receipt of a significant package of care to meet their assessed social care needs.

8.5. **Option 2** – Stop funding transport entirely. The advantage is a direct saving for the Council. The disadvantage is that this may have a more disproportionate effect on some people and their families than others, and Mencap have stated at Healthier Communities Select Committee that the clubs would close.

8.6. **Option 3** – Attendees could pay Door2Door directly for the cost of this service. The advantages are that ‘specialist’ transport with escort would continue to be available. The disadvantages are that though the Council has Public Carriage Vehicle (PCV) licences no organisation external to the Council is allowed to hire them. Also, it is unlikely that individuals would be able to afford the related costs or commit consistently to meeting the cost of transport and some people might not want to pay for transport to the clubs.

8.7. **Option 4** – Attendees can pay Community Transport Services for transport to the clubs. The advantage is that this is likely to be more affordable for people. The disadvantage is that people might not want to pay for transport to the clubs, and people might not see it as a reliable service. Also, while this is feasible in theory, Community Transport may not be able to provide the service 3 evenings a week.
8.8. **Option 5** – Stop the provision of transport for people living in 24 hour funded services and liaise with providers to develop an alternative offer. Develop transitional transport arrangements for attendees either living at home with their families or living independently depending on their circumstance. The advantages are that people who may otherwise be isolated can continue to attend at least one club, the preventive role of the club is maintained and people are not caused significant detriment to their health and well-being. The disadvantages are that it will take time to transition from Door2Door to alternative services, the full saving will not be made in year.

8.9. **Option 6** – that Door2Door offer transport during the winter, but not summer, months. The advantage is that people would not have to travel in the dark. The disadvantage is that the Council will continue to provide a non-statutory service for the foreseeable future, and people may not attend during the summer months.

8.10. **Option 7** – Officers to work with Lewisham Mencap to identify other ways to fund the transport to the clubs. This could include the use of discretionary Council grants. The advantages and disadvantages are as set out in Option 1 above.

8.11. Mayor and Cabinet, in recognition of the value of the clubs, both their social value to the people who attend them and their respite value to families, endorsed the view of the Healthier Communities Select Committee that there was a ‘consensus of concern’ regarding the impact of the loss of this amenity on the future of the clubs. Officers were asked specifically to work with Lewisham Mencap to identify ways to ensure that those people who wanted, and who were currently using the Council’s Door2Door transport, could continue to attend the evening clubs.

8.12. Officers approached this task from two perspectives. The first was to seek assurance from 24 hour providers that they could continue to support people in their services to attend the clubs: the response from the 24 hour providers has been positive overall though there is some further negotiation in regard to 3 people: one person placed in Lewisham by another borough; and 2 people where the 24 hour providers do not feel confident of giving a full undertaking at this time. Officers also continue to work with Shared Lives providers about how people placed with them, currently 8 people with 5 shared lives carers, can be best supported to continue to attend.

8.13. The second was to explore alternative transport opportunities for people who live at home with their families. Officers have identified that Access Lewisham and the Volunteer Driver schemes offer a cost effective way forward at a cost of £5.50 per person per return trip. The volunteer driver scheme organisers have confirmed that it would not be problematic to identify regular drivers to support the clubs. Officers have estimated that the cost of this service for those people currently
living in the family home, for each of the clubs they currently use Door2Door to attend, as approximately £14K per annum.

8.14. This proposal was presented to Lewisham Mencap on the 3rd June 2015. In attendance were members of the Mencap Committee of Management, volunteers from the clubs, a club member and Mencap’s patron. While recognising that some finer operational details remain to be finalised, Lewisham Mencap were supportive of the proposal. In the spirit of co-production, Lewisham Mencap also undertook to monitor attendance at the clubs and report attendance and absence to the Council on a quarterly basis.

Recommendation

8.15. Officers, therefore, recommend to the Mayor that people who currently use Door2Door to attend or return home from evening clubs are supported as follows: where applicable by their 24 hour provider; where the person lives at home with their family to be supported with a direct payment to pay for a volunteer driver.

8.16. Should Mayor and Cabinet agree that recommendation, officers will coordinate the initial route scheduling with the volunteer driver scheme to support an implementation date of 30 August 2015.

9. IMPLICATIONS FOR STAFF

9.1. Should the proposals outlined in this paper be agreed, a number of Council employees who work in the Council’s directly managed day services and the Door2Door transport service will be affected.

9.2. Should these proposals be agreed there is potential for redundancy at both management and front line level in the day service. The day service currently operates using a high number of agency staff, however, redundancy is likely to apply for some staff.

9.3. Door2Door also uses a number of agency drivers and escorts on its shared and single bus routes. The costs associated with the evening clubs are overtime only payments which will just stop. However, redundancy may still apply.

9.4. The proposals do not recommend an outsourcing of either service and much of the reconfiguration of the day service is unlikely to reflect a continuation of the same. However, there is a possibility that TUPE may apply to relevant Council employees working in the day service in some instances.

9.5. Should the proposals be agreed, appropriate consultation with staff and their trades unions will take place in line with the Council’s Management of Change policy and the Council’s TUPE transfer guidance and statutory requirements.

10. NEXT STEPS AND TIMESCALES
10.1. This paper has set out the vision for the future of day services in Lewisham. This offer supports the Council to be Care Act compliant and promotes a more flexible and inclusive approach which also promotes prevention as well as meeting eligible needs.

10.2. A specific purpose of the paper has been to report back to Mayor and Cabinet on the outcomes of the formal consultation on Option 5, the agreed preferred option for the future shape and structure of those day services and associated transport currently directly managed by the Council as detailed in Section 5. In summary, this report makes recommendations to Mayor and Cabinet that mean that the Council will become a smaller direct day service provider and that transport for people with a learning disability will be primarily funded through a direct payment. The paper also set out a series of actions and assurances in officers’ responses as a result of matters raised during the consultation process.

10.3. As part of the savings proposals presented to the 11th February 2015 Mayor and Cabinet, it was also proposed that the Council no longer fund the discretionary cost of transport to evening clubs. Although not subject to the need for statutory consultation, Mayor and Cabinet asked officers to work, particularly with Lewisham Mencap, to identify a way to support continued attendance at the clubs in recognition of their social capital. The paper also makes a recommendation for this in section 8.

10.4. Should the Mayor agree the recommendations as set out in this report, the following is an outline timetable for the main process of implementation. This represents a slight delay from the proposed timescales in the 11th February paper where the 1st October 2015 was the proposed date for full implementation of the changes. This reflects the later presentation date to Mayor and Cabinet of this paper from that in the original paper.

Mayor & Cabinet
Business Scrutiny
Day Services
Individual reviews completed
Staff Consultation start
Staff Consultation ends
Staff selection completed
Move of older adults from Ladywell

15 July 2015
28 July 2015
31 July 2015
30 July 2015
20 August 2015
13 October 2015
30 August 2015
10.5. Officers have put in place a detailed implementation plan which ensures that people are engaged and consulted about and helped to plan their individual service options throughout the change process so as to make sure that changes happen as smoothly as possible. This plan is monitored by the Community Services’ Directorate Management Team.

10.6. Following the completion of the reviews for people with a learning disability, officers will consolidate further the detail of that plan to include detailed individual changes management processes. While there have been two provider fairs held already, one during the consultation process and one subsequent to it, officers will ensure that there are further opportunities for service users and their families to meet with providers. Officers have given an undertaking in the response to the consultation to ensure that there is support given to service users through the transition process by familiar staff and will ensure that this undertaking is built into the management plan.

10.7. While directly linked to the assessment process, but separate from the identification of day service provision, there will be a separate task and finish group to manage the Door2Door and transport changes as set out in this report.

10.8. Officers will also put in place a robust review and monitoring system to ensure that changes happen sensitively and appropriately for service users and their families. Lewisham Speaking Up have established an 'expert by experience' team who will undertake a specific monitoring role for the process during the change period and for the six months following implementation. They will report regularly to the Directorate Management Team. The implementation plan will also reflect a monitoring and review period post the end of the change process to ensure a responsive approach to 'teething problems'.

10.9. Building on the work of the focus group determining the shared buildings protocols, officers will establish a regular long term 'all users'
buildings management meeting which officers from the council will attend and where there can be speedy resolution of arising issues.

11. FINANCIAL IMPLICATIONS

11.1. The 2015/16 savings proposals considered by Mayor and Cabinet on 12 November 2014 included £1.3m from day care and associated transport. This report describes how the £1.1m from the Council’s directly managed day care and associated transport will be delivered in a full year. The balance of £200K on the total £1.3m saving attributed to day care has already been delivered from an adjustment to the Council’s funding of mental health day services.

11.2. The current budget for the day care service is summarised in table 1 below.

<table>
<thead>
<tr>
<th>Day Care Type</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>In-house budgets for care</td>
<td>£3,421,400</td>
</tr>
<tr>
<td>Purchased day care</td>
<td>£803,000</td>
</tr>
<tr>
<td>Mental health (COS)</td>
<td>£729,700</td>
</tr>
<tr>
<td>Sub total</td>
<td>£4,954,100</td>
</tr>
<tr>
<td>Transport budgets</td>
<td>£2,443,300</td>
</tr>
<tr>
<td><strong>Total budget</strong></td>
<td><strong>£7,397,400</strong></td>
</tr>
</tbody>
</table>

Table 1: Overall cost of day service and transport

11.3. The original report in February 2015 framed the savings by which part of the service the savings would be made in and how and this is summarised in table 2 below. Savings from 1:1 arrangements were not quantified but were expected to exceed the £30K required to fully achieve the £1.3m savings sought.

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Saving £K</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reconfiguration of in house provision</td>
<td>230 + 1:1s</td>
</tr>
<tr>
<td>Improving access and service redesign</td>
<td>340</td>
</tr>
<tr>
<td>Adult Mental Health day service</td>
<td>200</td>
</tr>
<tr>
<td>Reduction in days of service delivered</td>
<td>200</td>
</tr>
<tr>
<td>Reduction in use of Door2Door</td>
<td>300</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,270 + 1:1 costs</strong></td>
</tr>
</tbody>
</table>

Table 2 – Day service savings proposals summary

11.4. This report presents the service model as it will be delivered net of the £800K to be saved and is summarised in Table 3 below. It shows an under delivery of £16K of the saving, but as with table 2 above, this is mitigated by the 1:1 savings that were released by the remodelling of the dementia service.
<table>
<thead>
<tr>
<th>Total available for the delivery of services</th>
<th>2,288,500</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost of ISR</td>
<td>372,000</td>
</tr>
<tr>
<td>Cost of CNS</td>
<td>479,000</td>
</tr>
<tr>
<td>Cost of Dementia Unit</td>
<td>336,000</td>
</tr>
<tr>
<td><strong>Cost in-house</strong></td>
<td><strong>1,187,000</strong></td>
</tr>
<tr>
<td>Cost of PB services for people with LD</td>
<td>153,000</td>
</tr>
<tr>
<td>Cost of PB services for people with LD</td>
<td>899,500</td>
</tr>
<tr>
<td>Cost of ‘A place to meet’</td>
<td>65,000</td>
</tr>
<tr>
<td><strong>Cost other provider/ PB</strong></td>
<td><strong>1,117,500</strong></td>
</tr>
<tr>
<td><strong>Total cost of service</strong></td>
<td><strong>2,304,500</strong></td>
</tr>
<tr>
<td><strong>Difference from available</strong></td>
<td><strong>-16,000</strong></td>
</tr>
<tr>
<td>Cost of service for older adults is contained within Housing21 or dementia service costs</td>
<td></td>
</tr>
</tbody>
</table>

Table 3 – Cost of redesigned day service summary

11.5. This shortfall has been addressed by proactive referrals for fully funded health care as a direct result of the review processes. This has identified additional income of £21K.

11.6. The £300K saving associated with changes to in-house transport and evening clubs is summarised in Table 4 below.

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Saving £K</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evening clubs (14K)</td>
<td>70K</td>
</tr>
<tr>
<td>Use of direct payments for days service transport</td>
<td>216K</td>
</tr>
<tr>
<td><strong>Total saving</strong></td>
<td><strong>286K</strong></td>
</tr>
<tr>
<td>Difference from original</td>
<td><strong>14K</strong></td>
</tr>
</tbody>
</table>

Table 4 – Cost of redesigned transport offer summary

11.7. This saving relates to replacing the dedicated Adult Social care buses used to transport people with a learning disability to day centres. Initial modelling shows that these savings are deliverable. However, they are dependent on the ability of Door2Door to reduce their costs in response to the reduced demand. Further work is needed to ensure that the full saving is achieved and should the transport recommendations be agreed by Mayor and Cabinet there may be a requirement for formal consultation with Door2Door staff.

11.8. The capital costs for redesign of the building for communal use (e.g. IT costs, key coded doors, remedial building works) will be met from the capital element of the Better Care Fund.

11.9. The paper highlights that there may be costs relating to redundancy or potential for TUPE transfer of existing members of staff. However, the full implication of this will not be known until the conclusion of the
formal staff consultation period and the Council’s ER/VR process. No estimate is included in the costs in Table 3 above.

11.10. The need for a formal consultation process followed by staff consultation means that a full year saving for 2015/16 was not possible. The original report to Mayor and Cabinet estimated a part year saving of £953K will be delivered in 2015/16 and the residual £317K of saving relating to this programme being delivered into 2016/17. Current estimates are a part year saving of £450K in 2015/16 with the residual £850K delivered in 2016/17.

12. LEGAL IMPLICATIONS

12.1. The Care Act has replaced the National Assistance Act 1948 and the NHS and Community Care Act 1990 in providing the framework for assessment and provision of services to meet an adults eligible needs for services, as well as their wider need for supportive and preventative advice, information and support in the community. In changing or altering services provided under Social Care legislation each individual’s needs for services must be individually reassessed before changing the service or manner of delivery. In addition, in making proposals for service changes overall, there must be proper and meaningful consultation with service users, their families and any stakeholders, to enable and facilitate clear understanding of the proposals and enable stakeholders to express their views effectively.

12.2. An obligation to consult on proposals for service changes arises either as a result of statutory requirement, or as a result of the operation of the principle of legitimate expectation, i.e. as a result of previous statements or practice adopted by the Council when making proposals for change; or an obligation to consult can arise from the principle of fairness, reasonableness and rationality in public law decision making.

12.3. The general principles involved in consultation are that the proper parties, i.e. those who will be affected, or have a legitimate interest in the proposals, are consulted, at an early enough stage to enable their response to be taken into account in making decisions; that all the necessary and relevant information is provided, in accessible and comprehensible format; that there is the opportunity (and sufficient time) to raise questions and to express opinions during the decision making process, and before provisional and final decisions are made.

12.4. Therefore preliminary consultation as to the possible options should take place, as they have in this process for 18 months, even if at that stage only outline proposals are discussed, enabling more complex and detailed proposals to be worked up. There is some discussion as to the difference, if any, between consultation with relevant parties and involvement of those parties in the decision making, as case law in this area develops; in reality, there is now little distinction between the two processes. Therefore, in the matter of R( Robson) v Salford City
Council [2015] EWCA Civ 6, the Court found that in practise, the Council had fulfilled requirements of consultation, as the persons affected by the changes had been in effect, individually involved in the Councils decision-making.

12.5. Lord Woolf MR remarked in R v North and East Devon Health Authority Ex p Coughlan QB 213 that "It is common ground that, whether or not consultation of interested parties and the public is a legal requirement, if it is embarked upon it must be carried out properly. To be proper, consultation must be carried out at a time when the proposals are at a formative stage; it must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response; adequate time must be given for this purpose; and the product of consultation must be conscientiously taken into account when the ultimate decision is taken".

12.6. Good practice indicates that consultation should take place on the basis of a formal document, setting out the proposal/s and the reason/s why they are being made. Opportunity should be given for discursive response, avoiding a “tick box” approach, allowing the respondent to give reasons for their views. Clear explanation as to why any preferred option is favoured above the rest should be available, and the positives and negatives of each option should be explained, Projected difficulties or reasons why any option is not to be pursued should also be set out clearly. In addition to formal documentation, other consultation events should be arranged, as well as opportunities to communicate with respect to the proposals, via other media and in other ways.

12.7. The Courts have considered what constitutes “sufficient information” in two recent cases, R (United Company Rusal Plc) v London Metal Exchange [2014] EWCA Civ 1271 and R (Moseley) v Haringey LBC [2014] 1 WLR 3947. In Rusal, the Court held that the information must enable those affected by the proposal to make a proper response to the proposal actually being made, not, "in general, …to providing options or information about proposals which it is not making unless there are very specific reasons for doing so". However, Lord Reed in Moseley held that the duty to provide information /consult depends on context; "specifically the purpose of the consultation", and, in context, this meant a need to provide information on alternatives to the preferred option.

12.8. However, there is no real conflict between these two judgements. It is clear that the requirement is to explain the reasons for the preferred option, with the consequences of its adoption. Alternatives, and the reasons for them not being pursued, should also be clear, transparent and explicable. The decision making authority should take into account the results of the consultation, duly evaluate them and respond to them when making final recommendations and decisions.
12.9. In the event that Mayor and Cabinet agree the proposals relating to day services and transport changes, there is the possibility of redundancies and the application of TUPE for relevant council employees. Appropriate consultation with staff and their trade unions will take place in line with the Council’s TUPE guidance, redundancy policy and statutory requirements.

12.10. The Equalities Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In summary the Council must, in the exercise of its functions, have due regards to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited under the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

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

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

12.13. The EHRC has previously issued five guides for public authorities in England giving advice on the duty:
- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

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

13. EQUALITIES IMPLICATIONS

13.1. An Equalities Analysis Assessment (EAA) has been completed for these proposals.

13.2. It suggests that:
- Across all services included in this paper and given the nature of the services being delivered, people with learning and physical disabilities as well as people with mental health issues will be negatively impacted by the specific nature of the services subject to these proposals.
- Broadly, no ethnic group will be disproportionately affected by the proposals, though some specific services have slightly more impact than others.
- In terms of age the majority of services are for younger adults under 65, which will mean they will be disproportionately affected by the proposals compared to other social care services.
- There are proportionately more males in day care settings which will affected by these proposals than women when compared to the population of day services users across Social Care.
- There is only a limited amount of data available for carers. Across Day Services only a small percentage of carers have a long term health condition or disability; thought at the Naborhood 35% of family or carers have a health condition. Approximately a third of parents or carers are working and a third are over the age of 65.

13.3. The impact across all protected characteristics affected by these proposals will be low as the services being provided will be delivered differently rather than being removed. Additional services will be developed in conjunction with the Voluntary and Community Sector in order to provide a broader range of services than that currently available.

13.4. The EAA for Transport suggests that:
- Service users under the age of 65 are more likely to be affected by the proposals as the transport service supports younger adults attending Day Services.
- Men will be slightly more affected by the changes to transport but the numbers are similar to the percentage of men receiving support from Day Services.
• Though there are slightly more white people receiving transport to Day Services the numbers are comparable to those in Day Services.

13.5. All services users will be negatively impacted by the proposed changes to transport to Day Services, though alternative arrangements have been developed in partnership with Voluntary and Community Sector organisations which will mitigate this impact. In addition service users will be provided the opportunity to organise their own transport as part of the Personal Budget/Direct Payment, meaning that transport will still be provided for.

13.6. The full EAA can be found in Appendix 12.

14. ENVIRONMENTAL IMPLICATIONS

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

Background Documents
Adult Social Care Efficiency Programme
http://www.local.gov.uk/documents/10180/11779/LGA+Adult+Social+Care+Efficiency+Programme+-+the+final+report/8e042c7f-7de4-4e42-8824-f7dc88ade15d

Putting People First
Transforming Social Care

The Care Act

Caring for our future

Healthier Community Select Committee paper January 14 2015

Mayor and Cabinet paper February 11 2015

For further information on this report please contact:
Heather Hughes, Joint Commissioning Lead Complex Care & Learning Disability on 020 8698 8133 and Joan Hutton, Head of Adult Assessment and Care Management on 0208 314 8364.
Appendix 1: Consultation packs

Changes to Lewisham Council’s adult day service provision and associated transport

Consultation 23 February 2015 to 18 May 2015
Information and questionnaire

If you are reading this on behalf of a service user and they need a more accessible version please fill in the sheet below or contact us by telephone.

You can ask for this information and questionnaire in:

- easy-to-read version
- another language
- audio
- Braille.

If you need any of these or if you would like help completing the questionnaire, please fill in the sheet below and send it to us using the pre-paid envelope provided.

Joint Commissioning
Community Services Directorate
2nd Floor East
Laurence House, 1 Catford Road
Catford
London, SE6 4RU

I require a large print version (size 16 font)    ☐
I require a jumbo print version (size 18 font)    ☐
I require a copy in Braille    ☐
I require this information in another language    ☐
[please name language] _________________________________
I require an easy-to-read version    ☐
I require an audio version    ☐

My name:
..........................................................................................................................

My address: .......
.....................................................................................................................Postcode:
..........................................................................................................................

My telephone number:
..........................................................................................................................

If you have any difficulty understanding the information in this pack please call 020 8314 8606 and leave a message with your contact details and we will get back to you.
Consultation: Changes to Lewisham Council’s adult day service provision and associated transport

Councils across the country are having to make savings because of a reduction in funding from the Government. Lewisham Council has to make savings of £85 million over the next three years. This means reducing what the Council spends by a third – or £1 in every £3. The Council has to work within the financial constraints that this puts on it. Therefore, as part of setting its budget, the Council is considering a wide range of proposals for saving money.

This consultation is about changing the way services are provided by adult social care to give people more choice in their care, and provide those services more cost effectively. Despite the fact that adult social care is required to make significant savings of £7m in the coming year with further substantial savings in the following two years the Council remains committed to prioritising its responsibilities to meet the needs of vulnerable adults. It aims to meet these needs creatively, delivering high quality services and promoting safety even within these financial constraints. Among the proposals being considered by the Council are changes to how it delivers day services to save £1.3million.

The proposals set out in this consultation paper reflect the Council’s continuing commitment to deliver services which offer people the opportunity to choose the services which best meet their needs by using personal budgets and direct payments. Many people already have a personal budget and employ a personal assistant to support them to access a wide range of locally based community activities. Additionally, the Council works with ‘Community Connexions’ and other support planners to help people find out about what is available in or near where they live. Over the past five years the Council has worked in partnership with other organisations to provide day services for vulnerable adults. These range, from social activities such as the ‘Allsorts’ group delivered by Heart’n’Soul and ‘Meet me at the Albany’ delivered by Entelechy Arts to the supported employment services such as the ‘Pretty Little Cup Cakes’ shop and ‘M’Eating Place’ cafe managed by PLUS and Lewisham Nexus Service respectively. The Council also continues to commission building based day services for older adults from Housing 21 at Cinnamon and Cedar Courts and from Hestia at the Calabash Centre. These are just a few of the day service offers available in Lewisham.

The proposals set out in this consultation paper relate specifically to the four day centres managed by Lewisham Council – Ladywell, Mulberry, Naborhood and Leemore - and the services which take place in them. We are considering changing the way in which these services are delivered, who should deliver them, and how people might travel to them. These proposals maintain the Council’s principles of delivering services which are designed to meet peoples’ individual requirements while looking at how costs can be reduced. The changes may affect the services themselves and the transport associated with getting to one of those day centres. The proposals suggest the Council retains all four centres for day services use by sharing the buildings with other community and third sector providers. This means that service users can still have use of all of them whoever provides their day service.

This consultation is an opportunity for you to give your opinion about the proposals the Council is putting forward and tell us about any alternatives that you may wish the Council to consider recognising the financial constraints the council is working within. It is very important that we hear from you and we welcome any comments you would like to make on this subject. We have written to all service users who may be affected by these changes inviting them to complete this questionnaire.

We are inviting other local organisations, including voluntary and advocacy groups in Lewisham, to comment on these proposals.

How can I take part in the consultation

There are several ways you can respond to this consultation:

By email – you can send any views or inquiries to
dayserviceconsultation@lewisham.gov.uk
By post – please fill in the enclosed questionnaire and send it back to us in the pre-paid envelope. Alternatively you can write to Joint Commissioning, 2nd Floor, Laurence House, Catford SE6 4RU

By attending a consultation meeting – you can attend a meeting organised at one of the day centres to hear about the proposed changes and give your views direct to Council officers.

For people who attend the Lifestyles services at Leemore, Naborhood and Mulberry; their family and carers, three meetings have been organised at the Leemore Centre, 29-39 Clarendon Rise, Lewisham, SE13 5ES. The meetings will take place on:

- Monday 30th March 2015 from 2pm to 3pm
- Tuesday 14 April 2015 from 6:30pm to 7:30pm
- Thursday 07 May 2015 from 2pm to 3pm

For people who attend the Ladywell Centre; their family and carers, three meetings have been organised at the Ladywell Centre, 148 Dressington Avenue, Ladywell, SE4 1JF on:

- Wednesday 11 March 2015 from 2pm to 3pm
- Tuesday 28 April 2015 from 2pm to 3pm
- Wednesday 06 May 2015 6:30-7:30pm


As part of the consultation the Council is also arranging for people affected by the changes to visit alternative services and meet other service providers who may be able to support them. In addition to specific service visits, the Council has arranged a ‘Provider Fair’ where a range of day service providers will be available to talk to you about what you want and how they might help you. This will take place on:

24 March 2015 from 3pm to 7pm in the Council Chambers, the Civic Suite, Catford Road.

Social workers and support planners will also be working individually with service users and their families during the consultation period to talk about the individual implications of these proposals, any specific issues and preferences that may need to be considered, and to be an additional source of information and advice.

What if I need more information on the consultation?
Please call 0208 314 8606 and leave a message or email us at: dayserviceconsultation@lewisham.gov.uk

When does the consultation end?
The consultation ends on 18 May 2015 so please send us your views in time to reach us by then.

After the consultation
Once the consultation closes we will consider the responses received and a summary of the responses will be included in a report to the Mayor and Cabinet meeting in June 2015. That report may also recommend changes to the original proposals based on the findings of this consultation.
The report will ask for approval for the proposed changes to day services. People who are affected by the proposals will be supported with any changes to their service. We expect to have made any changes agreed by Mayor and Cabinet by October 2015.

Please note that the questionnaires are anonymous so we will not be able to identify you by your response.

**Part 1 – Background**

**Current day services and transport**

We have already improved our local day services by encouraging people to use personalised budgets and direct payments. This has meant that an increasing number of people are using this money to choose their own activities and create their own daily routines.

We have also helped voluntary and community sector partners to provide alternative services and activities which run within the community. These partners have developed more local opportunities in anticipation of legislative changes, specifically those found in the Care Act. Because of this work, there is less demand for services directly managed by the Council, and many of our day centre buildings are under occupied.

It has also become clear that the door2door transport service cannot adequately support the delivery of personalised support, to places and at times that suit the lifestyles of people who use our services as it is restricted to the core hours of 9am–5pm, Monday to Friday.

The Council’s recent approach to transport has focused on helping people be more independent. Using grant funding, we have increased volunteer driver schemes and expanded our community transport service. We are also taking into consideration how people have other means of transport available to them - for example, through their mobility allowance, taxi cards and bus passes. We have also focused more on teaching adults with a learning disability how to use public transport.

**Reasons for changing the day services**

The Council is currently the major provider of day services in the borough. This no longer needs to be the case because there are now enough local services and service providers to meet the needs of people who are eligible for day services. However there are a small number of people with complex care needs for whom the Council considers it should continue to provide services directly.

The fact that there is less demand for the directly-managed Council service has implications both for the buildings currently used and for transport. We could reduce the number of buildings we use. However, we are proposing that rather than close the centres, we make better use of them by sharing them with other organisations.

The use of door2door, our in-house transport provider, is shrinking. This is both because there are fewer people going to day centres for people with learning disabilities, and because people are increasingly going to other day services where we have had to look for alternative transport. All of this means that the door2door service can no longer deliver the flexibility and availability of transport for those adults who are assessed as eligible for Council funded transport in a cost-efficient way.
Part 2 – The proposals
We would like to hear your views on proposals to change how we deliver our adult day services and the transport related to them. The full paper that was presented to Mayor and Cabinet on 11 February 2015 can be found at www.lewisham.gov.uk/dayservicepaper.

We have looked at a number of options, including making no changes to the way the service is delivered currently, stopping new referrals to our services while existing service users continue to attend the centres, centralising all services into a single location, and outsourcing the service entirely.

The advantages of all of these options are:
• the continuity of care
• the perceived stability of having services provided by the Council
• they will achieve some of the potential savings.

The disadvantages are that we would:
• risk introducing inequality by dividing the service
• risk increasing safety concerns
• stifle market development which we have a duty to promote
• continue to see a downward spiral of usage and an increase in costs, and will not achieve the full savings required in the current financial climate.

The preferred option aims to strengthen the number and range of providers who deliver services locally while the Council limits its direct provision to areas where the local market is not sufficiently developed. It looks to keep the four existing centres open, with one centre being specifically for people with disabilities, while the other three are used more flexibly by offering space to other third sector providers. It also aims to deliver flexible transport to places, and at times, that better support people’s needs.

The proposed changes are outlined below:

Proposed change 1:
The Council proposes to reduce the service it directly manages to people in day centres. Only services for people with complex needs in the Intensive Support Service (ISR), the Challenging Needs Services (CNS) and the Dementia service would continue to be provided by the Council. The sheltered employment services at the centres would continue (GROW, Tuck Stop and the Naborhood café and shop).

Proposed change 2:
The Council proposes that the majority of adults with a learning disability and adults with physical disability or long term conditions will be allocated a personal budget or direct payment and helped by the Council to plan how they want their care and support to be provided in the future, including help to find a new provider(s). The council will help people to pool their budgets with their friends and buy services together. These services could continue to be delivered from the existing centres by other providers, or people can use their budget to buy services elsewhere.

Proposed change 3:
The Council proposes to move the intensive resource service (ISR) to the Ladywell Centre. A brighter building on a single level, the Ladywell Centre would be better able to support people who use wheelchairs and who need specific and complex personal care facilities.
Proposed change 4:
The Council proposes that older adults who use the service at the Ladywell day centre (excluding the specialist Dementia service) will be supported to move to other existing providers of older adult day services at other centres in the borough. Currently Housing 21 runs services for older adults at Cinnamon Court and Cedar Court while Hestia runs a service at the Calabash Centre.

Proposed change 5:
The Council proposes to commission a drop-in service for some people who currently use the day centres who need only minimal supervision and support. The intention is to commission this service at Ladywell.

Proposed change 6:
The Council proposes to change how transport is provided for people who meet eligibility for Council funded transport. The Council will continue to offer directly managed transport to older adults and also to people with a learning disability who have complex needs (i.e. ISR and CNS). Other people with a learning disability and people with physical disability who are assessed as being eligible for Council funded transport will be supported to identify other ways of having their need for transport met through offering a direct payment or personal budget to meet that need.

Proposed change 7:
The Council proposes that the Ladywell day centre will be nominated as the base centre for people with complex needs as it is on a single floor and lends itself best to use by people who use wheelchairs and have complex physical care needs. The Mulberry, Leemore and Naborhood centres which are located close to a range of community facilities and transport will become community hubs - buildings shared with charitable and voluntary community providers. To ensure that the buildings remain available for use by people with a learning disability, specific space would be allocated in each of them for day service use so that even where the providers of the service may change, people can continue to have their service delivered in a centre of their choice.

To ensure the safety and security of vulnerable adults in the community hubs protocols will be developed which clearly define the roles and responsibilities of each provider for the management of the building and/ or providing services. These protocols will be based on those already developed at the Albany Theatre, Adult Education facilities and the Calabash Centre and which work well.

Why these changes?
We believe that the proposal set out above:

- allows us to maintain the direct management of services for our most complex clients
- retains a wide range of locations for the delivery of services (four buildings rather than one) and supports people whose services are provided by a different organisation to have a choice of location.
- Makes best use of council buildings and supports a more vibrant and inclusive environment though opening them up to voluntary and community sector organisations
- Delivers a more personalised service through the increased in personal budgets and direct payments with support from the Council to plan and secure individualised activities and services
- promote an increase in the number and range of local providers, resulting in more flexibility and choice for individuals and groups of service users
would achieve the required level of savings through the delivery of high quality, responsive and personalised services.

The disadvantages are;
• Some people may prefer services totally run by the Council;
• That some people may think that direct payments are difficult to manage;
• Some service users may have to use services from different locations
• Some people may have concerns about sharing buildings with adults who are not day service users while others may have concerns about Ladywell being too segregated
• Some people will have concerns about friendship groups being maintained.

Part 3 – Consultation questions
This section asks you how you feel about the seven proposed changes we are considering. You can tell us how you feel about each change by placing a tick in the box next to the statement that best reflects your views.

As well as the seven proposed changes, there are open questions which ask you for your suggestions for alternative ways to make savings.

Are you:
(please tick all that apply)
☐ a service user
☐ a friend or family member of a service user
☐ a carer of a service user
☐ a voluntary organisation or advocate group.
☐ a Lewisham resident
☐ Other (please specify) ___________________________

If we do not make changes day services are there any other changes the Council can make to meet our saving requirements?

Please write your response below.
…………………………………………………………………………………………………………………………

Proposed change 1
The Council focuses on directly providing services and support to complex service users and will continue to support sheltered employment.
☐ Strongly agree
☐ Agree
☐ Neither agree nor disagree
☐ Disagree
☐ Strongly disagree

Proposed change 2
Service users with non-complex needs will be given a personal budget or direct payment to plan their own care and support
Proposed change 3
Move the intensive resource service (ISR) to the Ladywell Centre.

Proposed change 4
Older adults will be offered services at Cinnamon Court, Cedar Court and the Calabash Centre.

Proposed change 5
The Council will commission a drop-in service for people who need only a minimal level of supervision and support.

Proposed change 6
People assessed as needing transport will be offered a direct payment to organise their own transport.

Proposed change 7
Ladywell will be specifically for people with complex needs while the Mulberry, Leemore and Naborhood centres will become community hubs.
Are there any other ways we could change day services to contribute to our savings requirement?

Will any of these changes affect you or your family?
☑ Yes ☐ No

If so please tell us how in the space below.

If these proposals are approved, what could we do to make sure that the implementation of these proposals is managed as well, and as supportively, as possible?

Are there any other comments on the content of this consultation paper, not covered above, that you would like to make?

About you

We would like to ask a few questions about you so that we can evaluate the responses to this survey in greater detail. We want to do this so we can better understand what residents say to us, and so we can use that understanding when we make decisions.

However, you do not need to answer any of these questions. Any information that you do provide will remain strictly confidential in accordance with the Data Protection Act.

Gender
☑ Male ☐ Female ☐ Rather not say ☐ Other (please state) ☐

Age
Please select your age group
☑ 45–49 ☐ 50–54 ☐ 55–59 ☐ 60–64 ☐ 65–74 ☐ 75+
☐ Rather not say

Ethnicity
What is your ethnic group?

White
☐ English/Welsh/Scottish/Northern Irish/British
☐ Irish
☐ Gypsy or Irish Traveller
☐ Any other White background (please specify)
### Mixed/multiple ethnic groups
- White and Black Caribbean
- White and Black African
- White and Asian
- Any other mixed/multiple ethnic background (please specify)

### Asian/Asian British
- Indian
- Pakistani
- Bangladeshi
- Chinese
- Any other Asian background (please specify)

### Black/African/Caribbean/Black British
- Caribbean
- African
- Any other Black/African/Caribbean background (please specify)

### Other Ethnic Group
- Arab
- Any other ethnic group (please specify)

### Disability
Under the Equality Act 2010, a person is considered to have a disability if they have a physical or mental impairment which has a sustained and long-term adverse effect on their ability to carry out normal day-to-day activities. People with HIV, cancer and multiple sclerosis (MS) are also included.

- [ ] Yes
- [ ] No
- [ ] Rather not say

**Please state the type of impairment that applies to you.**
People may experience more than one type of impairment, in which case you may indicate more than one. If none of the categories apply, please mark 'Other' and specify the type of impairment.

- [ ] Physical impairment, such as difficulty using your arms or mobility issues which mean using a wheelchair or crutches
- [ ] Sensory impairment, such as being blind/having a serious visual impairment or being deaf/having a serious hearing impairment
- [ ] Other

☐ Mental health condition, such as depression or schizophrenia
☐ Learning disability/difficulty, such as Down’s syndrome or dyslexia or cognitive impairment, such as autistic spectrum disorder
☐ Long-standing illness or health condition such as cancer, HIV, diabetes, chronic heart disease or epilepsy
☐ Other (please specify)………………………………………………..

Sexual orientation
How would you define your sexual orientation?
☐ Straight/heterosexual ☐ Gay/lesbian ☐ Bisexual
☐ Other (please specify)…………………………………… ☐ Rather not say

Religion/belief
What is your religious belief?
☐ None ☐ Christian (all denominations)
☐ Buddhist ☐ Hindu
☐ Jewish ☐ Muslim
☐ Sikh ☐ Any other religion/belief (please specify)……………………………………
☐ Rather not say

Please put your finished questionnaire in the pre-paid envelope and post it to us in time for it to arrive by 18 May 2015.

Thank you for giving us your views. The results of this public consultation are expected June 2015 and will be available on our website or by emailing a request to dayserviceconsultation@lewisham.gov.uk
Appendix 2 – Picture Symbol consultation questionnaire

How your day service may change

This letter is from Lewisham Council.

Lewisham Council is thinking about making changes to your day service.
Lewisham council is thinking about making changes to your transport to and from the day centre.

Lewisham council have to make these changes to save a lot of money.

Lewisham council want to know what you think about the ways your day service could change.

1

This is the 1st way your day service could change.

Lewisham council will stop running some of the day services.

Day service

Lewisham council will only run day services for people who need a lot of help.

Day service
If you have a job at your day centre the Council will help you keep that job at the day centre.

Please mark one box below to tell us what you think of this change.

<table>
<thead>
<tr>
<th>I agree</th>
<th>I don’t know</th>
<th>I don’t agree</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image1.png" alt="Image" /></td>
<td><img src="image2.png" alt="Image" /></td>
<td><img src="image3.png" alt="Image" /></td>
</tr>
</tbody>
</table>

This is the 2nd way your day service could change.

If you don’t need lots of help you will be given some money to pay for a day service.

This is called direct payments or a personal budget.

You can use your direct payments to pay for a day service.
You would be given help to find the day service that you want.

Please mark one box below to tell us what you think of this change.

<table>
<thead>
<tr>
<th>I agree</th>
<th>I don't know</th>
<th>I don't agree</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image1.png" alt="Image" /></td>
<td><img src="image2.png" alt="Image" /></td>
<td><img src="image3.png" alt="Image" /></td>
</tr>
</tbody>
</table>

This is the 3rd way your day service could change.

The ISR group is for people who need more help.

This is at Leemore day centre now.

The Council thinks that the ISR group would move to the Ladywell day centre.
Please mark one box below to tell us what you think of this change.

<table>
<thead>
<tr>
<th>I agree</th>
<th>I don't know</th>
<th>I don't agree</th>
</tr>
</thead>
</table>

This is the 4th way your day service could change.

Some older people use Ladywell day centre at the moment.

Some of these older people will be offered a different day centre to go to.

Some of the older people who need lots of help will keep using Ladywell day centre.
Please mark one box below to tell us what you think of this change.

I agree  I don’t know  I don’t agree

This is the 5th way your day service could change.

Lewisham council will pay for a day service that you can come to just for some groups.

This day service would be for people who need less help.
This day service would be at the Ladywell day centre.

Please mark one box below to tell us what you think of this change.

<table>
<thead>
<tr>
<th>I agree</th>
<th>I don't know</th>
<th>I don't agree</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image1" alt="I agree" /></td>
<td><img src="image2" alt="I don't know" /></td>
<td><img src="image3" alt="I don't agree" /></td>
</tr>
</tbody>
</table>

People who need lots of help will carry on getting transport from Lewisham Council.

The council thinks that other people who need transport can be given direct payments.

The direct payments can be used to pay for different transport.
This day service would be at the Ladywell day centre.

Please mark one box below to tell us what you think of this change.

<table>
<thead>
<tr>
<th>I agree</th>
<th>I don’t know</th>
<th>I don’t agree</th>
</tr>
</thead>
</table>

This is the 7th way your day service could change.

Ladywell day centre will be for people who need a lot of help.

The other day centres in Lewisham will be shared by different people and groups.

People with learning disabilities will still be able to come and use some of the rooms in the other day centres.
Please mark one box below to tell us what you think of this change.

<table>
<thead>
<tr>
<th>I agree</th>
<th>I don't know</th>
<th>I don't agree</th>
</tr>
</thead>
</table>

Other things that I want to say about these ideas for my day services.

Thank you for your answers
Appendix 3: Consultation Response & Graphs

Response Analysis

This appendix contains the response to the consultation in graphs. There are two graphs for each proposed change outline in the consultation, the first illustrates the responses made to the standard questionnaire which was sent to services users with the intellectual capacity to understand it; and all the families and carers of service uses. The second graph represents the responses to the picture symbol questionnaire which was sent to service users who would have difficulty understanding the standard questionnaire.

Overall the response indicates that service users, their carers and families disagree with the proposals offered by the Council for the remodelling of day services. Looking specifically at the analysis of the responses, there are some areas which would suggest that there is some support for the direction the Council is taking, and that some of the responses are highlight specific concerns with aspects of the proposals.

Although the majority of people disagreed with the proposal that the Council only retain direct management of services for people with complex needs in ISR, CNS and Dementia, this proposal showed the highest support from all the respondents for all of the proposals. Nearly half of the respondents to the standard questionnaire and 20% of those who responded to the picture symbol questionnaire were in favour of this proposal. Despite this support the second part of the proposal, that people in the Lifestyles service are given a Direct Payment or Personal Budget and helped to manage their own care, attracted significantly less support. Nearly 80% of respondents across both questionnaires were not in favour of this option.

This suggests that there is a concern amongst service users and carers about the process of Direct Payments and Personal Budgets, which is supported in the comments accompanying the questionnaires and feedback from meetings held during the consultation. A number of people related negative experiences of Direct Payments and Personal Budgets; and it is difficult to determine how much of the negative response to this proposal is as a direct consequence of this belief about Direct Payments and how much is because of the proposal itself.

There was also some support amongst carers and families for the proposal that the ISR move from its current location in Leemore, and relocate to Ladywell. A much lower number of services users, 11% as opposed to 23%, agreed with this proposal. The associated comments would suggest that service users are more concerned with the perceived isolated location of Ladywell and a general desire to keep their current service provision. While the Council recognises that people with a learning disability can be significantly effected by changes in their life and that moving this provision would represent such a change, it also understands that Ladywell offers an opportunity to develop the current ISR and manage the service more effectively from a single location.
While most people disagreed with the proposal to move older people to other providers on the day services framework, the overall number of people who disagreed were lower than the other proposals. This might be as a consequence of the smaller number of service users who were effected by this proposal in comparison to the number of people with learning disabilities. Similarly this proposal had the highest number of people who neither agreed or disagreed; or left the response blank. Of interest is the fact that a number of people who responded to the picture symbol questionnaire did not agree with this proposal, yet they would not have been effected by its outcome. This would suggest a trend where people who responded to the questionnaire might tend to disagree with all of the proposals irrespective of their actual, personal effect.

There was some approval amongst service users for the development of a drop-in by the Council to help people who would otherwise not have any support. This had the highest rate of support from service users, with 22% agreeing with the proposal and the lowest rate of disagreement. Conversely this view was not shared by carers and families, of whom only 15% supported this proposal and 68% were against it. Comments would suggest that carers and families were unclear about the purpose of the drop-in and were concerned that it would be unsuitable for the people they cared for. During the pre-consultation briefing some carers and family members suggested that the drop-in would be a developed as means to remove people from day care, instead of it being commissioned to provide help for people who may not meet the eligibility criteria for support from Adult Social Care.

The most negative response was for the proposal to only provide Door2Door transport for people with complex needs, while people in the Lifestyles services would be supported with a Direct Payment. 82% of respondents to the standard questionnaire and 65% of the picture symbol version were apposed to the proposal, but there are slightly more service users who agree with the proposal than those of carers and families. This might suggest that it is the cares and families of service users who will be more effected by this than the service users themselves.

The final proposal to share the centres with other members of the community were disagreed on by both people who responded to the picture symbol and standard questionnaire. Most of the comments highlight the concerns people have with the vision for the centres, with a specific focus on how the Council will ensure the safety and wellbeing of the vulnerable service users. There was also a concern that people with learning disabilities would end up being marginalised in the centres as the focus would be on providing support for the wider community.
Proposal 1: Lewisham Council will only directly manage services for people with complex needs in ISR, CNS and Dementia services

**Figure 1a:** Standard Responses (base 66)

**Figure 1b:** Easy Read (base 55)
Proposal 2: The majority of adults with a learning disability and adults with physical disability or long term conditions will be allocated a personal budget or direct payment and helped to plan their support.

Figure 2a: Standard Responses (base 66)

Figure 2b: Easy Read (base 55)
Proposal 3: The ISR group would move to the Ladywell site

Figure 3a: Standard Responses (base 66)

Figure 3b: Easy Read (base 55)
Proposition 4: Older people will move from the Ladywell site and be offered alternative support with other existing providers of day services

![Diagram showing responses to Proposition 4]

**Figure 4a:** Standard Responses (base 66)

**Figure 4b:** Easy Read (base 55)
Proposal 5: The Council will develop a drop-in service at Ladywell to support some groups of people who would have no other service

Figure 5a: Standard Responses (base 66)

Figure 5b: Easy Read (base 55)
Proposal 6: People The Council will continue to provide Door2Door for people at ISR, CNS and Dementia. Other people who are eligible for support with transport can be given direct payments.

Figure 6a: Standard Responses (base 66)

Figure 6b: Easy Read (base 55)
Proposal 7: Ladywell will be the designated centre for people with complex needs. Mulberry, Leemore and Naborhood will become “community hubs” and be shared by different people and groups.

Figure 7a: Standard Responses (base 66)

Figure 7b: Easy Read (base 55)
## Appendix 4: Chronology of Consultation and Correspondence

### Consultation Chronology

<table>
<thead>
<tr>
<th>Date</th>
<th>Type of meeting</th>
<th>Description</th>
<th>Approximate attending (all)</th>
<th>Carers attending (approx.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>14/01/2015</td>
<td>Event</td>
<td>Healthier Communities Select Committee</td>
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<td>N/A</td>
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<tr>
<td>14/01/2015</td>
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<td>Staff</td>
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<td>Pensioner Forum</td>
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<td>N/A</td>
</tr>
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<td>Service users</td>
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</tr>
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<td>N/A</td>
</tr>
<tr>
<td>30/01/2015</td>
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<td>Dementia service users &amp; carers</td>
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<td>N/A</td>
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<tr>
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<td>Public consultation meeting</td>
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<td>09/07/2015</td>
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<td>------------</td>
<td>--------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>02/03/2015</td>
<td>Email</td>
<td>Service user A’s sister emailed a complaint that the consultation questionnaire had been sent to her brother who does not have the capacity to understand it, yet she had yet to receive anything and did not feel able to help him complete the questions. She also raised concerns at the radical changes to day centres and the loss of staff who have supported her and her brother without whom she did not feel able to continue looking after her brother. She was also concerned that service user meetings were held without informing carers and she would not know what was discussed with them. The Council’s response was to thank her for her email and inform the her that a consultation paper and questionnaire had been sent to all carers to complete. The dates of the service user meetings were in that letter together with invites to meetings organised for carers.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>03/03/2015</td>
<td>Telephone</td>
<td>The daughter of Ladywell Dementia service user C telephoned about her mother’s ability to complete the consultation form. She stated that transport was very important and she was grateful for the support and her mother receives at Ladywell. The Council responded by thanking the lady for her call, suggesting support she could access in order to help her complete the form; and noting her comments.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>05/03/2015</td>
<td>Letter</td>
<td>Letter to the Mayor’s Office from the sister of service user A about her concerns regarding the proposed changes to day centres and the lack of communication from the Council to carers about the consultation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19/03/2015</td>
<td>Email</td>
<td>Leemore Service User A’s sister asked for the financial figures and details for option 3 in the consultation paper, as well as a breakdown of the transport costs for the day centres and evening clubs. The Council responded that Option 3 was not considered due to previous feedback from service user and the risks associated with merging services into a single centre. The figures for transport were already outlined in the paper which went to the Mayor and Cabinet meeting in February which was publically available.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23/03/2015</td>
<td>Telephone x3</td>
<td>Telephone calls from Naborhood service user E’s mother, Leemore service user F’s sister, Ladywell service user G’s sister and two unknown carers asking for clarification on the Provider Fair which took place on 24 March 2015. The carers complained that there wasn’t enough time to attend the fair as they hadn’t realised the date of it was in the consultation paper sent previously. It was agreed to send out information from the first fair to them and look into the possibility of organising another.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>08/04/2015</td>
<td>Letter</td>
<td>Letter received during the service users meetings with questions from the service users. These were responded to at the end of the meeting.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>09/04/2015</td>
<td>Letter</td>
<td>Service user B wrote of his concern that changes to Day Services would have a negative impact on his friends and family, including the transport to the evening clubs. The Council responded by saying it would work with the service users and his friends to find suitable alternatives they might like to participate in together.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Type</td>
<td>Description</td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td>--------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17/04/2015</td>
<td>Letter</td>
<td>Letter from Lewisham Speaking Up regarding engagement they undertook about the proposed changes with Day Centre service users and their feedback. There was a mix of service users who liked the Day Centres, the support they got their and the friends they made, but others found it too limiting and wanted more choice. Overall LSU supported making day centres part of the wider community, suggesting good support will be required throughout the changes. Given the options available LSU agreed that Option 5 in the proposals offered the most sensible way of changing the service, though asked the Council to consider alternative to changing services supporting vulnerable people. LSU were also happy to be involved in the design of the drop in as an important means of ensuring some people retain support. The proposed changes to transport were of concern to LSU as a number of people rely on the service to get to activities with friendship groups. They suggest that more support be given to people in this area in order to help them find alternatives.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20/04/2015</td>
<td>Letter</td>
<td>Letter from Lewisham Speaking Up containing feedback and ideas for the drop-in service coproduced with the Members of their Parliament and people using day services.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>29/04/2015</td>
<td>Letter</td>
<td>Letter from the Trustees of Lewisham Speaking Up outlining their response to the proposals contained in the consultation. While they supported the proposals offered people more choice and opportunity, they were concerned about the impact stopping the evening club transport would have on people.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30/04/2015</td>
<td>Email</td>
<td>Response from Leemore service user A’s sister repeating her request for more information on Option 3 in the consultation paper and a more detailed breakdown of the transport. The reply was that we would not respond to individual request at this time but would include the information in a letter to all people involved at the end of the consultation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>06/05/2015</td>
<td>Letter</td>
<td>Letter received during the service users meetings with questions from the service users. These were responded to at the end of the meeting.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12/05/2015</td>
<td>Email</td>
<td>Email from Bromley and Lewisham MIND responding to the proposed changes to Day Services and agreed that the local market was well placed to help deliver services. They agreed that the proposals offered people greater choice and personal control over their care and support. They also felt that there was well developed market able to support people with more complex needs contrary to the suggestion in the consultation paper and recommendations to Mayor and Cabinet. As such they supported the forth proposal in the Mayor and Cabinet paper, to consider outsourcing Day Services entirely.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15/05/2015</td>
<td>Email</td>
<td>The GSTT Health Team wrote to support the move of the ISR service to Ladywell, as well as offering to provide guidance and support regarding the design of the building and the needs of the individuals.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15/05/2015</td>
<td>Email</td>
<td>Email from service user A asking for a response to her email of the 30/04/15. The Council responded by thanking her for her patience while a answer to her questions was being drafted.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Type</td>
<td>Description</td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td>---------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15/05/2015</td>
<td>Telephone</td>
<td>Telephone call to the Assessment Team from a carer regarding Direct Payments for her husband.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17/05/2015</td>
<td>Email</td>
<td>An email from Sydenham Arts Society offering to work with local voluntary groups, enterprises and the Council on the long-term use of the Sydenham Centre to benefit the wider community as well as existing service users.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18/05/2015</td>
<td>Email</td>
<td>An email from the mother of Leemore service user D outlining her concerns that rather than cut services wastage in government spending should be targeted. She also praised the service and staff and Leemore for the support they have given her daughter; and was worried that these changes would split up her friends. Her other concern was that by making Leemore open to the public the needs of other members of the community were more important than those of the service users.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18/05/2015</td>
<td>Email</td>
<td>Leemore service user A’s sister raised concerns that she had not received a date for the assessment of her brother, and that he had not, as far as she was aware, been to visits any alternative services. She feels that not being informed of the visits and the service user specific meetings brought the Councils motives into question.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18/05/2015</td>
<td>Telephone</td>
<td>Telephone call to the Assessment Team from a carer stating concerns over using Direct Payments.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22/06/2015</td>
<td>Letter</td>
<td>Letter from a parent and carers group expressing their support for the current day service and staff. They also raised concerns with all of the proposals in the consultation: that the transport will not be safe, that the ISR move will isolate service users; that the Ladywell centre is too inaccessible for the drop-in; and that people will be more vulnerable under these proposals.</td>
<td></td>
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</tr>
</tbody>
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## Appendix 5: Day Service usage

<table>
<thead>
<tr>
<th>Centre</th>
<th>5 days</th>
<th>4 days</th>
<th>3 days</th>
<th>2 days</th>
<th>1 day</th>
<th>Total days</th>
<th>Total users</th>
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</thead>
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<tr>
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<td>6</td>
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<td>9</td>
<td>7</td>
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### Day Services Usage - Under 65

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<th>1 day</th>
<th>Total days</th>
<th>Total users</th>
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</thead>
<tbody>
<tr>
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<td>0</td>
<td>0</td>
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<td>4</td>
</tr>
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<td>0</td>
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<td>5</td>
<td>1</td>
</tr>
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<td>6</td>
<td>14</td>
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</tr>
<tr>
<td>Cedar Court</td>
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<td>3</td>
<td>22</td>
<td>14</td>
<td>92</td>
<td>46</td>
</tr>
<tr>
<td>Calabash</td>
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<td>3</td>
<td>8</td>
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<td>6</td>
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### Day Services Usage - over 65

<table>
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<th>Centre</th>
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<th>3 days</th>
<th>2 days</th>
<th>1 day</th>
<th>Total days</th>
<th>Total users</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ladywell dementia</td>
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<td>Ladywell Older adults</td>
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<td>6</td>
<td>18</td>
<td>9</td>
<td>63</td>
<td>33</td>
</tr>
<tr>
<td>Mulberry General</td>
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<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>1</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Cinnamon Court</td>
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<td>0</td>
<td>6</td>
<td>14</td>
<td>10</td>
<td>66</td>
<td>32</td>
</tr>
<tr>
<td>Cedar Court</td>
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<td>0</td>
<td>3</td>
<td>22</td>
<td>14</td>
<td>92</td>
<td>46</td>
</tr>
<tr>
<td>Calabash</td>
<td>5</td>
<td>3</td>
<td>8</td>
<td>19</td>
<td>6</td>
<td>112</td>
<td>44</td>
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</table>
# Appendix 6: Breakdown of service and related transport costs

<table>
<thead>
<tr>
<th>Day Centre</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ladywell Day Centre</td>
<td>£510,500.00</td>
</tr>
<tr>
<td>Ladywell Dementia Services</td>
<td>£234,900.00</td>
</tr>
<tr>
<td>Leemore Day Centre</td>
<td>£453,700.00</td>
</tr>
<tr>
<td>Mulberry Day Centre</td>
<td>£414,000.00</td>
</tr>
<tr>
<td>Naborhood Day Centre</td>
<td>£355,700.00</td>
</tr>
<tr>
<td>Day Opportunities Business Support</td>
<td>£198,800.00</td>
</tr>
<tr>
<td>Lifestyles Admin</td>
<td>£46,600.00</td>
</tr>
<tr>
<td>Lifestyle Intensive Support Resource</td>
<td>£402,000.00</td>
</tr>
<tr>
<td>Lifestyles Challenging Needs Service</td>
<td>£790,100.00</td>
</tr>
<tr>
<td>All Change Project</td>
<td>£15,100.00</td>
</tr>
<tr>
<td>Calabash Day Centre</td>
<td>£309,400.00</td>
</tr>
<tr>
<td>Cedar Court</td>
<td>£304,300.00</td>
</tr>
<tr>
<td>Cinnamon Court</td>
<td>£189,300.00</td>
</tr>
<tr>
<td>Mental Health COS Teams</td>
<td>£729,700.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>£4,954,100.00</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Day Centre Transport</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shared D2D routes</td>
<td>£1,331,700</td>
</tr>
<tr>
<td>Social Care D2D routes</td>
<td>£1,026,600</td>
</tr>
<tr>
<td>Evening Club</td>
<td>£85,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>£2,443,300</strong></td>
</tr>
</tbody>
</table>

Day service and Transport budget breakdown
## Appendix 7: Council directly managed service establishment

<table>
<thead>
<tr>
<th>Post Title</th>
<th>Number of Posts</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Service Manager</td>
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<td>1</td>
</tr>
<tr>
<td>Day Service Managers</td>
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<td>4</td>
</tr>
<tr>
<td>Team Leader</td>
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<td>1</td>
</tr>
<tr>
<td>Business Support Team Leader</td>
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<td>1</td>
</tr>
<tr>
<td>Business Support</td>
<td>5</td>
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<tr>
<td>Day Service Coordinators</td>
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<td>7</td>
</tr>
<tr>
<td>Day Services Officer</td>
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<tr>
<td>Day Service Support Worker</td>
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<td>Activity Specialist</td>
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<tr>
<td>Caretaker</td>
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</tr>
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<td>Kitchen Assistant</td>
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<td>0.8</td>
</tr>
<tr>
<td>Day Service Support Worker apprentices</td>
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<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>99</strong></td>
<td><strong>92.1</strong></td>
</tr>
</tbody>
</table>

Day Services staffing
Appendix 8: Door2Door Transport information

Total Door2Door service users

<table>
<thead>
<tr>
<th>Establishment</th>
<th>Number of buses</th>
<th>Service Users</th>
<th>Days Attending</th>
<th>Cost</th>
</tr>
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<tbody>
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<td>Leemore</td>
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<td>146</td>
<td>£355K</td>
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<tr>
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Dedicated ASC Door2Door routes
Appendix 9: Summary of Social Care Assessments

The people in the ISR who have been assessed have been positive for the move to Ladywell, with comments that the building is nicer and the location is good. Some families were concerned about how the change will upset the person, how they will adapt to change and settle into a new environment. Staff have recognised that this anxiety is also linked to potential changes in the person’s key worker and uncertainty around staffing that the proposed move will mean.

Service users and families of people with learning disabilities who attend Leemore, Mulberry or Naborhood have raised concerns that the day service will stop supporting people, and that this will have a significant impact on the life of the person. Similarly people thought that they would have to give up work to support their family member or that their support would be reduced. Social Workers have worked with service users and families to allay those fears and reassure people that support will continue with another provider. People have been happy with the process once they have had the opportunity to go over it in detail and on a personal level with the Social Worker and Support Planner. People were also concerned about transport, travel training; and what the implications of that might be. The assessments have gone over this process in details to help people to understand and more work is being undertaken to identify transport options for people.

One key area which has come up in a number of assessments, and repeated during the consultation was people’s attachment to their friends and the concern that changes to the service will isolate people from these groups. Specific work has been done to allow people to choose service providers as part of a friendship group. For older adults people have already been to see the centres in a group with their friends and have arranged where they are going with them. Work with people with learning disabilities has identified that friendship groups are not exclusive to activities and people have friendship ties across the day centres they attend. This has been used to inform the support planning process and help officers plan accordingly.

Overall people have been reassured by the individual meetings with Social Care as part of the assessment process. During the meetings some people raised issues which has been misunderstood or communicated incorrectly from the consultation meetings; and staff have taken the opportunity to reassure the service users and their families. For example some people who attended the ISR were concerned about the changes to transport, even though this proposal would not affect them. The staff have been available to support people and give them the right information, as well as provide them with specific and individual details of the process as it effects them.
Appendix 10: Community Hub Floor Plans

Leemore Day Centre

Mulberry Day Centre

Learning Disability Area

Commons Area
## Appendix 11: Implementation Timescale

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**Naborhood**

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Appendix 12 – Equalities Analysis Assessment

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<td>Heather Hughes</td>
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1. Background

This document is the Equalities Analysis Assessment for the proposed recommendations of the remodeling of day services and associated transport. It considers how the recommendations made might affect different service users and assesses whether these effects are positive or negative. It also outlines the activity that the Council will take to ensure that equal opportunities are promoted and that no group is disproportionately discriminated against.

2. Day Services

Adult Social Care currently runs day services to support a number of people with physical and learning disabilities in four main centres across the borough, Ladywell, Leemore, Mulberry and the Neighborhood Centre in Sydenham. There are five key groups of people who are supported in these centres:

- the Intensive Support Resource and Challenge Needs Services who support people with more complex and challenging learning and physical disabilities in Leemore and Mulberry respectively;
- the Lifestyles Service provides support for people with a learning disability in Leemore, Mulberry Neighborhood and Ladywell;
- the Older Adults in Ladywell
- people with long term physical disabilities in Ladywell
- support for a small number of people with learning disabilities are supported in Ladywell

People in Dementia Service also attend Ladywell, but the suggested recommendations do not effect them in the same way, as the service will remain in Ladywell where there is a specific area to support their specialist needs.
In addition to the in-house service there are a number of voluntary sector organisations who also provide a range of services and activates for the same groups of services users in other locations across the borough.

Over the last five years Adult Social Care has been working to make services more individualized for people, as part of the Government’s policy to improve personalisation and choice in Health and Social Care. During this time the number of people using the Council's day services has significantly reduced as people have opted to take choose the services they want by using a Direct Payment or Personal Budget. As such there has been an increase in the number of people using of other providers offering alternative services and a broad range of activities. The Council has taken this opportunity to review its Day Services with a aim of remodeling the in-house provision and expand the programme of Direct Payments and Personal Budgets.

In addition to giving people more choice in the care and support they receive the Care Act places a duty on local authorities to develop the local care market providing care and support services to people. These recommendations has built upon this policy as the core of its delivery model, engaging with the local voluntary and community sector organisations and service users to co-produce specifications for new services. Social Care has also supported people with individual assessments to identify their needs and the service services available to support them.

The Council is also facing the need to make significant savings across all areas of delivery over the next three years. Adult Social Care has identified that by increasing the support and care provided by the voluntary and community sector significant efficiencies and savings can be achieved. Adult Social Care has identified that £1.3m can be achieved by developing and more effectively utilising existing provisions and activities available in the community.

In response to the need to review Day Services the Council undertook a public consultation with service users, their family and carers. In light of the recommended changes to the way Day Services are delivered an in-depth Equality Analysis was needed. This will allow the impact on protected characteristics to be assessed in the light of the above changes, with particular consideration of the impact on people with physical and learning disabilities.

The consultation on the proposed remodelling of day services is based around seven core changes outlined below.

**Proposed change 1:**
The Council will only directly manage services for people with complex needs in the Intensive Support Service (ISR), the Challenging Needs Services (CNS) and the Dementia service.

**Proposed change 2:**
For adults receiving day support not in CNS, ISR or Dementia, the Council proposes that people will be allocated a personal budget or direct payment. Helped will be provided by the Council to plan how people want their care and support to be provided in the future, including help to find a new providers.

**Proposed change 3:**
The Council proposes to move the Intensive Support Resource (ISR) from Leemore to the Ladywell Centre.

**Proposed change 4:**
Older adults currently using the Ladywell day centre (excluding the specialist Dementia service) will be supported to move to day services with existing alternative providers.

**Proposed change 5:**
The Council proposes to commission a drop-in service for some people who currently use the day centres who need only minimal supervision and support. The intention is to commission this service at Ladywell.

**Proposed change 6:**
The Council proposes to continue providing Door2Door transport to older adults and people with a learning disability who have complex needs (i.e. Dementia, ISR and CNS). Other service users who are eligible for Council transport will have their needs met through a direct payment.

**Proposed change 7:**
The Council proposes that the Mulberry, Leemore and Naborhood centres will be developed as Community Hubs - buildings shared with charitable and voluntary community providers. Specific space would be allocated for people with a learning disability in each of hubs so that people can continue to have their service delivered in a centre of their choice.

### 3. Equalities Context

Public bodies such as local authorities are legally required to consider the three aims of the Public Sector Equality Duty (set out in the Equality Act 2010) and document their thinking as part of any decision-making processes. The Act sets out that public bodies must have due regard to the need to:
• eliminate unlawful discrimination, harassment and victimisation;

• advance equality of opportunity between people who share a protected characteristic and those who do not share that characteristic; and

• foster good relationships between those who share a protected characteristic and those who do not share that characteristic.

The following equalities characteristics are ‘protected’ from unlawful discrimination in service provision under the Equality Act 2010: age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion and belief; gender; and sexual orientation.

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

The Human Rights Act came into effect in the UK in October 2000. It means that people in the UK can take cases about their human rights as defined in the European convention on Human Rights to a UK court. At least 11 Articles of the European Convention on Human Rights have implications for the provision of public services and functions. This EIA assesses whether the proposed recommendations are in line with duties established by this Act.

Against the backdrop of the of the Equality Act 2010, Lewisham’s Comprehensive Equalities Scheme (CES) was developed and agreed by the Mayor in 2012. The CES is the council’s overarching equalities vision statement. It specifically describes how the Public Sector Equality Duty will be addressed through five overarching objectives:
• tackling victimisation discrimination and harassment
• closing the gap in outcomes for citizens
• improving access to services
• improving mutual understanding and respect
• improving participation and engagement

4. Equalities Assessment of Adult Social Care Day Services

4.1 Age

Age refers to a person belonging to a particular age or age range. As an employer and a provider of services the Council is required to ensure that it
does not unlawfully discriminate against a person on account of their age. A summary of data on age is set out in the box below.

Data summary for age:

- according to the 2011 Census some 70,100 Lewisham residents are aged between 0-19 (25% of the population), whilst some 179,800 residents are aged between 20-64 (65% of the population). By contrast there are some 26,200 older people aged 65 and over (9.5%).

- according to the 2013 Sub National Population Projections by 2021 the number of Lewisham residents aged 0-19 is expected to rise to 79,570 (25% of the population), whilst the number of people aged 20-64 is expected to reach 208,190 (65% of the population). By contrast the number of people aged 65 and older is expected to increase to 30,570 (10% of the population).

- according to the Adult Social Care 2014 RAP return for Lewisham, 40% of service users are in the 18-64 age category with those over 65 accounting for 60%.

Analysis of the recommendations’ impact on the protected characteristic of age w consider the effect on the older population, who are aged 65 and over and will be directly affected by proposal four; and younger adult population, aged between 18 to 64 years old who will be effected by the proposed ISR move to Ladywell and the changes to the provisions for people with learning disabilities in day centres.

Overall 70% of people affected by the proposals are in the younger adult category aged between 18-64. Of the 28% over 65, those aged between 75-94 account for 20% of older people. The population of people receiving support from Social Care is significantly different from the rest of the population, with a larger proportion of older people getting support. While 9.5% of the population is over 65, compared to 60% of those receiving support.

4.2 Older People (65 and Over)

The recommendations to Mayor and Cabinet include moving the older adults currently in Ladywell to existing providers in Lewisham. As this is a service specifically for older adults of the 24 people in this service all of them are over 65; 66% are between 65-84 while 8 people are over 85. Therefore any changes to this service will have a significantly disproportionate impact on older people.

Mitigation
The recommendation is to change the nature of the provision rather than remove the service, offering older people the opportunity to attend one of the other day centres run by Housing 21 in Cedar and Cinnamon Courts; and Hestia in the Calabash centre. These centres already provide support for a number of older adults and have experience of supporting a wide range of needs. In addition they offer a broad range of activities for people to participate, from art and gardening to bingo and dances.

Also to note is that the location of the services at the north, south and centre of the borough means that people may be closer to these centres than the current provision in Ladywell, having the potential to reduce the time taken to travel to the centres.

As part of the consultation process older adults were given the opportunity to visit the centres to meet staff and other service users. Staff from the current provision were on hand to help support people, as were members of staff from the centres. As a consequence of these visits some service user have already requested a transfer to the alternative providers, which has been agreed; with others are asking to move as soon as is feasible.

4.3 Younger Adults (18-64)

The recommendations relating to the councils directly managed services for people with learning and physical disabilities directly affects younger adults attending Sydenham, Leemore, Mulberry and Ladywell. The recommendations involve the Council continuing to provide a directly managed service only for people with complex needs; and the transport associated with attending the day services. Other people will be offered a direct payment and support to find alternative providers.

With the exception of two people the Life Styles day service, all the service users affected by these proposals are younger adults between 18 and 64, of which 63% are aged between 23 and 44. It is there suggested that these proposals will have a disproportionate affect on younger adults as they are the main users of this service.

Mitigation

The recommendations do not suggest removing peoples’ services, instead people will be helped to use a direct payment or personal budget in order to utilise one of the other providers supporting people with learning disabilities. As such there will still be a service provision for people to attend during the day, though the organisation who will be providing that support will change as part of the proposal. Officers recognise that continuity is important for these
people, and so they will have the option of remaining in their current day centre, re-branded as a Community Hub and offering a range of services for people with a learning disability as well as activities for the wider community which they can participate in.

Transport to these activities can be provided by a range of other providers. The Council has worked closely with third sector partners and other organisations to offer a range of alternative options. These include but limited to the Access Lewisham volunteer driving scheme, local taxi services already supporting people with a learning disability and Dial-a-Ride. These offer a cost effective and safe way for people to travel around the borough to attend activities.

Similarly, the move of the ISR from Leemore to Ladywell recommends the service is retained but delivered from another location. This will consolidate the support for people with additional support needs in a single, appropriate location. Work has been undertaken with the ISR service users, who have been supported to visit the new centre and understand the implications of the move. Feedback has been that people are mostly happy with the change in location, the site being better suited for service users, but are understandably concerned about the process of change and how changes in staff might affect them. Transition planning will ensure that people are helped with any changes which will take place with service users to help manage their anxiety.

The CNS service will remain in Mulberry as this site has been developed specifically with those services users in mind, and to consolidate all of the people with complex support needs in a single centre presents a number of risks.

As a consequence of the number and range of alternative provisions in place so support people; and the assessments which have been undertaken to identify individual needs and appropriate services; the EAA suggests that the proposed changes will not disproportionally impact people according to their age.

4.4 Disability

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person’s ability to carry out normal day-to-day activities. ‘Substantial’ is more than minor or trivial e.g. it takes longer than it usually would to complete an everyday action such as getting dressed, whilst a ‘long-term’ condition means 12 months or more. Progressive conditions can also be classed as disabilities; these are conditions that get worse over time like HIV or cancer. It should also be noted that a number of older residents are likely to be eligible for disability-specific
provision, for examples for services supporting dementia or individuals who are physically incapacitated. A summary of data on disability is set out in the box below.

**Data summary for disability**

According to the 2011 Census:

- 7.1% (19,523) Lewisham residents indicated that their day-to-day activities were limited a lot, and 7.3% (20,212) indicated that their day-to-day activities were limited a little;

- 5.3% (14,318) Lewisham residents indicated that they are in bad health or very bad health;

- 8.1% (22,521) Lewisham residents provide some form of unpaid care. Over 5,000 Lewisham residents provide 50+ hours of unpaid care per week.

Service users affected by the proposals will have a some form of disability as they are currently being supported by Adult Social Care. The Care Act 2014 defines a person as being eligible for care and support if they are unable to achieve daily activities which will significantly impact on their well-being. Day services specifically support people with physical and learning disabilities. As a consequence the proposed changes will significantly impact people with a disability.

**Mitigation**

A programme of assessments have been undertaken with people impacted by the proposed changes to identify their specific individual needs. Once the proposals have been agreed these assessments will be used by support planners working in conjunction with service users to identify suitable activities provided by existing providers and community organisations.

Officers have also recognised the importance of friendship groups amongst the people who are using day services and have worked to provide services which maintain and develop existing social ties. In addition to providing support for people who are eligible, officers have developed a supplementary offer for people who fall below this criteria. Proposal 5 recommends the development of supplementary support, called “A Place to Meet…” to mitigate any potential loss of service for people who would otherwise not be eligible for Council funded Social Care. The provision would support people who require some minimal support and encourage a healthy lifestyle, providing a safe environment for people to meet up and enjoy activities.
The proposal to develop the current centres into Community Hubs will provide activities aimed at wider community, which service users will be able to participate in, as part of the drive to support people with learning disabilities to engage more with the broader local community. The programmes funded under the main grants programme will have to ensure their services are accessible to people with disabilities, so those with disabilities should be able to access a range of services recommended under the main grants programme. In this respect this group should not be disproportionately affected in comparison to other groups.

Overall the current delivery model for services aimed at people with learning disabilities will change, however we believe that the range of opportunities available from the community and voluntary sector helps mitigate this and as a consequence people with a disability will not be disproportionately affected by the recommendations.

4.5 Gender

Gender has the meaning usually given to it and refers to whether a person is a man or a woman. A summary of data on gender is set out in the box below.

**Data summary for gender**

- according to the 2011 Census there are 135,000 males living in Lewisham and 140,900 females;
- however, by 2030 it is forecast that the number of males would have surpassed that of females (158, 500 men to 157,100 women);
- according to the 2014 RAP return within social care overall there are more female service users than males, especially within the older adults age range. In the 18-64 age range 46% of service users are female, compared with 66% in the 65+ age range
- the spilt between genders in day services is closer to the rest of social care, 53% of service users being male to 47% who are female.

None of the services outlined in the recommendations are gender specific and overall there is an almost even split between genders, 47% to 53% female to male service users respectively. There are differences in the gender make-up between the services, due to the nature of the age group supported rather than by design of the service. For example in the older adults group 67% of
service users are female, which is in line with the population of social care where there are generally more female service users.

Conversely, in the services for people with complex needs (CNS and ISR) there are significantly more male service users than females, on average 70% to 30% respectively. Therefore the recommendations for older adults could have a significant impact on female service users while conversely the recommendations for younger adults could disproportionately impact male service users.

Mitigation

No gender-specific organisations have been considered to provide alternative provision for day services as the Council aims to support inclusive organisations who do not support activities for specific groups of service users. The range of alternative provision on offer will be dependent on the needs of the individual identified as part of the assessment process and irrespective of their gender. Alternative providers have the structure and staff in place to support both genders; and are sensitive to the needs of both, especially around personal care.

The gender breakdown broadly reflects that in the rest of social care and as a consequence no single group will be disproportionately affected. The inclusive nature of the recommended provisions, as well as the overall breakdown of service users suggests that no specific gender should be disproportionately affected by the changes to day service provision to other providers.

4.6 Gender Re-assignment

Gender re-assignment describes the process of transitioning from one gender to another. For individuals within this group, the Act provides protection for trans-sexual people from discrimination and harassment in various areas, such as work or the provision of goods and services. A summary of data on gender reassignment is set out in the box below.

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<th>Data summary for gender reassignment</th>
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<tr>
<td>• in 2006-07 Lewisham Council commissioned a research study of the LGBT populations who lived, worked, studied or socialised in the borough; of the 316 respondents, seven identified as trans people, which was insufficient to draw quantitative conclusions;</td>
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<tr>
<td>• according to the NHS Secondary User Service Admitted Patients database, there were four admissions to NHS hospitals in 2011-12 of four different individuals resident in Lewisham and having a primary diagnostic</td>
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code beginning F64 (trans-sexualism or gender identify disorder). Only one of these was for a full (male to female) gender reassignment. None of the admissions were to Lewisham Hospital.

- no service users in Adult Social Care have been identified as being trans-sexual.

Of the providers who support people with learning disabilities, no specific organisations provide positive opportunities for those in the gender reassignment group. Consideration should be given to the fact that people with learning disabilities can struggle with the concept of sexuality and sexual identity; and therefore it is unlikely that this characteristic would present itself during an assessment.

**Mitigation**
As a consequence it is unlikely that anyone from this group would be affected by the recommendations.

### 4.7 Marriage and Civil Partnership

The Equality Act protects against unlawful discrimination if you are legally married or in a civil partnership. A summary of data on marriage and civil partnership is set out in the box below.

**Data summary for marriage and civil partnership**

- In 2011 about half of Lewisham residents over 16 have never been married or in a civil partnership. This is higher than England as a whole.

- A third of over 16s in Lewisham are currently married or in a civil partnership (0.5% in civil partnership)

- 17% of residents (aged 16 and over) have been married or in a civil partnership but are now separated, divorced or widowed.

- Overall 65% of people attending day services unmarried, compared to 17% who are married or cohabiting.

- People with learning disabilities are either unmarried (96%) or their status is unknown. 52% of people with long term conditions are married, 24% unmarried and 14% divorced.

None of the people with learning disabilities are recorded as being married, whilst people with physical disabilities: older adults and those with long term conditions, 46% and 24% are married respectively. Older adults are the only group to include people who are widowed, which accounts for 13% (3 people).
Mitigation
Consideration of the characteristic of marriage and civil partnerships need only be in respect of eliminating unlawful discrimination. In this regard, no organisation providing day services have stated that they would exclude individuals who are legally married or in a civil partnership. Therefore, this characteristic should not be disproportionately affected under these recommendations.

4.8 Pregnancy and Maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding. A summary of data on pregnancy and maternity is set out in the box below.

Data summary for pregnancy and maternity

• for 2013 there were about 4,827 new babies recorded in official statistics as Lewisham residents; the General Fertility Rate is notably higher in Lewisham, at 68.1 live births per 1,000 women aged 15 – 54, than in England at 62.4 in 2013.

• Lewisham has an underlying population growth arising from its excess of births over deaths. In a typical year, there are more births (approximately 4,500-5200) than deaths (approximately 1,500-1,800) in Lewisham residents.

• No Adult Social Care service users have been identified as being pregnant or expecting a baby.

The current social care records system does not include any services users who are identified as being pregnant or expecting a child. This is included as part of the social care eligibility assessment where the individual’s ability to look after their children is one of the “domains” used to measure if someone has eligible needs. If a service users were to become pregnant, an assessment would be undertaken to consider how that may affect their needs and what additional support would be needed.

Mitigation
The likelihood that people who attend day services would become pregnant are low but is taken into consideration. None of the organisations on the providers framework would discriminate against people who were pregnant or caring for a child. Depending on individual circumstance, service users would be provided with additional support if found to be pregnant.
Therefore we should expect people who use the proposed day services with this protected characteristic will not to be disproportionally affected.

**4.9 Race**

Race refers to the equality group of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins. A summary of data on race is set out in the box below.

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<tr>
<td>• according to Census data from 2011, 53.6% (147,686) of all Lewisham residents are white (White British, White Irish and White European).</td>
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<tr>
<td>• currently people from a Black Caribbean, Black African and Black other ethnic background represent 27.2% (74,942) of the population.</td>
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<tr>
<td>• Within social care 62% of service users are white (White British, White Irish and White European).</td>
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<tr>
<td>• 31% of social care users are Black Caribbean, Black African, Black Mixed or Black other.</td>
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All of the current services support a wide range of service users from a variety of ethnic backgrounds. All organisations providing day services as part of the Framework are also required to make their services available to all sections of the community that require them.

Overall 45% of services users come from a White background, while 43% are from a Black background. This proportion is equally split than the general population of Lewisham or that normally found in Social Care. By comparison the number of people from other ethnic backgrounds is smaller, at only 11%.

This picture is similar in the older adults service and in Life Styles, where there is a split of approximately 40%-50% Black to White service users. Conversely in ISR and CNS there is a much higher proportion of people who are Black or from a BME group. In the CNS 70% are Black or from a BME ethnicity, while in the ISR only 30% of the service users are White.

As a consequence this would suggest that the move of the ISR to Ladywell could disproportionally impact people from BME backgrounds.

**Mitigation**
Overall the organisations who can provide alternative services work to support people with specific support needs and are not race specific. Historically the Council has funded organisations to provide culturally specific support, but in recent years this position has changed as the population has increasingly diversified leading to the provision of support based on individual needs.

People are provided a service according to their eligible needs as assessed by Adult Social Care, and individuals are helped by Support Planners to identify the activities and organisations which are most appropriate to support those needs, irrespective of race or other characteristics. All providers on the Framework agree to abide by the Council’s Equal Opportunity Policy. This, along with the fact that all services are required to be fully accessible to all service users means that the recommendations are not considered to have a disproportionate impact relating to Race.

4.10 Religion or Belief

Religion has the meaning usually given to it, but belief includes religious and philosophical beliefs including lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition. A summary of data on religion and belief is set out in the box below.

**Data summary for religion or belief**

- the most up to date information on religion or belief in Lewisham is from the Census of 2011. This revealed that nearly 64% of Lewisham residents described themselves as having a faith or religion, whilst around 27% of residents described themselves as having no faith or religion.

- amongst those residents that described themselves as having a faith or religion some 52.8% identified their faith as Christian, whilst 6.4% described themselves as Muslim.

- of other religions, Hindus represent 2.4% of the population, whilst Buddhists represent just over 1.3% of the population.

- in day services 54% of people identify as being from a Christian denomination while 34% have no religion recorded.

- 5% of people in day services describe themselves as Muslim, 1% Hindu and 5% a non-specific belief.

People who attend the Older Adults and Life Styles services are more likely to identify as being from a Christian denomination, with most being Christian, Church of England or Roman Catholic. This is especially true with older adults
where 75% of them are Christian and the remainder have either no identified religion or it there is no response. Most people who identify as being Muslim attend the CNS or ISR services, where 13% and 10% identify as following Islam respectively.

**Mitigation**

Similarly to Race, none of the organisations on the provider framework support specific religious beliefs or denominations, or are provided by particular faith groups. All providers and recommended organisations are required to allow residents from all religions and beliefs to use their services and so this protected characteristic should not be disproportionately affected.

### 4.11 Sexual Orientation

Sexual orientation is defined as whether a person’s sexual attraction is towards the opposite sex, their own sex or to both sexes. A summary of data on sexual orientation is set out in the box below.

**Data summary for sexual orientation**

- There are no accurate statistics available regarding the profile of the lesbian, gay, bisexual and transgender (LGBT) population either in Lewisham, London or Britain as a whole.

- The Greater London Authority based its Sexual Orientation Equality Scheme on an estimate that the lesbian and gay population comprises roughly 10% of the total population.

- At the 2011 census 2% of over 16 year olds were cohabiting with someone of the same sex or were in a civil partnership, this is higher than both the England and London averages (0.9% and 1.4% respectively).

- In the 2015 Annual Resident Survey, a question on sexual orientation found that 3% of respondents identified as lesbian or gay.

- 43% of people who attend day services identify as being heterosexual, with the remaining 57% either not stating a preference or not being recorded.

Sexual orientation is not very well recorded in social care records, with 56% of records not having orientation noted. This makes it difficult to consider the full implications that the recommended changes would have on this protected characteristic. Older adults are less likely to have a sexual orientation recorded, as only 17% have identified as being heterosexual, compared to services for younger adults where between 50%-60% have an identified sexual orientation.
Mitigation

As already stated, the organisations on the provider Framework agree to the abide by the Council’s Equal Opportunities Policy and would not discriminate against a service user on the basis of their sexual orientation.

All organisations funded to provide support for Adult Social Care must allow individuals with any sexual orientation to access their service. The equal access to services for LGBT individuals and the mitigation of the equality focused organisations should ensure that the LGBT community is not disproportionately affected.

Overall Mitigation

The recommendations to Mayor Cabinet, while representing a significant change to the way in which day services are delivered, is not proposing to reduce people’s access to services and support. Adult Social Care has been delivering a programme of modernising its local day service offer in line with the principles of choice and control by promoting the use of personalised budgets and direct payments. The principles of day service modernisation promote people as valued and active citizens, encouraging independence; and particularly for working aged adults, supported employment. The promotion of independence and choice extends to recommendation to give people a direct payment in order to choose how they travel to the activities they have chosen.

As part of its duty under the Care Act to develop the local market, the Council has worked with third sector partners to develop cost effective alternative day services and activities. The ‘Communities that Care’ and Faith Grants programmes have encouraged a range of ‘non traditional’ day service offers (e.g. ‘Meet me at the Albany’, Entelechy, the ‘Allsorts’ programmes and ‘Community Connections’); as well as supporting the Access Lewisham volunteer driving scheme, which is also expanding to include providing travel buddies and independent travel training as part of its offer. Direct service procurement has also expanded the range and type of employment opportunities including cleaning social enterprises, community cafes and gardening schemes. This is in addition to continuing to commission day services at the Calabash Centre and Cinnamon and Cedar Court extra care services.

In order to ensure that people are offered a personal choice, all service uses who will be impacted by the recommendations have been given an individual assessment of the eligible care needs. These will form the basis of support planning with the service users, which will identify suitable provisions from
appropriate third sector partners. In this way the Council supporting people to
determine how, when and with whom their support needs will be met.
Additionally, the proposal to develop the current day centers into Community
Hubs will allow service users access to a wider range of universal activities
provided at the same location by other, non-learning disability specific
organisations.
At the time of submission for the Agenda, I confirm that the report has:

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(see separate sheet for signatures of Aileen Buckton and Cllr Chris Best)

Signed
Aileen Buckton
Director/Head of Service
(see separate sheet for signature)

Signed
Cllr Joan Millbank
Cllr Chris Best (see separate sheet for signature)

Date
6/7/2015

Control Record by Committee Support

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Chief Officer Confirmation of Report Submission

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

Information [ ] Part 1 [x] Part 2 [ ] Key Decision [ ]

Date of Meeting 15 July 2015

Title of Report Voluntary Sector Accommodation Implementation Plan

Originator of Report Liz Dart, Head of Culture and Community Development
Ext. 46115

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Signed Date 1/7/15

Director/Head of Service

Signed Date 1/7/15

Cabinet Member

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1. Purpose of Report

1.1 The purpose of this report is to outline how the newly adopted framework for using the council’s assets to support the voluntary and community sectors will be implemented and to seek approval for the implementation plan.

2. Recommendations

The Mayor is recommended to:

2.1 approve the implementation plan as outlined in section 5 and detailed by category in Appendix A, B, C, and D.

2.2 agree for further consultation on proposed closures and redevelopments to take place and the outcome to be reported back to Mayor and Cabinet prior to implementation.

2.3 agree the amendment to the Community Asset Transfer Framework as outlined in Section 8 and Appendix E.

3. Policy Context

3.1 Lewisham has a long history of working with the third sector and empowering residents and communities. The Sustainable Community Strategy sets out the Local Strategic Partnership’s commitment to creating a borough that is:

- **Empowered and Responsible**: where people are actively involved in their local area and contribute to supportive communities.

3.2 This is reflected in Lewisham’s Corporate Priorities:

- **Community Leadership and empowerment**: developing opportunities for the active participation and engagement of people in the life of the community.

3.3 Lewisham is fortunate to have a diverse third sector which ranges from very small organisations with no paid staff through to local branches of national charities. As well as being directly involved in delivering services to citizens
in the borough, third sector organisations also provide the essential infrastructure to allow the sector as a whole to develop and support individual citizens to be able to play an active role within their local communities.

4. Background

4.1 Currently the Council supports a number of VCS organisations to access certain facilities (i.e. Council owned assets). There are currently 50 Council assets within the community premises portfolio including 23 community centres, 3 sports grounds and 24 buildings housing VCS organisations. In addition there are other properties that house VCS organisations that are not part of the community premises portfolio but are within the Council’s estate.

4.2 Across these assets occupancy levels vary greatly, though the average of approximately 30% occupancy within the community centres portfolio, shows that there is real potential to manage usage more effectively. Additionally there are currently a wide range of different lease and management agreements for occupants. This situation is potentially inequitable for organisations and makes the management and maintenance of these assets more complicated.

4.3 As part of the Council’s fundamental review of all its budgets, it has been looking at the costs of maintaining its range of assets and the potential income that these assets could generate for the Council that could be used to fund other services. In order to release substantial revenue savings and therefore safeguard frontline service delivery, the Council is in the process of reducing the number of its public buildings. This work has already commenced with the transfer of staff working in the Catford complex into Laurence House, and the changed use of the Town Hall.

4.4 In April 2015 Mayor and Cabinet considered the outcome of a three month consultation with the voluntary and community sector on a new framework for the council’s use of assets to support the sector. This framework was agreed by Mayor and Cabinet and sets out four categories for VCS assets as follows:

- **Sole occupancy of a building (not at full market rate)** – This would be a building, wholly or predominantly utilised by one VCS organisation. In order for an organisation to have sole occupancy of a building it would need to demonstrate a need for specialist facilities that could not be provided elsewhere and/or within a shared facility. The organisation would need to demonstrate that it can’t afford full market rate. The organisation would also need to be delivering services that meet our priorities.

- **Voluntary and Community Sector Hub** – This would be a shared building with all inclusive affordable rents. This would be the preferred category for organisations that are providing services that meet our priorities (and cannot demonstrate the need for specialist facilities above). The Hubs will provide office and meeting space. Activity space where appropriate and possible may also be provided, otherwise this would need to be hired elsewhere.

- **Community Centre** – This would be a neighbourhood based facility with activity space that is predominantly geared towards providing services at a neighbourhood level. Community Centres currently have a range of different terms and conditions, some are on full repairing leases, some directly provided and others managed by Premises Management.
Organisations (PMOs) but with Repairs & Maintenance provided by the Council. Many community centres are currently underutilised and we would be looking to rationalise the number of centres taking into account what other community facilities are available in the area. As the number of centres is reduced we would work to reduce the overall financial burden to the Council and put in place equitable arrangements across the portfolio.

- **Sole occupancy of a building at full market rate** – This would be for larger VCS organisations that can afford to pay full market rates, for those that are not delivering services that meet our priorities or for organisations that are delivering services that meet our priorities but that do not wish to be housed within one of the VCS hubs. These organisations would still be able to access buildings (where available) on the Council’s standard letting terms and conditions.

5 **Implementation Plan**

5.1 Following the adoption of the framework the next step was to develop an implementation plan to demonstrate the impact of the framework on the existing portfolio of community premises. The following principles that were agreed as part of the framework were used to guide the development of the implementation plan:

- Demand for subsidised space will always outstrip the available resources and it is therefore essential to have a process for allocating support that is open and transparent.
- Lease and hire arrangements should be equitable.
- Council Assets used by VCS organisations need to be fully optimised to ensure the Council is achieving best value for its’ residents.
- The overall cost to the Council of assets used by VCS organisations should be reduced in order to release savings.
- The model for the use of Council assets to support VCS organisations in the future should allow some flexibility for changing needs.
- The model should support the Council’s partnership approach
- Enabling VCS organisations to access Council assets is a way of supporting the sector.
- The model should help the sector to help themselves by optimising the use of their resources.

In addition the following factors have been considered in developing the implementation plan:

- Usage levels
- Other facilities in the locality – details of the mapping are included at appendix F
- Impact on council’s ability to meet its statutory duties
- Existing lease arrangements
- Potential for redevelopment
- Potential for shared use
- Condition of the asset

5.2 The Implementation Plan is a live document that sets out the proposed way forward for each of the buildings within the Community Premises Portfolio. The plan spans three years and will be reviewed and updated during this
period. There are further council owned assets used by the VCS that have not been included within the implementation plan. This is largely where a VCS organisation is in a contractual arrangement with the council and the assets form part of the contractual agreement and there is no plan at this stage to change the arrangement.

5.3 The Implementation Plan is split into the four framework categories. The first of these categories is specialist assets that are being used to deliver priority services and where the VCS occupation is subsidised by the council. Assets that fall into this category include community libraries, some sports facilities, an adventure playground and two arts facilities. Organisations in this category are predominantly on peppercorn leases but have full responsibility for maintaining the asset. The two arts facilities do not currently have leases in place and have their repairs and maintenance provided by the council. It is proposed to seek to negotiate lease agreements with the current occupants along similar lines to others in this category. A list of the assets and VCS organisations that fit within this category is available at Appendix A.

5.4 The second category is voluntary and community sector hubs. There will be two main hubs in the borough in New Cross and Lewisham Town Centre. In addition the council will continue to work closely with Phoenix Housing in relation to the existing space at the Green Man and the new space being developed at Fellowship Inn. The hubs will offer drop in facilities for a mix of users including vulnerable adult day service users. They will also provide desk spaces for VCS groups with an all inclusive rent and meeting rooms, informal break out space and consultation booths. At the heart of each hub will be a shared public space with WIFI, community information and break out spaces for informal meetings and for individual users to relax. A number of organisations have already agreed to move to the new hubs and further space will still be available to offer flexible workspace for groups in the future. A list of organisations planning to relocate is attached at appendix B. A number of other organisations that currently operate from dedicated buildings are also being encouraged to consider moving to a hub in order to reduce costs and facilitate better partnership working. These are also listed in appendix B.

5.5 The third category is community centres. These are neighbourhood based facilities with activity space that should be predominantly geared towards providing services at a neighbourhood level. Many of these buildings date from the 1960s and 1970s and were designed with the needs of that period in mind. In rationalising this category the intention is to focus resources on sustaining a smaller network of centres across the borough and where the opportunity arises to redevelop centres to make them more relevant to todays' needs. There are 24 buildings in this category. The proposal is to retain 7, re-provide a further 6 in partnership with registered social housing providers or as part of a school redevelopment, designate 3 for nursery provision and close 7. It is also proposed to retain community space on the site of Goldsmiths Community Centre either the current building or as part of a mixed used development of the site dependent on the outcome of the current condition survey and further local consultation. In addition a new community space will be created at the Sydenham Centre as a result of changes to the council’s Day Services, see section 6.1. Details of the buildings are contained in Appendix C. For those buildings that are being retained as community centres there will continue to be a level of subsidy with the current arrangements around repairs and maintenance and rent levels
being maintained. The overall cost of the community centres portfolio to the council will be reduced through the reduction in the number of centres.

5.6 The fourth category is buildings housing VCS organisations on full market rates. A number of organisations have opted to stay in this category rather than move to a shared hub. If in the future an organisation decides that it wishes to reduce its premises outgoings then where possible a move to a shared hub would be facilitated. In addition Lewisham Opportunity Pre School will be asked to formalise their occupation of the site on similar terms to other nurseries occupying council premises. The buildings and organisations in the category are listed in appendix D.

5.7 There will continue to be a number of different approaches to the management of community premises. These are detailed below:

- Directly managed buildings: in the first instance the new hubs will be directly managed by the council and some of the community centres will continue to be directly managed. The council will be looking to the use of new technologies to ensure the most efficient management of these spaces learning from countries such as Denmark where communal public space is often unstaffed and people take individual responsibility in respecting and maintaining the space for the whole community. Specifically this model works on a card entry or fob system linked to an online booking portal. Similar schemes already running in the UK include those offered by Pure Gym (the UK's largest commercial Gym operator), LTA Parks Tennis and Zipp Car.
- Premises Management Organisations: this is where the council has a management agreement with a community organisation to manage a community centre. A number of these agreements are in place. These will be reviewed and updated to ensure that they are still relevant but the general principles will continue with the council being responsible for the repairs and maintenance and the community organisation ensuring that the centre is managed to meet the needs of the local community.
- Leases: leases with individual voluntary and community organisations will continue to be used. The terms of the lease may vary dependent on the individual circumstances but some principles such as not requiring a guarantor will be applied to all VCS leases.

6. Wider Council Context

6.1 Day Services

6.1.1 This report intertwines with that detailing the remodelling of Day Services within the Borough (entitled ‘Response to the Consultation on Remodelling Lewisham Council’s Day Service Offer and Associated Transport including Evening Club Provision’ which is also being considered at Mayor and Cabinet on 15 July 2015)

6.1.2 Specifically the future use of the Day Centres is key to how the Council can effectively look to better utilise Council Buildings and help VCS organisations share space and back office functions and provide more joined up services.

6.1.3 The Council is looking to re-configure how 3 of the current Day Centres function to create 2 Voluntary and Community Sector Hubs (at Mulberry and
Leemore) and a new Community Centre (at the Sydenham Centre), their associated ‘Visions’ are detailed below.

6.1.4 The vision for the Leemore Centre - A Voluntary and Community Sector ‘Advice and Information’ Hub in the heart of the Borough: Focussed around Advice and Information the building will be re-united to provide a comprehensive hub with a particular focus around Advice and Information led by the Lewisham Citizens Advice Bureau, who would relocate to the centre as would Voluntary Action Lewisham to sit alongside existing VCS organisations including Contact a Family and Lewisham Community Transport. The building will provide a new welcoming public space incorporating a functioning café/kitchen which will provide for all service users and user groups within the building as well as the public. As well as this public space, there will also be shared space for VCS organisations and current service users to cross-populate and bring life to the building, as well as core space for office working and services for people with learning disabilities. In the first instance the building will be managed by the council’s community premises team with VCS organisations that are based there acting as hosts to ensure a welcoming and inclusive environment is created.

6.1.5 The vision for the Mulberry Centre – A key Voluntary and Community Hub in the north of the Borough: Offering extensive core accommodation for a raft of VCS organisations alongside dedicated space for the Challenging Needs Service. Further activity space will be available for use by people with learning disabilities and their providers as well as the VCS organisations. A number of internal and external public spaces will also help enliven the centre, serviced by the kitchen area and extensive Wifi throughout the building. The centre will be managed in the first instance by the council’s community premises team with VCS organisations that are based there acting as hosts to ensure a welcoming and inclusive environment is created.

6.1.6 The vision for the Sydenham Centre – A new Community Centre for Sydenham: This building will become and vibrant community space in the heart of Sydenham. Featuring a mix of local organisations including the Sydenham Society and Sydenham Arts and will have a core offer focussed around Dance and Physical movement activities, and healthy eating. Again there will be a welcoming public space to draw the local community and users together, alongside shared activity space and core space for office workers and for people with learning disabilities and their service providers. Again this building would initially be managed via the Community Premises team with VCS organisations that are based there acting as hosts to ensure a welcoming and inclusive environment is created.

6.2 Strategic Housing

6.2.1 The global financial crash in 2009 and the subsequent recession in the UK have had a dramatic impact on people’s lives. There has been significant pressure on our residents’ resources and their ability to keep pace with the rising cost of living. The problems of economic instability, unemployment, precarious employment contracts and stagnating wages have been exacerbated by rapidly rising house prices and rents. In Lewisham the average house price has trebled over the last 20 years.

6.2.2 On top of this the current unprecedented squeeze on public finances combined with the significant reduction in Government grant for affordable
house building has led to a crisis point in terms of housing supply and
demand.

6.2.3 This is nowhere more clearly illustrated than by the fact that in Lewisham over
the last five years the number of households in temporary accommodation
has increased by 76%. The lack of affordable homes in the private sector
means that there is less movement out of social housing and consequently
the number available to re-let to new tenants has decreased by 53% over the
same period.

6.2.4 To deal with this housing crisis the Council has embarked on an ambitious
programme to deliver 500 new affordable homes by 2018. To achieve this
despite the constrained financial situation means that, more than ever, the
Council needs to look to use our assets efficiently to provide the most good
for the community. One way of doing this is to look at how underused
community facilities can be redeveloped into new social housing schemes.

7. Timetable

7.1 The plan spans three years as some of the proposals are dependent on
redevelopment that will take some time to come to fruition. It is intended that
the implementation plan is reviewed annually to ensure that it is on track and
takes into account any local changes.

7.2 Additional consultation will be taking place where a closure or redevelopment
of a community centre is proposed. The outcome of this consultation will be
reported back to Mayor and Cabinet before those proposals are implemented.

7.2 Where there is significant change proposed to a building such as a new lease
or closure, at least 3 months notice will be given but in many cases the lead in
will be substantially longer than this. The council will be working with
Voluntary Action Lewisham to produce a protocol for building closures that
clearly lays out what steps the council will take during the closure including
possible formal action and what support is available to groups to find
alternative accommodation.

8. Community Asset Transfer

8.1 A Community Asset Transfer framework was adopted by the council in July
2008. In practice within Lewisham Community Asset transfer has taken the
form of long leases of 25 years or more at less than best consideration. The
current framework has supported a number of transfers since 2008 including
Crofton Park, Sydenham and Grove Park libraries and Abbotshall Playing
Fields. It is intended to continue our commitment to using community asset
transfer when a suitable opportunity arises but recognising that assets can
also be liabilities for voluntary and community sector organisations and that
there are competing urgent demands on the councils assets. The majority of
the framework is still relevant however some amendments are proposed to
better reflect the current restrictions on council resources. It is proposed that
asset transfers will only be considered where they achieve one or more of the
following:

- Safeguard a priority service that may otherwise be lost. A priority
  service is defined as a service currently delivered directly by the
council or funded through contract or main grant aid.
Facilitate shared more efficient use of assets by VCS organisations

The transfer must also deliver value for money by:

- Creating efficiency savings. The overall combined cost of the service and asset to the council should not be greater post transfer.
- Levering external investment to the borough.

In addition there are a number of other tests relating to the potential use of the asset for other council priorities such as social housing and schools places, as well as the condition of the building and the ability of the VCS organisation to effectively manage the asset in the future.

8.2 The full framework that will be used to assess the suitability of any asset transfer is contained at Appendix E.

9. Financial Implications

9.1 This report seeks approval for the implementation plan for the newly adopted framework for using the council’s assets to support the voluntary and community sectors.

9.2 Current spend is incurred through a mixture of utilities costs, repairs & maintenance and grants, partially offset by income from rents and lettings. The proposals are expected to reduce net expenditure through a combination of (i) a reduction in the number of buildings in the portfolio (ii) reduced subsidies to organisations using the buildings and (iii) increased income. These savings will be monitored throughout the implementation period.

9.3 The report also seeks approval for an amendment to the Community Asset Transfer Framework as outlined in Section 8 and Appendix E. Any proposed transfers will be the subject of individual reports and specific financial implications will be set out at that point.

10. Legal Implications

10.1 Under S1 of the Localism Act 2011 the Council has a general power of competence to do anything which an individual may do unless it is expressly prohibited.

10.2 The giving of support to voluntary organisations is a discretionary power which must be exercised reasonably taking into account all relevant considerations and ignoring irrelevant considerations.

10.3 Under Section 123 of the Local Government Act 1972, the Council is required to obtain best consideration for the disposal of its assets. Any disposal at less than best consideration requires Secretary of State’s consent. This includes the grant of any lease for longer than 7 years. The requirement does not apply to the grant of a lease for less than 7 years. However, the Council is still required to act reasonably in agreeing lease terms and to have regard to its fiduciary duty to the Council Tax payers. The proposed approach is designed
to ensure that where a building is let other than at a market rate, this will be justified by the delivery of services that meet the Council’s priorities.

10.4 The Council will only be able to require existing organisations in Council assets to be moved to the new model or relocated where the Council is legally entitled to terminate the existing occupancy arrangements or agreement is reached on a voluntary basis.

11. **Equalities Legislation**

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

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

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

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

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

12. **Crime and Disorder Implications**

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

13. **Equality Implications**

13.1 There were concerns raised by a number of respondents about the potential impact of the implementation of the proposed approach on some communities in particular African and African Caribbean communities. It was raised that
consideration would need to be given to the impact on different protected characteristics as part of the implementation plan. Particular concern was raised about the impact on older people by Lewisham Pensioners Forum.

13.2 An Equalities Impact Assessment has been produced and the impact on individual protected characteristics of the implementation of the new policy approach to using Council assets to support the voluntary and community sectors has been assessed – Appendix G.

13.3 When considering the impact of the proposed plan across the nine protected characteristics, the two main areas for concern were the impact on older and younger people, and those from the BME community. However, having considered the mitigation and demographic profile of the borough alongside alternative local facilities the impact on these groups is not felt to be negative, and indeed if the hub model and re-provision of buildings through partnerships with housing providers is successful then long term there will be a positive impact.

13.4 Overall, the spread of facilities that are being proposed, alongside the new ways of working and alternative hireable spaces the implementation plan is considered to be fair and equitable.

14. Environmental Implications

14.1 Many of the current portfolio of community premises are not energy efficient. Where new premises are being provided higher levels of energy efficiency will be achieved.

Background Documents

None

For further information please contact Liz Dart, Head of Culture and Community Development on 020 9314 8637 or liz.dart@lewisham.gov.uk
## APPENDIX A - Sole Occupancy of a Building (not at full market rate)

<table>
<thead>
<tr>
<th>No Change</th>
<th>Category</th>
<th>Building</th>
<th>Current Users</th>
<th>Rationalisation</th>
<th>Target Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Crofton Park Community Library</td>
<td>Brockley Road SE4 2AG</td>
<td>ECO Communities - community library</td>
<td>Remain: 25 year peppercorn lease in place. Eco have full responsibility for all R&amp;M.</td>
<td>No change</td>
</tr>
<tr>
<td>1</td>
<td>Sydenham Community Library</td>
<td>Sydenham Road SE26 5SE</td>
<td>ECO Communities - community library</td>
<td>Remain: 25 year peppercorn lease in place. Eco have full responsibility for all R&amp;M.</td>
<td>No change</td>
</tr>
<tr>
<td>1</td>
<td>Grove Park Community Library</td>
<td>Somertrees Avenue SE12 0BX</td>
<td>ECO Communities - community library</td>
<td>Remain: 25 year peppercorn lease in place. Eco have full responsibility for all R&amp;M.</td>
<td>No change</td>
</tr>
<tr>
<td>1</td>
<td>Abbotshall Playing Fields</td>
<td>Abbotshall Road SE6 1SQ</td>
<td>Teachsport - playing fields and healthy living centre</td>
<td>Remain: 25 year peppercorn lease in place. Teachsport have full responsibility for all R&amp;M.</td>
<td>No change</td>
</tr>
<tr>
<td>1</td>
<td>Firhill Playing Fields</td>
<td>140A Firhill Road SE6 3SQ</td>
<td>Lewisham Sports Consortium - playing fields</td>
<td>Remain: lease on peppercorn with R&amp;M responsibility of LSC.</td>
<td>No change</td>
</tr>
<tr>
<td>1</td>
<td>Somerville Adventure Playground</td>
<td>Queens Road SE14 5JN</td>
<td>Somerville Youth and Play Provision</td>
<td>Remain: 25 year peppercorn lease with full R&amp;M responsibility of Sommerville</td>
<td>No change</td>
</tr>
<tr>
<td>1</td>
<td>Tenembee Sports Development Centre</td>
<td>120A Old Bromley Road BR1 4JY</td>
<td>Tenembee Sports Development - playing fields</td>
<td>Remain: lease on peppercorn with R&amp;M responsibility of Tenembee.</td>
<td>No change</td>
</tr>
</tbody>
</table>

### New Lease to be negotiated

<table>
<thead>
<tr>
<th>No Change</th>
<th>Category</th>
<th>Building</th>
<th>Current Users</th>
<th>Rationalisation</th>
<th>Target Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Lewisham Art House</td>
<td>140 Lewisham Way SE14 6PD</td>
<td>Lewisham Art House - artist studios, art workshops and gallery</td>
<td>Retain as artist studios with current occupants having first option to agree lease.</td>
<td>Apr-16</td>
</tr>
<tr>
<td>1</td>
<td>MIDI Music Company</td>
<td>77 Watsons Street SE8 4AU</td>
<td>MIDI Music - music tuition rooms, recording and dance studio</td>
<td>Remain: this is considered to be a specialist facility. Midi do not have a lease in place and this will need to be resolved. They have aspirations for an asset transfer and a long lease could be agreed. They currently receive a rent grant so do not bear the cost of rent on this premises. We will seek to negotiate a formal position with Midi at less than full market cost.</td>
<td>Apr-16</td>
</tr>
</tbody>
</table>
## APPENDIX B - Voluntary and Community Sector Hub

<table>
<thead>
<tr>
<th>Category</th>
<th>Building</th>
<th>Current Users</th>
<th>Rationalisation</th>
<th>Target Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hub Premises</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Leemore Resource Centre</td>
<td>Day Services, Contact a Family, Lewisham, Action for Refugees in Lewisham, Lewisham Community Transport</td>
<td>To be reconfigured with Day Centre space to provide a hub. Current occupants will be offered space within the hub but may need to relocate within the building.</td>
<td>Oct-15</td>
</tr>
<tr>
<td>2</td>
<td>Mulberry Centre</td>
<td>Day Services</td>
<td>To become a hub with space retained for Day Service Users</td>
<td>Oct-15</td>
</tr>
</tbody>
</table>

### Move Agreed

| 2 | 14a Randlesdown Road | Bellingham Community Project | BCP have begun negotiations to leave the building and move to Fellowship Inn once completed. Phoenix are interested in a change of use to housing and are working with strategic housing to take this forward. | 2017 |
| 2 | 120 Rushey Green | Citizens Advice Bureau, VAL | Relocate into Leemore Hub | Oct-15 |
| 2 | Catford Broadway | Lewisham Multi Lingual Advice Service | Already vacated, currently sharing offices with Age UK but are interested in a move to Leemore hub | complete |
| 2 | 299 Kirkdale | Sydenham Citizens Advice Bureau | Relocate to Leemore Hub | Oct-15 |
| 2 | 2-4 Devonshire Road | Forest Hill Youth Project - Platform 1 | Have requested to relinquish lease at end of June 2015. | Jun-15 |

### Discussions still ongoing

<p>| 2 | 41 Rushey Green | Lewisham Toy Library | Negotiations have commenced to relocate to a hub | Oct-15 |
| 2 | 308 Brownhill Road | Lewisham Young Womens Project | Seek to negotiate move to Hub or full lease to be implemented by March 2017 | Mar-17 |
| 2 | Voluntary Services Lewisham | Voluntary Services Lewisham, Talking Newspaper | Discussions with Voluntary Services Lewisham are still ongoing. They will be invited to consider relocation to a hub along with the Talking Newspaper | tbc |</p>
<table>
<thead>
<tr>
<th>New Centre</th>
<th>Building</th>
<th>Current Users</th>
<th>Rationalisation</th>
<th>Target Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Goldsmiths Community Centre</td>
<td>14-20 Ackroyd Road</td>
<td>Surplus, already planned for closure with some users in Sydenham Hub</td>
<td>Dec-15</td>
</tr>
<tr>
<td>3</td>
<td>2000 Community Centre</td>
<td>101 Woodpecker Road</td>
<td>Close. Give notice to private school and other users. Site earmarked for future housing development. Consider short term occupation on licence in interim</td>
<td>Apr-16</td>
</tr>
<tr>
<td>3</td>
<td>Champillon Hall</td>
<td>1 Holmshaw Close</td>
<td>Champillon Hall Community Association</td>
<td>Apr-16</td>
</tr>
<tr>
<td>3</td>
<td>Letcher Hall</td>
<td>St Donatts Road</td>
<td>Letcher Hall Community Association</td>
<td>Apr-16</td>
</tr>
<tr>
<td>3</td>
<td>Venner Road Hall</td>
<td>Venner Road</td>
<td>Venner Road Hall Community Association</td>
<td>Apr-16</td>
</tr>
</tbody>
</table>

## Market as nurseries
3 Champillon Hall
3 Letcher Hall
3 Venner Road Hall
## APPENDIX D - Sole occupancy of a building at full market rate

<table>
<thead>
<tr>
<th>Category</th>
<th>Building</th>
<th>Current Users</th>
<th>Rationalisation</th>
<th>Target Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>111 Randlesdown Road</td>
<td>Lewisham Disability Coalition</td>
<td>Remain: LDC have only recently moved to this property after alterations were made to it to make it fully accessible and have a signed full lease in place. It may need further consideration in the future as they may find it more sustainable to move to one of the hubs.</td>
<td>No change</td>
</tr>
<tr>
<td></td>
<td>Bellingham SE6 3HB</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>124 Kilmorie Road</td>
<td>Young Lewisham Project</td>
<td>There is no proposal to make any changes to the current lease arrangements for this property however if Young Lewisham Project wished to look at relocating to a shared facility in the future the council would help to facilitate this if possible.</td>
<td>No change</td>
</tr>
<tr>
<td></td>
<td>SE23 2SR</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>82 Tanners Hill</td>
<td>Vicky Foxcroft MP</td>
<td>Commercial rent paid - remove from community premises list</td>
<td></td>
</tr>
<tr>
<td></td>
<td>SE8 4PN</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Lewisham Way Y&amp;CC</td>
<td>Lewisham Way Youth and Community Centre</td>
<td>Remain but with a Full Commercial Lease - negotiation have already commenced. An alternative would be for the organisation to deliver it's services from one of the other community premises in the area.</td>
<td>Sep-16</td>
</tr>
<tr>
<td></td>
<td>138 Lewisham Way SE14 6PD</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Etta Hall Centre</td>
<td>Lewisham Somali Community Organisation</td>
<td>Full repairing lease in place</td>
<td>No change</td>
</tr>
<tr>
<td></td>
<td>Gosterwood Street</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>SE8 5PA</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>LOPS</td>
<td>Lewisham Opportunity Pre-School</td>
<td>Full Commercial Lease in line with other nurseries.</td>
<td>Sep-16</td>
</tr>
<tr>
<td></td>
<td>Longbridge Way</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>SE13 6PW</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## LEWISHAM COMMUNITY ASSETS FRAMEWORK ASSESSMENT TEMPLATE

### SUMMARY PAGE

(i) Asset details

<table>
<thead>
<tr>
<th>Name and address of asset (including Lewisham ward)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asset register reference number</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Current Status (as indicated on the asset register)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major Use (as indicated on the asset register)</td>
</tr>
<tr>
<td>Scale and scope of the asset</td>
</tr>
<tr>
<td>Include a brief description of the physical asset</td>
</tr>
</tbody>
</table>

(ii) Recommendations

<table>
<thead>
<tr>
<th>Based on current information, it is recommended that:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The asset is not suitable for transfer. Drawing specifically on the information given in the form below, identify the reason for this assessment.</td>
</tr>
<tr>
<td>The asset is potentially suitable for transfer. The detailed analysis and any remaining actions identified in this form should be taken forward as a priority, ahead of a formal Council decision. Drawing specifically on the information given in the form below, identify the additional information and any actions required in order to reach a decision. Identify the timing for this work.</td>
</tr>
<tr>
<td>It is not possible to determine whether the asset is suitable and further work, identified below, is needed to reach an initial assessment. Drawing specifically on the information given in the form below, identify the additional information and any actions required in order to reach a decision. Identify the timing for this work.</td>
</tr>
</tbody>
</table>

Delete rows that do not apply.

(iii) Record of agreement and next steps

<table>
<thead>
<tr>
<th>Completed by</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comments from</td>
</tr>
<tr>
<td>Date completed</td>
</tr>
<tr>
<td>Date discussed by Capital Delivery Board</td>
</tr>
<tr>
<td>Note of next steps/ actions requested by CDB</td>
</tr>
</tbody>
</table>

Page 214
## (iv) Financial implications

<table>
<thead>
<tr>
<th>Based on current information</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>What is the current value of the property and what is this assessment based on?</td>
<td></td>
</tr>
<tr>
<td>What revenue for the Council is generated through the asset?</td>
<td></td>
</tr>
<tr>
<td>What are the current levels of running costs, including utilities, planned preventative</td>
<td></td>
</tr>
<tr>
<td>maintenance and responsive repairs?</td>
<td></td>
</tr>
<tr>
<td>Are there any significant costs associated with the building in the foreseeable future?</td>
<td></td>
</tr>
<tr>
<td>Would the transfer of the asset produce revenue budget savings for a council service?</td>
<td></td>
</tr>
<tr>
<td>Are there any other financial implications that should be considered as part of an assessment to transfer the asset?</td>
<td></td>
</tr>
</tbody>
</table>

**Conclusion:** Based on the information above what are the financial implications in relation to any potential transfer of this asset?

## (v) Current asset use and circumstances

<table>
<thead>
<tr>
<th>Details of use and circumstances</th>
<th>Y</th>
<th>N</th>
<th>Specify relevant details.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is there an existing lease in place?</td>
<td>Y</td>
<td>N</td>
<td>Add details including: name and relevant information about occupants; length of time of current occupancy; any lease arrangements:</td>
</tr>
<tr>
<td>Is the asset currently used?</td>
<td>Y</td>
<td>N</td>
<td>Add details including: main and any subsidiary uses, any services offered; level of use; identity of user-groups; and whether of local, borough-wide or wider significance.</td>
</tr>
<tr>
<td>Is the asset in reasonable condition?</td>
<td>Y</td>
<td>N</td>
<td>Add details, with estimated costs of any repairs/maintenance. Identify how recent this information is.</td>
</tr>
<tr>
<td>Is the asset suitable and/or sufficient for its current use?</td>
<td>Y</td>
<td>N</td>
<td>Add details, including whether the asset complies with the Disability Discrimination Act. Are there particular features that might restrict use of the asset?</td>
</tr>
<tr>
<td>Are there any other organisations affected by the ownership and use of the asset?</td>
<td>Y</td>
<td>N</td>
<td>Add details including in relation to existing freehold/leasehold arrangements, other contractual arrangements or any funding associated with the asset where conditions on its use or ownership may apply.</td>
</tr>
<tr>
<td>Are there any other circumstances directly relevant to potential transfer?</td>
<td>Y</td>
<td>N</td>
<td>Add details, for example housing stock transfer, existing contractual or financial obligations on the asset, covenants on the asset, whether HRA funded.</td>
</tr>
</tbody>
</table>

**Conclusion:** Based on the information above is there any reason to conclude that this asset should not be transferred? Specify, citing the main justification for any conclusion.
## (vi) Potential future use

<table>
<thead>
<tr>
<th>Details of use and circumstances</th>
<th>Y</th>
<th>N</th>
<th>Specify relevant details.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has the Council identified plans for the asset?</td>
<td></td>
<td></td>
<td>Add details.</td>
</tr>
<tr>
<td>Has the asset been assessed for suitability to be used for schools places and/or social housing? What was the outcome of that assessment?</td>
<td></td>
<td></td>
<td>Add details, including name and relevant information of the organisation.</td>
</tr>
<tr>
<td>Have any organisations expressed an interest in the asset?</td>
<td></td>
<td></td>
<td>Add details, including name and relevant information of the organisation.</td>
</tr>
<tr>
<td>Please outline the intended process for identifying a suitable organisation to transfer the asset to and how their capacity to undertake the transfer will be assessed.</td>
<td></td>
<td></td>
<td>Add details.</td>
</tr>
<tr>
<td>Please give details of the proposed terms of the transfer where known</td>
<td></td>
<td></td>
<td>Add details i.e. leasehold period, rent level, freehold transfer/sale</td>
</tr>
</tbody>
</table>

**Conclusion:** Based on any information above are there any viable proposals for community-based ownership and use? Specify, citing the main justification for any conclusion, and any further work required. If there is more than one proposal for future use are these mutually exclusive, what needs to happen in order to progress these?
(vii) Benefits: What are the expected benefits of transferring the asset

Mandatory benefits: All suitable candidates for transfer are expected to provide community benefits and represent value for money.

<table>
<thead>
<tr>
<th>Based on current information, would transferring the asset:</th>
<th>Y</th>
<th>N</th>
<th>Specify relevant details.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Achieve one or more of the following:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Safeguard a priority service that may otherwise be lost. A priority service is defined as a service currently delivered directly by the council or funded through contract or grant aid.</td>
<td></td>
<td></td>
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<tr>
<td>• Facilitate shared more efficient use of assets by VCS organisations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Community benefits</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Achieve one or more of the following:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Create efficiency savings. The overall combined cost of the service and asset to the council should not be greater post transfer.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Lever external investment to the borough.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Value for money</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conclusion:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Identify the main expected benefit of transferring the asset.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To what extent can these benefits be quantified?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### (viii) Risks

<table>
<thead>
<tr>
<th>Based on current information, what are the key risks involved in transfer:</th>
<th>Y</th>
<th>N</th>
<th>Specify relevant details. What mitigation might address this risk? Include details of any third parties that could be involved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potential to disadvantage particular individuals or impact negatively on the local community or communities of interest</td>
<td></td>
<td></td>
<td>For example, what is the potential impact on current users of the asset?</td>
</tr>
<tr>
<td>Potential for a negative impact on community cohesion</td>
<td></td>
<td></td>
<td>What is the potential impact of transfer on the local community? Are there existing tensions affecting the community?</td>
</tr>
<tr>
<td>Potential loss of existing community services</td>
<td></td>
<td></td>
<td>What are the implications of the transfer of the asset in relation to current service provision and community facilities? Does the transfer create any risk to continued provision in the longer-term. Can appropriate safeguards be identified that would maintain the asset for community benefit (e.g. restricting use, modifications and/or sale of the asset)</td>
</tr>
<tr>
<td>Capacity of recipient to manage asset</td>
<td></td>
<td></td>
<td>What level of expertise in facilities management exists within the potential recipient? What is the capacity of the recipient to take on ownership and management effectively?</td>
</tr>
<tr>
<td>Potential for the asset to become a financial liability for recipient</td>
<td></td>
<td></td>
<td>Are the costs of running and maintaining the facility known, and are they understood by the potential recipient? Have they got a business plan that sets out how they plan to use the asset?</td>
</tr>
<tr>
<td>Capacity of recipient to deliver promised services/outcomes</td>
<td></td>
<td></td>
<td>Is there a robust business plan in place? Has the potential recipient got a track record in this area? Does the potential recipient have sufficient capacity to deliver what they propose?</td>
</tr>
<tr>
<td>Capture of asset by unrepresentative/extremist minority</td>
<td></td>
<td></td>
<td>Are there safeguards in place in the short, medium and long-term that will prevent the asset from being used to the detriment of the wider community?</td>
</tr>
<tr>
<td>Transfer contravenes State Aid rules</td>
<td></td>
<td></td>
<td>Is there any potential that the transfer could distort competition and affect trade between EU Member States?</td>
</tr>
<tr>
<td>Conflict with other legal, regulatory constraints</td>
<td></td>
<td></td>
<td>Is the asset a listed building? What are the implications of this? Are there any other regulatory or planning constraints that affect the asset or an area that includes the asset?</td>
</tr>
<tr>
<td>Potential for ongoing Council liability</td>
<td></td>
<td></td>
<td>What are the implications of the transfer in terms of maintenance and health and safety? Are responsibilities clear? What are the insurance arrangements?</td>
</tr>
<tr>
<td>Lack of value for money</td>
<td></td>
<td></td>
<td>Are the opportunity costs understood? Are the potential benefits clear and supported by a strong business case? Do the benefits exceed the costs?</td>
</tr>
<tr>
<td>Conflict with other funders</td>
<td></td>
<td></td>
<td>Is there any funding associated with the asset where conditions on its use or ownership may apply?</td>
</tr>
</tbody>
</table>

**Conclusion:** Identify the key risk(s) involved and mitigation that might address this. Identify the residual risk that remains.
## Appendix F: Mapping

1. Scotney Hall  
2. Evelyn Community Centre  
3. Woodpecker Community Centre  
4. The Moonshot Centre  
5. Barnes Wallis Community Centre  
6. 82 Tanners Hill  
7. Clare Hall  
8. Lethbridge Close Clubroom  
9. Leemore Community Hub  
10. Honor Oak Community Centre  
11. Brandram Road Community Centre  
12. Lochaber Hall  
13. The Saville Centre  
14. Lewisham Irish Community Centre  
15. Ackroyd Community Centre  
16. Ewart Road Clubroom  
17. The Ringway Centre  
18. Goldsmiths Community Centre  
19. Champion Hall  
20. Silverdale Hall  
21. Venner Road Hall  
22. Sedgehill Community Centre  
23. Wesley Halls  
24. 2000 Community Action Centre  
25. Rockbourne Youth Club  
26. Midi Music Company  
27. Crofton Park Community Library  
28. Sydenham Community Library  
29. Grove Park Community Library  
30. New Cross Learning  
31. Abbotshall Playing Fields  
32. Firhill Playing Fields  
33. Tenenbee Sports Development Centre  
34. Lewisham Art House  
35. Somerville Adventure Playground  
36. Mulberry Centre  
37. Sydenham Centre  
38. 14a Randlesdown Road  
39. 120 Rushey Green  
40. 2 Catford Broadway  
41. 41 Rushey Green  
42. 308 Brownhill Road  
43. 299 Kirkdale  
44. Voluntary Services Lewisham  
45. 2-4 Devonshire Road  
46. 111 Randlesdown Road  
47. 124 Kilmorie Road  
48. Lewisham Way Youth and Community Centre  
49. Etta Hall  
50. Lewisham Opportunity Pre-School

NB – All the Green and Red markers indicate alternative hireable space
Appendix G

Equalities Analysis Assessment
Voluntary Sector Accommodation Implementation Plan

<table>
<thead>
<tr>
<th>Name of proposal</th>
<th>Voluntary Sector Accommodation Implementation Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lead officer</td>
<td>Liz Dart (Head of Cultural and Community Development Service)</td>
</tr>
<tr>
<td>Other stakeholders</td>
<td></td>
</tr>
<tr>
<td>Start date of Equality Analysis</td>
<td>12 June 2015</td>
</tr>
<tr>
<td>End date of Equality Analysis</td>
<td>22 June 2015</td>
</tr>
</tbody>
</table>

1. Background

This document is the Equalities Analysis Assessment for the proposed Voluntary Sector Accommodation Implementation Plan. It considers how the proposed plan might affect different groups in the community and assesses whether these effects are positive or negative. It also outlines the activity that the Council will take to ensure that equal opportunities are promoted and that no group is disproportionately discriminated against.

2. Voluntary Sector Accommodation Plan

Currently the Council supports a number of VCS organisations to access certain facilities (i.e. Council owned assets). There are currently 50 Council assets within the community premises portfolio including 23 community centres, 3 sports grounds and 24 buildings housing VCS organisations. In addition there are other properties that house VCS organisations that are not part of the community premises portfolio but are within the Council’s estate.

Across these assets occupancy levels vary greatly, though the average of approximately 30% occupancy within the community centres portfolio, shows that there is real potential to manage usage more effectively. Additionally there are currently a wide range of different lease and management agreements for occupants. This situation is potentially inequitable for organisations and makes the management and maintenance of these assets more complicated.

As part of the Council’s fundamental review of all its budgets, it has been looking at the costs of maintaining its range of assets and the potential income that these assets could generate for the Council that could be used to fund other services. In order to release substantial revenue savings and therefore safeguard frontline service delivery, the Council is in the process of reducing the number of its public buildings. This work has already commenced with the transfer of staff working in the Catford complex into Laurence House, and the changed use of the Town Hall.

In April 2015 Mayor and Cabinet considered the outcome of a three month consultation with the voluntary and community sector on a new framework for the council’s use of assets to
support the sector. This framework was agreed by Mayor and Cabinet and sets out four categories for VCS assets as follows:

**Sole occupancy of a building (not at full market rate)** – This would be a building, wholly or predominantly utilised by one VCS organisation. In order for an organisation to have sole occupancy of a building it would need to demonstrate a need for specialist facilities that could not be provided elsewhere and/or within a shared facility. The organisation would need to demonstrate that it can't afford full market rate. The organisation would also need to be delivering services that meet our priorities.

**Voluntary and Community Sector Hub** – This would be a shared building with all inclusive affordable rents. This would be the preferred category for organisations that are providing services that meet our priorities (and cannot demonstrate the need for specialist facilities above). The Hubs will provide office and meeting space. Activity space where appropriate and possible may also be provided, otherwise this would need to be hired elsewhere.

**Community Centre** – This would be a neighbourhood based facility with activity space that is predominantly geared towards providing services at a neighbourhood level. Community Centres currently have a range of different terms and conditions, some are on full repairing leases, some directly provided and others managed by Premises Management Organisations (PMOs) but with Repairs & Maintenance provided by the Council. Many community centres are currently underutilised and we would be looking to rationalise the number of centres taking into account what other community facilities are available in the area. As the number of centres is reduced we would work to reduce the overall financial burden to the Council and put in place equitable arrangements across the portfolio.

**Sole occupancy of a building at full market rate** – This would be for larger VCS organisations that can afford to pay full market rates, for those that are not delivering services that meet our priorities or for organisations that are delivering services that meet our priorities but that do not wish to be housed within one of the VCS hubs. These organisations would still be able to access buildings (where available) on the Council’s standard letting terms and conditions.

Following the adoption of the framework the next step was to develop an implementation plan to demonstrate the impact of the framework on the existing portfolio of community premises. The following principles that were agreed as part of the framework were used to guide the development of the implementation plan:

- Demand for subsidised space will always outstrip the available resources and it is therefore essential to have a process for allocating support that is open and transparent.
- Lease and hire arrangements should be equitable.
- Council Assets used by VCS organisations need to be fully optimised to ensure the Council is achieving best value for its’ residents.
- The overall cost to the Council of assets used by VCS organisations should be reduced in order to release savings.
- The model for the use of Council assets to support VCS organisations in the future should allow some flexibility for changing needs.
- The model should support the Council’s partnership approach
- Enabling VCS organisations to access Council assets is a way of supporting the sector.
- The model should help the sector to help themselves by optimising the use of their resources.
In addition the following factors have been considered in developing the implementation plan:

- Usage levels
- Other facilities in the locality
- Impact on council’s ability to meet its statutory duties
- Existing lease arrangements
- Potential for redevelopment
- Potential for shared use
- Condition of the asset

The Implementation Plan is a live document that sets out the proposed way forward for each of the buildings within the Community Premises Portfolio. The plan spans three years and will be reviewed and updated during this period.

In light of the changes identified within the implementation plan, in particular the closure of certain Community Centres and office buildings an in-depth Equality Analysis was needed. This will allow the impact on protected characteristics to be assessed in the light of the above changes, with a particular focus on older and younger people who are most likely to be affected by the rationalisation of community centres.

3. Equalities Context

Public bodies such as local authorities are legally required to consider the three aims of the Public Sector Equality Duty (set out in the Equality Act 2010) and document their thinking as part of any decision-making processes. The Act sets out that public bodies must have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation;

- advance equality of opportunity between people who share a protected characteristic and those who do not share that characteristic; and

- foster good relationships between those who share a protected characteristic and those who do not share that characteristic.

The following equalities characteristics are ‘protected’ from unlawful discrimination in service provision under the Equality Act 2010: age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion and belief; gender; and sexual orientation.

The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
The Human Rights Act came into effect in the UK in October 2000. It means that people in the UK can take cases about their human rights as defined in the European convention on Human Rights to a UK court. At least 11 Articles of the European Convention on Human Rights have implications for the provision of public services and functions. This EIA assesses whether the proposed recommendations are in line with duties established by this Act.

Against the backdrop of the Equality Act 2010, Lewisham’s Comprehensive Equalities Scheme (CES) was developed and agreed by the Mayor in 2012. The CES is the council’s overarching equalities vision statement. It specifically describes how the Public Sector Equality Duty will be addressed through five overarching objectives:

- tackling victimisation discrimination and harassment
- closing the gap in outcomes for citizens
- improving access to services
- improving mutual understanding and respect
- improving participation and engagement

4. Equalities Assessment of the Voluntary Sector Accommodation Implementation Plan

4.1 Age

Age refers to a person belonging to a particular age or age range. As an employer and a provider of services the Council is required to ensure that it does not unlawfully discriminate against a person on account of their age. A summary of data on age is set out in the box below.

**Data summary for age:**

- according to the 2011 Census some 70,100 Lewisham residents are aged between 0-19 (25% of the population), whilst some 179,800 residents are aged between 20-64 (65% of the population). By contrast there are some 26,200 older people aged 65 and over (9.5%).

- according to the 2013 Sub National Population Projections by 2021 the number of Lewisham residents aged 0-19 is expected to rise to 79,570 (25% of the population), whilst the number of people aged 20-64 is expected to reach 208,190 (65% of the population). By contrast the number of people aged 65 and older is expected to increase to 30,570 (10% of the population).

- Ward profiles suggest that a greater number of older residents (65+) live in the south of borough in areas like Downham or Grove Park; Whilst younger residents (0-19) are spread throughout the borough more evenly.

Analysis of the proposed plan’s impact on the protected characteristic of age was split into two parts: the effect on the older population, who are aged 65 and over, and on the younger population, aged between 0 to 19 years old.
4.2 Older People (65 and Over)

Within the proposed plan, the main changes that may have an effect on older people are the rationalisation of community centres across the borough, and the relocation of services from the Saville Centre, which currently houses the Lewisham Pensioners Forum amongst others.

As the data summary and map below suggests there are wards within the borough that have larger numbers of older people than others. Indeed the proposed relocation of Lewisham Pensioners Forum from the Saville Centre (in Rushey Green), should not have a significant impact on older people, so long as they remain close to accessible transport links. The proposals suggest a consolidation within the Lewisham Irish Community Centre, which is very close by, or moving into one of the Hubs – indeed the hubs (with their kitchen facilities) may be able to help Lewisham Pensioners Forum expand their provision widely, particularly through lunch clubs that help engage and bring the community together.

In terms of community centres, the rationalisation is focussed very much about creating better more relevant provision that provide for their distinct local neighbourhoods, and whilst there will be some closures, these are only proposed in areas where alternative provision is readily available. Indeed within Sydenham that has a high proportion of older people, the proposal is to create a new Community Centre that can accommodate a wider spread of the community within a new environment at the Sydenham Centre. In Downham and Grove Park where there is also a high density of older people, the only impact by the proposed plan is to re-provide in conjunction with Phoenix Community Housing) on the wider site of Wesley Halls along with housing development – which should provide a more accessible and suitable facility.

![Map showing number of residents over the age of 65](image)

Number of residents over the age of 65  
Source: ONS Census 2011
Overall, we believe that older people should not be disproportionately affected by the implementation of this plan.

4.3 Young People (0 – 19)

The assets that are utilised by this demographic are the Community Libraries, Playing Fields, Somerville Adventure Playground, Midi Music, Lewisham Toy Library, Young Lewisham Project, Lewisham Young Women’s Resource Project, Platform 1, and the Community Centres and Nurseries.

The Community Libraries, Playing Fields, Somerville Adventure Playground and Midi Music have all been categorised into category 1, where there will be no change, as they are deemed to require/be specialist facilities.

Lewisham Toy Library (Rushey Green) are being assisted to move out of their current premises and are currently looking at either relocating to a community hub or community library, with Sydenham Library being an option which would actually move the service to an area with a higher density of your people, on the border of Sydenham and Bellingham, and as such shouldn’t have a detrimental impact.

Young Lewisham (Perry Vale) project will continue to operate from their current site, with further outreach work taking place at Rockbourne Youth Centre, again widening their scope out into the community. Platform 1, have already relinquished their lease and are moving in to share premises with Young Lewisham, which should help sustain the two organisations and the provision within the Perry Vale area moving forwards.

Lewisham Young Women’s Resource Project currently occupy a house in Rushey Green, with the proposal being to help them move into a hub, or move them onto a lease for their current premises. A move to a community hub that would allow them to collaborate with other service providers would potentially add benefit to the organisation and it’s user group, allowing users to access other worthwhile services under the same roof.

In terms of community centres, the rationalisation is focussed very much about creating better more relevant provision that provide for their distinct local neighbourhoods, and whilst there will be some closures, these are only proposed in areas where alternative provision is readily available. Indeed the work with Strategic Housing and housing providers, around re-provision of community facilities is likely to have a positive impact on younger people more than others as the new centres will be ‘digitised’ and vibrant, and provide smaller spaces that allow local people to come together to share time and interests.

The other area that will be impacted by these changes is nurseries, currently most of these are within community centres, and indeed the Council has a statutory duty to ensure there are enough nursery places available across the Borough. To this end, any centres that currently have nurseries as sole users will be turned over to nursery use and marketed as such, and a number of other centres that have been proposed for closure/consolidation will also be marketed as nurseries.
Overall, we believe that young people should not be disproportionately affected by the implementation of this plan.

4.4 Disability

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities. ‘Substantial’ is more than minor or trivial e.g. it takes longer than it usually would to complete an everyday action such as getting dressed, whilst a ‘long-term’ condition means 12 months or more. Progressive conditions can also be classed as disabilities; these are conditions that get worse over time like HIV or cancer. It should also be noted that a number of older residents are likely to be eligible for disability-specific provision, for examples for services supporting dementia or individuals who are physically incapacitated. A summary of data on disability is set out in the box below.

Data summary for disability

According to the 2011 Census:
• 7.1% (19,523) Lewisham residents indicated that their day-to-day activities were limited a lot, and 7.3% (20,212) indicated that their day-to-day activities were limited a little;

• 5.3% (14,318) Lewisham residents indicated that they are in bad health or very bad health;

• 8.1% (22,521) Lewisham residents provide some form of unpaid care. Over 5,000 Lewisham residents provide 50+ hours of unpaid care per week.

• 160 Lewisham residents indicated that sign language was their main language.

There is currently one disability related organisation housed within this portfolio, Lewisham Disability Coalition, who have recently moved into 111 Randlesdown Road, on a full lease. Whilst that building may be suitable for their current needs, and we are happy for them to stay there, the opportunity to move into one of the hubs (specifically the Leemore Hub which will have an Advice and Information focus) will be available to them should they wish to collocate their services with similar service providers.

Outside of that, it should be noted that a number of the community centres in particular were built in the 50s and 60s when there was little regard for accessibility, and have had to have modifications made to them over time. The possibility to work with housing providers to re-provide modern accessible facilities will allow greater access to people with disabilities into their neighbourhood community centres. Additionally, the two new community hubs and the new community centre in Sydenham are all current Day Centres, and have been subject to high level modifications for service users with disabilities, so opening these buildings up to the community and as bases for services should help make them more accessible than in the past. In fact, the hub model for services should also help cut down on the travel required for service users, as they’ll find complementary services co-located.

Indeed it is because of these positive changes that we believe that the implementation plan will have a positive impact on those residents with disabilities.

4.5 Gender

Gender has the meaning usually given to it and refers to whether a person is a man or a woman. A summary of data on gender is set out in the box below.

**Data summary for gender**

- according to the 2011 Census there are 135,000 males living in Lewisham and 140,900 females;

- however, by 2030 it is forecast that the number of males would have surpassed that of females (158, 500 men to 157,100 women);
based on the 2013 Mid-year Population Estimates Lewisham’s males are more numerous than females between the 0-19 age groups. By contrast females are more numerous than males in the 20 – 44, 35 - 59, 60-79 and 80+ age groups;

by 2030 the percentage of males is still expected to be greater than females in the 0-19 age group. Males are also expected to be more numerous in the 20 – 44, and 35 – 59 age group. However, females will still be more numerous in the 60-79 and 80+ age groups.

The recommended plan is inclusive of both genders. The only gender specific organisation that will be impacted is the Lewisham Young Women’s Resource Project (mentioned in Young People above).

The inclusive nature of all community facilities, and organisations that operate within them suggests that no specific gender should be disproportionately affected by the proposed implementation plan.

4.6 Gender Re-assignment

Gender re-assignment describes the process of transitioning from one gender to another. For individuals within this group, the Act provides protection for trans-sexual people from discrimination and harassment in various areas, such as work or the provision of goods and services. A summary of data on gender reassignment is set out in the box below.

Data summary for gender reassignment

- in 2006-07 Lewisham Council commissioned a research study of the LGBT populations who lived, worked, studied or socialised in the borough;
- of the 316 respondents, seven identified as trans people, which was insufficient to draw quantitative conclusions;
- according to the NHS Secondary User Service Admitted Patients database, there were four admissions to NHS hospitals in 2011-12 of four different individuals resident in Lewisham and having a primary diagnostic code beginning F64 (trans-sexualism or gender identify disorder). Only one of these was for a full (male to female) gender reassignment. None of the admissions were to Lewisham Hospital.
- In October 2014 the Trans and Gender Non-Conforming Swimming Group (TAGS) set up a weekly private swimming session – 20 regular swimmers have attended a week, although some may have travelled from other boroughs to Lewisham.

There are no buildings or organisations within the scope of this plan that have any positive or negative connotations for people going through the gender re-assignment process. Indeed, through the work that the Voluntary and Community Sector carry out within our buildings, we would expect there to be no discrimination of any characteristics, quite the opposite as we
would aspire to see these organisations utilising facilities to positively encourage participation from those that may feel marginalised. A good practice example of this happening within other council facilities is the Trans Swimming sessions at Glassmill Leisure Centre. Indeed the co-location of other service providers alongside Voluntary Action Lewisham in the Leemore hub, should allow VAL’s Equalities work to effectively tie in wider service providers and engender a more positive, inclusive and outward looking sector.

As a result we don’t believe that the implementation plan will have any impact on residents going through Gender re-assignment.

4.7 Marriage and Civil Partnership

The Equality Act protects against unlawful discrimination if you are legally married or in a civil partnership. A summary of data on marriage and civil partnership is set out in the box below.

Data summary for marriage and civil partnership

- In 2011 about half of Lewisham residents over 16 have never been married or in a civil partnership. This is higher than England as a whole.
- A third of over 16s in Lewisham are currently married or in a civil partnership (0.5% in civil partnership)
- 17% of residents (aged 16 and over) have been married or in a civil partnership but are now separated, divorced or widowed.

Consideration of the characteristic of marriage and civil partnerships need only be in respect of eliminating unlawful discrimination. In this regard, the proposed implementation plan would not in any way exclude individuals who are legally married or in a civil partnership. Again VAL through their equalities work will protect and monitor this characteristic as one of the 9 protected under the Equality Act 2010. Therefore, this characteristic should not be disproportionately affected under the proposed plans.

4.8 Pregnancy and Maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding. A summary of data on pregnancy and maternity is set out in the box below.

Data summary for pregnancy and maternity

- for 2013 there were about 4,827 new babies recorded in official statistics as Lewisham residents; the General Fertility Rate is notably higher in Lewisham, at 68.1 live births per 1,000 women aged 15 – 54, than in England at 62.4 in 2013.
Lewisham has an underlying population growth arising from its excess of births over deaths. In a typical year, there are more births (approximately 4,500-5200) than deaths (approximately 1,500-1,800) in Lewisham residents.

Two elements of the proposed plan could have an impact on Pregnancy and Maternity. These are the rationalisation of community centres, many of which house parent and toddler groups, so the reduction in centres may mean that some parents on Maternity have to travel further to community centre based sessions. However, as alluded to before the proposed re-provision of a number of centres in partnership with housing providers should provide a much more appealing venue for those on maternity (and indeed in pregnancy) to visit and use.

Additionally the relocation of the Toy Library where those on maternity may go to access suitable play equipment may have an impact, though the possibility of this being co-located within a community would actually open up the access to complimentary services whereby residents are able to access suitable reading material and other engagement classes and sessions.

Therefore we should expect residents with this protected characteristic not to be disproportionately affected by the proposed plans.

4.9 Race

Race refers to the equality group of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins. A summary of data on race is set out in the box below.

Data summary for race

- according to Census data from 2011, 53.6% (147,686) of all Lewisham residents are white (White British, White Irish and White European);
- currently people from a Black Caribbean, Black African and Black other ethnic background represent 27.2% (74,942) of the population;
- Profiles indicate that the majority of black and minority ethnic residents live in the North and Centre of the borough in wards such as Evelyn, New Cross and Rushey Green.

The data in the table below shows that there is considerable demographic variation across the borough when it comes to BME communities with a number of wards having a BME majority.
A number of organisations that deliver services specifically aimed at BME communities are currently utilising community premises, and as such are within the scope of this plan.

Specifically, there is Action for Refugees in Lewisham based at Leemore, Lewisham Multi-lingual Advice Service who currently share office space with Age UK, SSLC and FORVIL within Evelyn Community Centre, IRIE! at the Moonshot Centre, REMEC at Scotney Hall and Lewisham Somali Community Organisation.

Firstly, a number of these buildings and users will stay as they are within the plan. These are; Action for Refugees in Lewisham, SSLC, FORVIL, IRIE! and Lewisham Somali Community Organisation.

REMEC (who are a faith organisation that focus on the BME community) will be offered the opportunity to move into the Mulberry hub in New Cross, as we recognise the demographics across the borough show a high level of BME communities within the Evelyn and New Cross area, and so should stay within that community.

Lewisham Multi-Lingual Advice Service have expressed an interest in moving into the Leemore hub that will allow them to be co-located with the wider Advice and Information sector there and so allow their service users better access to complimentary services.
Additionally of course, the community centres rationalisation will also have an impact in areas where there are high concentrations of BME communities. Within the Rushey Green area where there is a high percentage there isn't a reduction in community centre provision, however in the Evelyn/New Cross area there are a number of centres that have been earmarked as surplus, specifically; Scotney Hall and Woodpecker Community Centre. However this needs to be looked at in relation to the number of alternative venues that are available for hire (Appendix F), as well as the fact that a new Community Hub will be created at Mulberry, and the new community spaces that will be available upon the completion of the Surrey Canal development in the far north west of the borough.

Overall the co-location of services coupled with the alternative facilities that are available within areas where community centres are planned to be closed means that the proposed plan is considered not to have a disproportionate impact relating to Race. Officers within the wider Cultural and Community development team will also work with grant funded organisations (a number of whom are within the scope of this project), and specifically those working primarily with particular communities to build positive race relations and promote community cohesion/ mutual understanding and respect. This is one of our comprehensive equalities scheme objectives.

### 4.10 Religion or Belief

Religion has the meaning usually given to it, but belief includes religious and philosophical beliefs including lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition. A summary of data on religion and belief is set out in the box below.

**Data summary for religion or belief**

- the most up to date information on religion or belief in Lewisham is from the Census of 2011. This revealed that nearly 64% of Lewisham residents described themselves as having a faith or religion, whilst around 27% of residents described themselves as having no faith or religion;

- amongst those residents that described themselves as having a faith or religion some 52.8% identified their faith as Christian, whilst 6.4% described themselves as Muslim;

- of other religions, Hindus represent 2.4% of the population, whilst Buddhists represent just over 1.3% of the population;

This characteristic is mainly highlighted through the community centre rationalisation section of the proposed plan, as a number of centres currently house church groups. Indeed whilst none of the centres and/or user groups should be discriminating against those with religious beliefs, the hosting of church groups themselves also need to be inclusive to the needs of that particular neighbourhood, and a proper balance that serves the local community needs to be found.
The rationalisation of the community centres will likely result in some church/religious groups having to seek alternative accommodation, but the individual plan for each affected centre will include assistance and information to help groups relocate to other local facilities that may be available (Appendix F).

As such it is not believed that the proposed plan would have a negative impact on this characteristic.

4.11 Sexual Orientation

Sexual orientation is defined as whether a person's sexual attraction is towards the opposite sex, their own sex or to both sexes. A summary of data on sexual orientation is set out in the box below.

**Data summary for sexual orientation**

- There are no accurate statistics available regarding the profile of the lesbian, gay, bisexual and transgender (LGBT) population either in Lewisham, London or Britain as a whole.

- The Greater London Authority based its Sexual Orientation Equality Scheme on an estimate that the lesbian and gay population comprises roughly 10% of the total population.

- At the 2011 census 2% of over 16 year olds were cohabiting with someone of the same sex or were in a civil partnership, this is higher than both the England and London averages (0.9% and 1.4% respectively).

- in the 2015 Annual Resident Survey, a question on sexual orientation found that 3% of respondents identified as lesbian or gay.

The make up of users and residents across the borough that may be using the services and community provision offered within the premises identified within this plan are unknown. Indeed there is only one clearly identifiable organisation that will be operating from within these buildings that explicitly has provision for the LGBT community is Voluntary Action Lewisham who will be moving into the Leemore hub. The expectation is that by more cohesive working practices across VCS organisations within the hubs that effective positive outreach work will begin to be properly coordinated. As such this model could have a positive impact on the LGBT community.

As a result it is not anticipated that this proposed plan will have a negative impact upon the LGBT community.

**Overall Mitigation**

According to the 2012 Sub-national Population Projections (ONS) the total population of Lewisham was 290,000, an increase of 52,000 since the 2001 Census. This is the 12th
highest population of all London boroughs. ONS forecasts that the population is set to rise to 315,000 by 2020, an increase of 9%. Putting further pressure on already stretched resources.

Indeed it must be said that whilst the proposed plan will help to bring key organisations together to share space, costs and help provide more joined up services; allow the borough to provide newer and better quality community spaces that are fit for the 21st century; and help the council provide the school places and houses that the borough so desperately needs; the plan will also help elicit some savings by bringing some commercially viable buildings back into the commercial portfolio, allow for the disposal of certain buildings and help the council meet its savings targets.

The partnering with Voluntary Action Lewisham to help the council liaise with the sector on this, having them become an anchor tenant within the Leemore hub as well as the funding as a strategic equality organisation will also help mitigate any negative impact on protected characteristics. They will work with the Metro centre to research, monitor, protect and advocate equality for all nine protected characteristics. Specifically, Voluntary Action Lewisham will work as a co-ordinator with local organisations to understand and remove barriers to inclusion. This should improve the provision for protected characteristics within funded organisations across the borough, many of whom are the organisations that we support through use of our premises, and improve the range of individuals accessing services within the borough by highlighting and combating barriers to inclusion.

When considering the impact of the proposed plan across the nine protected characteristics, the two main areas for concern were the impact on older and younger people, and those from the BME community. However, having considered the mitigation and demographic profile of the borough alongside alternative local facilities the impact on these groups is not felt to be negative, and indeed if the hub model and re-provision of buildings through partnerships with housing providers is successful then long term there will be a positive impact.

Overall, the spread of facilities that are being proposed, alongside the new ways of working and alternative hireable spaces the implementation plan is considered to be fair and equitable.
Chief Officer Confirmation of Report Submission
Cabinet Member Confirmation of Briefing
Report for: Mayor
Mayor and Cabinet
Mayor and Cabinet (Contracts)
Executive Director
Information Part 1 Part 2 Key Decision

Date of Meeting 15th July 2015

Title of Report Early Intervention Proposals for Children’s Centres

Originator of Report Alastair Pettigrew Ext. 43996

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

<table>
<thead>
<tr>
<th>Category</th>
<th>Yes</th>
<th>No</th>
</tr>
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<tbody>
<tr>
<td>Financial Comments from Exec Director for Resources</td>
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<td></td>
</tr>
<tr>
<td>Legal Comments from the Head of Law</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Crime &amp; Disorder Implications</td>
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<tr>
<td>Environmental Implications</td>
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<tr>
<td>Equality Implications/Impact Assessment (as appropriate)</td>
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<tr>
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<tr>
<td>Risk Assessment Comments (as appropriate)</td>
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<tr>
<td>Reason for Urgency (as appropriate)</td>
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Signed: [Signature]

Date: 7th July 2015

Signed: [Signature]

Date: 7th July 2015

Control Record by Committee Support

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<td>Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)</td>
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1. Purpose

1.1 The purpose of this report is to feed back to Mayor and Cabinet on the proposals for Children’s Centre provision in the borough following consultation with service users, staff and professionals as requested at the meeting of Mayor and Cabinet on 11\textsuperscript{th} February 2015.

2. Executive Summary

2.1 The report for the meeting of Mayor and Cabinet on 11 February 2015 set out the proposal to make savings of £5.515m during 2015/18 through improving triage for Children’s Social Care services and re-designing the Children’s Centres Early Intervention offer.

2.2 Part of these savings concerned the reshaping of early intervention services run via the Children’s Centres in order to reduce costs by £1.936m by reducing the unit cost for each family worked with, reducing the number of families to be worked with from 5500 to 3800 and saving administration costs by enabling some Children’s Centres to be freed from Ofsted inspections which would allow them to operate at a lower cost. This would require the Centres to be removed from the Sure Start On database even though they would continue to deliver services for children and families.

2.3 The total savings of £5.515m were agreed at the meeting of Mayor and Cabinet on 11 February. The Mayor also requested a consultation exercise with the Children’s Centres in relation to the proposed new model of operation. This report feeds back the results of this consultation.

3. Recommendations

The Mayor is recommended to:
3.1 note the responses to the consultation

3.2 agree that the following Children’s Centres remain open providing services to children and families and remain on the Sure Start database: Clyde, Ladywell, Bellingham, Downderry, Eliot Bank and Kelvin Grove.

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

3.4 confirm as closed Heathside and Lethbridge and remove this Centre from the Sure Start On database.

4. Policy Context

4.1 The Council’s Sustainable Strategy “Shaping our Future” sets out a vision for Lewisham and the priority outcomes that we can work towards in order to make this vision a reality. Children’s Centres’ contribution to the Strategy includes increasing attainment at school, empowering communities to take an active part in their local area including volunteering opportunities and improving health outcomes for children and families. The Children and Young People’s Plan 2012-2015 sets out our priorities for development. The work undertaken by officers and the proposals set out in this report are in line with the aims and objectives of these policy frameworks.

5. Context

5.1 At the present time there are 17 Children’s Centre sites across the borough. They are all commissioned services on a payment by results basis. The contract with The Children’s Society to run services at 8 Centres came to an end on 31 March 2015 and Clyde Early Childhood Centre and Pre-School Learning Alliance (PSLA) took over the running of these Centres with the exception of Heathside and Lethbridge which is currently closed awaiting demolition. Currently, we have 5 Children’s Centres being run by Clyde Early Childhood Centre (CECC), 5 by the Pre-School Learning Alliance (PSLA) and 7 are school-run Children’s Centres. In addition to the 17 Children’s Centre sites, services are run from other venues in the borough by Children’s Centres including at Deptford Park, health centres and TNG. A map showing the Children’s Centres and their geographical location is attached at Appendix A.

5.2 For the £1.936m savings proposals from the Children’s Centres to be taken forward, it was proposed in the 11 February 2015 Mayor and Cabinet report that we should change the existing model of delivery, in order that the Centres remain viable and can ensure that they maximise the resource spent on children and families rather than on administration.
5.3 Proposals to extend the current Children’s Centres provision until 31 March 2017 are the subject of a report to Mayor and Cabinet Contracts on 15 July 2015. It is proposed in that report that, in line with the savings agreed in February, the value of these contracts be reduced from £3.214m in 2014/15 to £2.44m in 2015/16 and £1.8m in 2016/17. The agreement to the recommendations in this report are designed to allow the Centres more flexibility to operate within these reduced funding envelopes.

5.4 In order to enable Children’s Centres to have this flexibility in operation and reduced administration and data capture costs, the proposal is that some Centres are freed from Ofsted inspection to allow the reduced resource to be directed to delivery of services for children and families rather than administration. The DfE database ‘Sure Start On’ holds the records of Children’s Centres and is used by Ofsted in order to plan inspections. Removal of a Children’s Centre record from this database means that the Centre no longer appears on the database and therefore will not be inspected by Ofsted.

5.5 The remainder of the Children’s Centres will still be inspected by Ofsted but they will also have reduced budgets. The proposed funding allocations to these providers is considered to be sufficient to enable them to continue to offer the full range of services and administration required as this was taken into account when drawing up the funding model.

5.6 Providers running the Children’s Centres which are not on school premises would need the flexibility of provision of Centres which will not be inspected by Ofsted in order to deliver effectively at both these and the Centres which will remain subject to inspection.

5.7 Officers have reluctantly concluded that Beecroft Garden needs to be removed from the database because of the centre management’s lack of confidence that it could successfully meet Ofsted expectations with the reduced funding.

5.8 Kilmorie and Marvels Lane are each in relative close proximity to other Children’s Centres which would continue to be subject to Ofsted inspection. Due to the reductions in budget for these Centresthey would not be able to meet the expectations of an Ofsted inspection.

5.9 In the report to the Mayor and Cabinet on 11 February, it was stated that one of the burdens required by Ofsted was for Centres to be open from 9-5 Monday to Friday; Ofsted has informed us that there is no longer a stipulation regarding opening times for Centres. However, other requirements are still in place for Centres on the database, including being subject to inspection by Ofsted, production of extensive data sets and making available a range of services as specified by statute. When carrying out inspections, Ofsted inspectors in general will look for:

- data about the make-up of the area and locality
• a needs analysis of the families with young children in the area that identifies the families and young children most in need of intervention and support (target groups) and the types of services that will benefit them most
• contact data, including information about outreach visits and their impact
• participation data, including those that relate to the centre’s activities as well as activities provided externally – this includes, for example, take-up of the free entitlement to early education; centres should be able to show the numbers of participants from particular groups, including target groups
• agreed targets and service level agreements with the local authority and key partners
• evidence about how participation and contact rates have improved over time, particularly in relation to target groups and those identified as being most need of intervention and support
• unemployment rates in the locality
• evidence of ways in which services and activities have been adjusted following consultation with parents, including those in the wider community who may not be using the centre

5.10 The data sets required are extensive in terms of subject area (including a range of health data as well as take-up of early education, achievement at school, teenage pregnancy, disability, worklessness, children in poverty, minority ethnic groups, fathers and detailed analysis of the Centre’s chosen target groups including outcomes and sustained impact) and the data is a key factor in inspectors determining an Ofsted judgement. While we will still require the Centres to keep data to evaluate impact and we will monitor and support them closely, in particular in relation to the key performance indicators provided by the local authority at reach area level, the burden will be less extensive as required by Ofsted and more amenable to local adjustments to keep bureaucracy to a minimum.

5.11 To achieve the significant savings required, the recommendations in this report are designed to ensure that services continue to be delivered to children and families, particularly those who are most vulnerable as well as ensuring the requirement for sufficient Children’s Centres is met. The Childcare Act 2006 as amended, requires “arrangements to be made by local authorities so that there are sufficient children’s centres, so far as reasonably practicable, to meet local need.” (Section 5A). As set out in section 7.5, officers are confident that the sufficiency duty will continue to be met.

5.12 The 11 February report set out the results of the borough-wide consultation carried out in December 2014 and January 2015 and focused on the savings which needed to be made. The consultation carried out in May and June 2015 was focused on the removal of the burden of Ofsted inspections and consultation meetings were held at each of the Centres for which this was proposed.

6 Results of the consultation
6.1 The public consultation was focused on whether parents, carers, professionals and staff were concerned about the removal of the requirement for Ofsted inspections. Officers took the opportunity of finding out what services parents and carers valued most at individual Centres.

6.2 A public consultation was carried out between 27 May and 16 June 2015 for eleven of the Centres at which significant changes are proposed: St Swithun’s, Evelyn, Amersham, Hatcham Oak, Manor House, Torridon, Marvels Lane, Beecroft Garden, Kilmorie, Eliot Bank and Kelvin Grove.

6.3 A separate consultation had been held earlier in the year on the same issue for Besson Street Gardens which is managed by NXG Trust and so it was decided not to repeat this. The Heathside and Lethbridge consultation was held through Quaggy Children’s Centre in Greenwich, situated very close to the estate and which works with a large number of families from the estate. Unfortunately the Centre had closed and we had no responses.

6.4 The consultation for the eleven Centres covered:
- the need to make changes to Children’s Centres in order to make savings;
- the proposal to keep four Centres as they are now: Clyde, Ladywell, Downderry and Bellingham;
- the proposal to make changes to the twelve other Centres remaining (excluding Heathside and Lethbridge to be demolished). This could include reduced opening hours;
- the services respondents would most like to see at a specific Centre and what other services they felt were important;
- the times and days they thought a particular Centre should be open;
- whether inspection by Ofsted would affect the way they use Centres.

6.5 The consultation documents were specific to each Children’s Centre (apart from the web portal consultation) and an example of the consultation paper is attached at Appendix B.

6.6 The public consultation used the following approaches:
- drop in sessions at each of the eleven Children’s Centres for which significant changes were proposed (a joint meeting was held at Kelvin Grove for both Eliot Bank and Kelvin Grove which operates as a group of Centres);
- paper consultation documents individual to each of the eleven Centres were distributed to each Children’s Centre;
- online consultation using UEngage.

6.7 85 people attended the drop in sessions across the eleven Children’s Centres (12 at Manor House, 5 at Torridon, 8 at Amersham, 6 at Marvels Lane, 10 at St Swithun’s, 3 at Hatcham Oak, 5 at Kilmorie, 24 at Beecroft Garden and 12 at Eliot Bank and Kelvin Grove). No parents attended the consultation meeting at Evelyn but the consultation paper was taken to a local venue at which many parents were in attendance. In addition, 13 professionals attended the consultation meetings. There were 351 responses to the consultation paper.
6.8 Overall, the respondents detailed the services they value the most for each Centre, the times of day they felt were most suitable and responded in the majority to say that the Centre being inspected by Ofsted would not affect their use of the Centre.

6.9 **Ofsted inspections.** On the specific question of were the Centre to be no longer inspected by Ofsted whether it would change their use of Centres, the results were as follows:

<table>
<thead>
<tr>
<th>Centre</th>
<th>Yes</th>
<th>No</th>
<th>Unanswered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hatcham Oak</td>
<td>24%</td>
<td>57%</td>
<td>19%</td>
</tr>
<tr>
<td>Evelyn</td>
<td>14%</td>
<td>14%</td>
<td>72%</td>
</tr>
<tr>
<td>Amersham</td>
<td>17%</td>
<td>50%</td>
<td>33%</td>
</tr>
<tr>
<td>Beecroft Garden</td>
<td>61%</td>
<td>37%</td>
<td>2%</td>
</tr>
<tr>
<td>St Swithun’s</td>
<td>0%</td>
<td>75%</td>
<td>25%</td>
</tr>
<tr>
<td>Manor House</td>
<td>0%</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>Torridon</td>
<td>4%</td>
<td>88%</td>
<td>8%</td>
</tr>
<tr>
<td>Marvels Lane</td>
<td>0%</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>Eliot Bank and Kelvin Grove</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kilmorie</td>
<td>15%</td>
<td>74%</td>
<td>11%</td>
</tr>
</tbody>
</table>
Web  Yes  33%
No  67%
Unanswered  0%

6.10 The figures show that the majority of respondents did not feel inspection by Ofsted would be an issue with the exception of Evelyn where 14% said ‘yes’ and 14% said ‘no’ but with 72% not giving an answer, and Beecroft Garden where 61% felt this would make a difference. Notwithstanding this the management of Beecroft Garden strongly want the Centre to be freed from Ofsted inspections and interpret the parents’ and carers’ response to this question as a concern that services might be stopped in the future at the Centre.

6.11 In keeping with other consultations, respondents were also asked what services they found most important and other services they would like to see.

A summary is below:

<table>
<thead>
<tr>
<th>The services ranked in order of importance were as follows:</th>
<th>No. Respondents rating this as most important</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stay and play for children of specific ages</td>
<td>215</td>
</tr>
<tr>
<td>A chance to meet other parents in similar situations</td>
<td>124</td>
</tr>
<tr>
<td>Messy Play</td>
<td>123</td>
</tr>
<tr>
<td>A person I know and trust to ask for advice</td>
<td>109</td>
</tr>
<tr>
<td>Support with breastfeeding</td>
<td>95</td>
</tr>
<tr>
<td>Experts who can inform me how my child is developing</td>
<td>90</td>
</tr>
<tr>
<td>Help with domestic abuse, drug/alcohol use or mental health problems</td>
<td>89</td>
</tr>
<tr>
<td>Advice and information on where to get other help</td>
<td>85</td>
</tr>
<tr>
<td>Child developmental checks</td>
<td>81</td>
</tr>
<tr>
<td>One to one help</td>
<td>79</td>
</tr>
<tr>
<td>Health visitor clinics</td>
<td>79</td>
</tr>
</tbody>
</table>

Suggestions for other services. These included (3 or more responses):
- Music and movement / singing sessions (16 responses)
- Stay and play / soft play (5)
- Groups for children with additional needs (5)
- Post natal groups (4)
- First Aid courses (4)
- English classes for speakers of other languages (3)
- Help, advice and support (3)
- Reading / story sessions (3)

6.12 The responses for each individual Centre will be fed back to Centres which will help them to inform their service development. Centres will be working alongside parents, carers and professionals to develop their offer in each Centre taking into
account responses at individual Centres. They will also be working collaboratively so that, if they are unable to offer a particular service at their Centre, they can signpost to an alternative Centre.

6.13 **Opening times.** Different days of the week were preferred by respondents for each Centre. This will taken into account by the Centres.

6.14 **Consultation meetings.** The meetings were all very positive with parents, carers and professionals glad that Centres were remaining open. The overwhelming majority of parents, carers and professionals at the consultation meetings accepted that savings needed to be made and understood that this would mean changes to services and opening hours. There was vibrant discussion around parents’ and carers’ thoughts of how to make savings or generate income with suggestions such as:

- parents/carers willing to volunteer; a number of Centres already have peer volunteers
- suggestions that a small charge could be made for services
- donations by parents/carers of resources
- income generation through hiring out Centres for children’s parties
- links with social enterprises
- partners such as health visitors running sessions
- running fewer, larger sessions with more attendance rather than lots of small sessions
- holding fundraising days

Officers will explore these ideas for income generation and cost savings with the Children’s Centre providers.

6.15 Other themes were repeated across all Centres including:

- It was felt that the Centres bring parents, carers and communities together;
- Access to other mums and networking for dads were seen as important aspects of the centres;
- How much parents/carers valued the Centres and the difference the support they received had made to their and their children’s lives;
- There were suggestions of how to better promote activities at Centres, including the use of Social Media.

6.16 At the Beecroft Garden consultation meeting, parents and carers expressed concern about why cuts were being made in early years, citing the risk as long term potential community costs and asked why money could not be taken from somewhere else.

6.17 Equal opportunities monitoring information from the consultation is provided at Appendix C.

6.18 The consultation at Besson Street Gardens was undertaken separately by the management of the Centre, NXG Trust, through consultation forms and web-based approaches.
6.19 17 feedback forms were completed by people who attend the stay and play sessions with their children. No responses were received to the on-line questionnaire. A copy of the consultation paper is attached at Appendix D.

6.20 One of the questions asked whether the Centre should 'de-register' as a Children's Centre; 11 said 'yes', 5 said 'no', and 1 said 'don't know'.

6.21 When asked ‘What other Children's Centre services do you think it is important to have available in the local area?’: all the respondents thought it was important to have Children's Centre Services, such as Stay and Play sessions. A few also identified a need for individual family support, health visitor clinics and general information and advice and guidance available in the local area. Some parents/guardians said they would like a toy & book library, adult and baby activities and housing support.

6.22 All of the parents/guardians who responded to the consultation were between the ages of 18-64 years. The majority of them were female but a small number of fathers also completed feedback forms. Respondents came from a wide range of ethnic backgrounds. None of the respondents considered themselves to have a disability.

7. Conclusions from the consultation meetings

7.1 Inspection by Ofsted, with the exception of Beecroft Garden, was not seen by respondents to the consultation as a factor which would influence how they used Children's Centres.

7.2 It is therefore proposed that Besson Street Gardens, St Swithun's, Evelyn, Amersham, Hatcham Oak, Manor House, Torridon, Marvels Lane, Beecroft Garden and Kilmore are freed from inspection but continue to offer services to children and families.

7.3 It is proposed that Clyde, Ladywell, Downderry and Bellingham continue unchanged except for funding reductions.

7.4 Despite the reductions in funding, Eliot Bank and Kelvin Grove believe that they can continue with the full offer of services and meet the requirements of Ofsted inspections.

7.5 The Childcare Act 2006 (as amended) requires that local authorities must, so far as is reasonably practicable, include arrangements for sufficient provision of children's centres to meet the needs of parents, prospective parents and young children in its area. There will be a Children's Centre subject to Ofsted inspection located in each of the four Children's Centre areas and an additional group of two Centres in the southwest of the borough. With these and the fact that we will still be providing services to children and families from all Centres along with the other Early Intervention services, officers are confident that the sufficiency duty will continue to be met.
7.6 It is proposed that Heathside and Lethbridge be confirmed closed as it will no longer be delivering services. Quaggy Children’s Centre in Greenwich is located very close to the Heathside and Lethbridge estate and already works with families from this estate.

7.7 Other services which also form part of the Early Intervention offer in Lewisham will continue; these include universal services at some Centres such as stay and play sessions as well as the range of services in health centres such as baby clinics, developmental checks and ante-natal support in addition to community midwifery teams, health visitors and other early intervention service providers co-located in some Centres.

7.8 All Centres will continue to be monitored by officers, both those Centres which will continue to be subject to Ofsted inspections and those which will not, through robust, outcomes-focused performance management as well as quality assurance audits. Providers will continue to be supported and challenged as to how well they are improving outcomes for children and families. The three outcomes that we expect from the Children’s Centres are:

- to improve parenting and attachment
- to improve school readiness
- to prevent escalation to more specialist services, such as Children’s Social Care or child mental health services (CAMHS)

8. Other options which were considered.

8.1 Officers considered other options that might allow Children's Centre providers the flexibility they need to operate in the reduced funding envelope. There is an option which Local Authorities can consider of merging Children’s Centres where a Centre ceases to fulfil the legal definition of a Children’s Centre in its own right but continues to offer access to some of the Early Childhood services on behalf of another Centre and becomes a link Centre to the main Centre. The Children’s Centres have a range of different leadership and management structures and the Centres which will not be subject to Ofsted inspections are situated in different reach areas and wards from the Centres to remain inspected and it would therefore be difficult to consider them as linked sites. Officer interpretation of guidance is that merged Centres retain the reach area of both Centres which would not reduce the requirement for the considerable resource required for data analysis and administration in terms of inspection and would therefore not result in cost saving in respect of this.

8.2 A further option would be not to free any Centre from inspection. The effect of this would be to significantly further reduce the amount of face to face time with parents and carers by the staff. This option was rejected.

9. Financial Implications
9.1 The report for the meeting of Mayor and Cabinet on 11 February 2015 set out the proposal to make savings of £5.515m during 2015/18 through improving triage for Children’s Social Care services and re-designing the Children’s Centres Early Intervention offer.

9.2 The savings concerned with the reshaping of early intervention services run through the Children’s Centres which will enable a reduction in costs by £1.936m over 2015-6 and 2016-17.

9.3 Capital Financial Implications
A number of the Children Centres benefited from capital investment funded by central government. There is a provision for capital clawback if a centre ceases to provide certain activities. The basis of clawback would be the initial capital investment the period over which benefits have flowed and the expected life remaining of the investment. The proposal is for some services for children and families to continue to take place. On this basis capital clawback is unlikely to apply.

10. Legal implications

10.1 The Childcare Act 2006 places a duty on local authorities to improve the well being of young children and reduce inequalities between such young children in relation to physical and mental health and emotional well being, protection from harm and neglect, education, training and recreation, the contribution made by them to society and social and economic well being.

10.2 In responding to these duties a local authority is further required to make arrangements in an integrated manner with a view, broadly, to securing maximum benefit for users of early childhood services, and making their availability known. Local authorities are required to facilitate and encourage the involvement of parents and prospective parents, early years providers and others engaged in activities which may improve the well being of young children in its area.

10.3 The Childcare Act 2006 (as amended) requires that local authorities must, so far as is reasonably practicable, include arrangements for sufficient provision of children’s centres to meet the needs of parents, prospective parents and young children in its area. In making decisions about what is sufficient to meet local need a local authority is able to take into account other children’s centres which are being provided (or which they expect to be provided) outside its area.

10.4 A children’s centre is a place, or a group of places –
(a) which is managed by or on behalf of, or under arrangements made with an English local authority, with a view to securing that early childhood services in their area are made available in an integrated manner,
(b) through which each of the early childhood services is made available, and
(c) at which activities for young children are provided, whether by way of early years provision or otherwise.
For the purposes of the Act, “made available” means either that the early childhood services are provided directly at a children’s centre, or that advice and assistance are provided to parents and prospective parents on accessing early childhood services elsewhere.

10.5 A children’s centre provided as a result of arrangements under section 3(2) of the Childcare Act 2006 and which meets the definition set out above is to be known as a “Sure Start Children’s Centre”.

10.6 Section 5D of the Childcare Act 2006 requires local authorities to ensure that appropriate consultation is carried out when they are considering the establishment or closure of a children’s centre or making any significant change in the services provided through a children’s centre (including a change to the location of those services). A local authority is also legally required to have regard to any guidance given by the Secretary of State.

10.7 Such Guidance is contained in the Sure Start children’s centres statutory guidance - April 2013 (the Guidance) and requires that local authorities should ensure that a network of children’s centres is accessible to all families with young children in their area and to ensure that children’s centres and their services are within reasonable reach of all families with young children, taking into account distance and availability of transport.

10.8 The Guidance emphasises the statutory requirement that local authorities must ensure that there is consultation before making any significant change to the range and nature of services provided through a children’s centre and/or how they are delivered, including significant changes to services provided through linked sites and where closing a children’s centre; or reducing the services provided to such an extent that it no longer meets the statutory definition of a Sure Start children’s centre.

10.9 The Guidance further advises that such consultation should explain how the local authority will continue to meet the needs of families with children under five as part of any reorganisation of services and that decisions following consultation should be announced publically and should explain why decisions are taken.

10.10 In coming to decisions in relation to the future configuration of children’s centres the Mayor must be satisfied that, as far as is reasonably practicable there will continue to be sufficient children’s centres available to meet need of parents, prospective parents and young people in the borough.

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

11.1 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

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

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

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

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

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

12 Equalities implications

12.1 An Equalities Analysis Assessment has been produced and attached at Appendix E. The Mayor’s attention is specifically drawn to the conclusions of the
same which confirms the recommendation to continue with the proposal but with actions to mitigate negative impact on equality and diversity. The EAA identified that the closure of any services would have the greatest impact on children under 5, pregnant women, those from minority ethnic groups and women. The report states that the contract specifications for the Children’s Centres will stipulate the outcomes Centres need to meet to ensure they are delivering high quality services to the communities they serve. This will be monitored on a quarterly basis as part of the council’s performance monitoring framework.

13. **Crime and Disorder Implications**

13.1 There are no crime and disorder implications arising directly from this report.

14. **Environmental Implications**

14.1 There are no specific environmental implications arising directly from this report.

**Background documents**
- Appendix A – Map of the Children’s Centres in Lewisham.
- Appendix B – Sample consultation document May and June 2015 for eleven Centres.
- Appendix C – Equal Opportunities summary from consultation May and June 2015 for eleven Centres.
- Appendix D – Consultation paper for Besson Street Gardens consultation.
- Appendix E - Equalities Analysis Assessment

If there are any queries arising from this report, please contact Kate Platt, Service Manager Early Intervention, telephone 020 8314 6408.
Childrens Centres in the London Borough of Lewisham

Area 1 Provider: Clyde Early Childhood Centre
CC Leader: Emily Arnold 020 8692 3653, Emily Arnold, earnold6.209@lgflmail.org
1 Clyde Early Childhood Centre Alverton St, Deptford, SE8 5NH, 020 8692 3653
2 Evelyn Children’s Centre, 231, Grove St, Deptford, SE8 3PZ, 020 8691 1064
3 Amersham Children’s Centre, 75 Amersham Rd, New Cross, SE14 5AE, 020 8691 1777
4 Besson Street Children’s Centre, Besson St Gardens, New Cross, SE14 6QQ (contact Clyde CC)
5 Hatcham Oak Children’s Centre, 29 Wallbutton Rd, Brockley, SE4 2NX, 020 7732 8803

Area 2, 3 and 4 Provider: Pre-School Learning Alliance
Executive Manager: Val Pope 020 8695 5955, val.pope@pre-school.org.uk
CC Leader: Loscinia Smarth 020 8698 3800, loscinia.smarth@pre-school.org.uk
6 Heathside and Lethbridge Children’s Centre, Melville House, Sparta St, SE10 8DP 020 8694 1287 - Children’s Centre is closed due to redevelopment works.
7 Ladywell Children’s Centre, 30 Rushey Mead, Ladywell, SE4 1JJ, 020 8690 6696
8 St. Swithun’s Children’s Centre, Hither Green Lane, SE13 6RW (contact Ladywell CC)
9 Manor House Children’s Centre, Old Rd, Lee, SE13 5SY 020 8852 5408
10 Torridon Children’s Centre, 103 Torridon Rd, Catford, SE6 1RQ, 020 8695 9648
11 Bellingham Children’s Centre, 109 Randlesdown Rd, Bellingham, SE6 3HB, 020 8695 6236

School Run Children’s Centres

Beecroft Garden Children’s Centre Beecroft Rd, Brockley, SE4 2BS
CC Leader: Samantha Davies 020 8694 4958, sdavies@beecroftgarden.lewisham.sch.uk

Downderry Children’s Centre Shroffold Rd, Downham, BR1 5PD
CC Leader: Elaine Price 020 8695 5915, eprice19.209@lgflmail.org

Marvels Lane Children’s Centre Riddons Rd, Grove Park, SE12 9RA
CC Leader: Christine Turner 020 8851 2129, cturner18.209@lgflmail.org

Kilmorie Children’s Centre Kilmorie Road, Forest Hill, SE23 2SP
CC Leader: Dionne Burke 020 8699 7802, dburke@kilmorie.lewisham.sch.uk

Kelvin Grove and Eliot Bank Children’s Centre [Jointly Managed]
Kelvin Grove Children’s Centre Site, Kirkdale, Sydenham, SE26 6BB
Eliot Bank Children’s Centre Site, Thorpe Avenue, Sydenham, SE26 4BU
CC Leader: Kim Ward 020 8613 0172, kward47.209@lgflmail.org

Appendix A
We want your views about proposed changes to this children’s centre

We would like you come to a meeting to be part of the discussion around changes to your Children’s Centre.

The Council needs to make changes to children’s centres across Lewisham. Because of the savings the Council has to make from its budget, it can no longer afford the level of provision we have had in recent years.

We know that parents, carers and children value our Children’s Centres. We do too.

That’s why all centres will stay open under the Council’s proposals.¹

To achieve this it might however be necessary to reduce the hours of opening and to change the services offered at a number of the centres.

This is your opportunity to help to shape those changes.

What the Council is proposing

• Four Children’s Centres remain as they are now – one in each area of the borough. These would be Clyde, Ladywell, Downderry and Bellingham.

• 12 centres offering the sorts of services that parents have told us are most important to them such as stay and play sessions, messy play, a chance to meet other parents, advice and information. The opening hours of these centres may be reduced.

• Some children’s centre services will still be delivered in other buildings such as health centres.

We have thought long and hard about how we can save money without closing Children’s Centres and still ensure quality services. And we have talked with parents and listened to your ideas and suggestions.

Whichever centre you use you will always be able to speak to someone on the phone or visit another centre in your area to speak with someone.

Health visitors, midwives, schools, GPs and other professionals will still be able to make referrals to local centres and continue to work from centres and families will still be able to refer themselves.

Meeting

Please come along to hear more about proposals for this centre, talk to us about your concerns and let us know what you think.

Manor House Children’s Centre

Lower Ground Floor, Manor House Library, Old Road, Lee SE13 5SY

Thursday 28 May, 2–3pm

¹ Except the Heathside and Lethbridge centre which is due to be demolished as part of the regeneration of the estate.
Questionnaire

1. We want to know which services you think it is most important to have at this local centre. Please rank this list in order of priority from 1 to 5, where 1 is the most important.

| stay and play for children of specific ages | a chance to meet other parents in similar situations |
| messy play | a person I know and trust to ask for advice |
| practical tips and advice on how to do the best for your child | experts who can inform me how my child is developing |
| parenting programmes | child developmental checks |
| support with breastfeeding | parenting courses |
| health visitor appointments | one to one help |
| advice and info on where to get other help | help with domestic abuse, drug/alcohol use or mental health problems |
| immunisations | maternity appointments and clinics |
| help to get employment | one to one help and advice in the home |
| help with finance problems | |

Please tell us if there are other services we have not listed that you think are most important.

__________________________________________________________
__________________________________________________________
__________________________________________________________
__________________________________________________________

2. We want to know which times in the week you think it is most important that this local centre is open. Please select up to five sessions.

☐ Monday morning  ☐ Monday afternoon
☐ Tuesday morning  ☐ Tuesday afternoon
☐ Wednesday morning  ☐ Wednesday afternoon
☐ Thursday morning  ☐ Thursday afternoon
☐ Friday morning  ☐ Friday afternoon

3. By making some of the changes, it is possible that some of our centres might no longer be inspected by Ofsted. Page 256

Would that change how you use centres?  ☐ Yes  ☐ No

Appendix B
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<th>Hatcham Oak</th>
<th>Evelyn</th>
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### Appendix C: Equal Opportunities monitoring: Children’s Centres consultation 27 May to 16 June 2015

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Appendix C: Equal Opportunities monitoring: Children’s Centres consultation 27 May to 16 June 2015

| Pregnancy/ Maternity- No | 95% | 71% | 83% | 74% | 50% | 0% | 81% | 0% | 57% | 71% | 58% | 239 | 68% |
|--------------------------|-----|-----|-----|-----|-----|----|-----|----|-----|-----|-----|-----|-----|-----|
| Pregnancy/ Maternity- I’d rather not say | 0%  | 0%  | 0%  | 5%  | 25% | 0% | 2%  | 0% | 4%  | 0%  | 7%  | 13  | 4%  |     |
| Pregnancy/ Maternity- unanswered | 0%  | 14% | 17% | 4%  | 0%  | 33%| 2%  | 33%| 8%  | 6%  | 2%  | 19  | 5%  |     |
Appendix D: Besson Street Gardens Consultation Paper

Public Consultation
Proposal to de-register Besson Street Community Garden as a Children’s Centre

London Borough of Lewisham is currently undertaking an overarching consultation on the way in which Children’s Centres in Lewisham are managed. Their consultation is available on the London Borough of Lewisham website, and ends on 11th January 2015.

At present, Besson Street is a registered Children’s Centre, and is included within this consultation. As a registered Children’s Centre, we are subject to same regulatory framework as other Children’s Centres in Lewisham, such as Ofsted inspection. As part of LB Lewisham’s proposals of how to commission Children’s Centre services in the future, they have asked the New Cross Gate Trust to consult its users on the option to de-register Besson Street Community Garden as a Children’s Centre.

This is on account of Besson Street being set up quite differently from other Children’s Centres. The New Cross Gate Trust holds the lease for Besson Street Gardens, and delivers a wide range of community services according to the needs we observe within the local area. Children’s Services (specifically our 3 stay and play sessions per week) comprise only one element of our work, for which we currently receive some funding towards the cost of these sessions from LB Lewisham via The Children’s Society. We do not deliver the full range of services which might be expected of a Children’s Centre, but we do deliver a wide range of services to the whole of the community.

Reasons for de-registering:
- Besson Street Community Garden was not designed as a Children’s Centre, and lacks some of the facilities that would be expected of a Children’s Centre.
- As a registered Children’s Centre, we are currently subject to Ofsted inspections, as part of the Area 1 Children’s Centres group. The regulatory burden of this status is disproportionate to the level of under 5s provision we actually provide (this being 3 stay and play sessions per week).
- The targets set by LB Lewisham, in respect of the number of new registrations, attendance and case studies of our client base, and subsequent reporting requirements are also disproportionate to our size and staffing capacity of a small local charity.

Implications of de-registration:
If we de-register Besson Street, we would continue to deliver the same services that we do at present (subject to continuing funding). However, we would not be subject to the same level of administrative requirement as we are at present. This would free up staffing time to focus on continuing to improve the service delivery.
Funding for these sessions will be subject to the wider funding cuts that are happening in Lewisham. However, we will continue to talk to Lewisham about
what funding is available, and to seek additional sources of funding wherever possible to maintain the service that we currently deliver.

Feedback:
It is important that we consult our users on these proposed changes. You can respond in the following ways:
- Answer the paper consultation available in Besson Street, and hand in to a member of staff.
- Answer an online questionnaire, available here: https://www.surveymonkey.com/r/CP79P6F

The consultation is open between 5th – 19th January.

What will happen next:
At the end of the consultation period we will collate the responses and provide these to the London Borough of Lewisham for consideration at their next Mayor and Cabinet meeting.
Appendix D: Besson Street Gardens Consultation Paper

Feedback form:

1. Do you currently attend our stay and play sessions? (please tick)
   
   Yes  □  No  □

2. If yes, how often do you attend? (please tick)
   
   More than once a week  □
   Once a week  □
   Once or twice a month  □
   Less than once a month  □

3. Do you think that Besson Street should de-register as a Children’s Centre?
   
   Yes  □
   No  □
   Don’t Know  □

4. What Children’s Centre services do you think it is important to have available in the local area (please tick all that apply):
   
   Stay and play sessions  □
   Individual family support  □
   Health visitor clinics  □
   Adult education  □
   Employment support  □
   General information, advice and guidance  □
   Other services: Please give details below:  □

5. What other views, thoughts or suggestions do you have on the proposed change?
   
   □

The following questions are to enable us to check if this consultation is fair and inclusive. Any information that you choose to provide will be treated confidentially in accordance with the Data Protection Act 1998.
1. **Age:**

   Under 18 □  18-64 □  65+ □

2. **Gender**

   Male □  Female □  I’d rather not say □

3. **Ethnicity**

   **White**
   - White British
   - White Irish
   - White other

   **Mixed**
   - White and Asian
   - White and Black African
   - White and Black Caribbean
   - Any other mixed background

   **Asian/Asian British**
   - Chinese
   - Bangladeshi
   - Pakistani
   - Indian
   - Any other Asian background

   **Black/Black British**
   - African
   - Caribbean
   - Any other black background

   **Other**
   - Other ethnic group
   - I’d rather not say

4. **Disability - Do you consider yourself to have a disability?**

   Yes □  No □

Thank you for taking the time to complete this form. Please return it to a member of Besson Street Staff. We will publish on our website a summary of the responses to the consultation once this is complete.
## Equalities Analysis Assessment

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<thead>
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<th>Name of proposal</th>
<th>Children’s Centres Savings Proposals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lead officer</td>
<td>Alastair Pettigrew</td>
</tr>
<tr>
<td>Other stakeholders</td>
<td></td>
</tr>
<tr>
<td>Start date of Equality Analysis</td>
<td>May 2015</td>
</tr>
<tr>
<td>End date of Equality Analysis</td>
<td>June 2015</td>
</tr>
</tbody>
</table>
1: Background to undertaking an Equality Analysis

1.1 This Equality Analysis Assessment (EAA) is being undertaken to identify whether budget proposals to re-shape the Children’s Centres and their services will adversely affect Lewisham’s children, young people and their families and whether it will negatively impact upon protected characteristics.

1.2 Lewisham Council has already reduced its revenue budget by £93m since May 2010. The Government’s continued squeeze on public spending means that the Council needs to make further savings of around £85m over the next three years. The proposal to re-shape the Children’s Centres and their services is one of the savings proposals which was put forward in September 2014.

1.4 This EAA will be a scoping exercise to try to identify the service users that may be affected by the proposal, and to identify and understand any potential negative impacts from taking the savings proposal forward, together with developing mitigating actions to minimise any negative impacts identified. This EAA will contribute towards the decision making process.

1.5 This EAA will:
(1) consider whether the proposal is compliant with the new public sector duty;
(2) consider the impact of the proposal;
(3) analyse whether the proposal is likely to have a positive or negative impact on different protected characteristics within the local community; and
(4) identify mitigating actions to address any disproportionately negative impact.

---

1 Protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, marriage and civil partnership (only in respect of eliminating unlawful discrimination)
2: Changes to the service

2.1 Statutory duty - what needs to be provided:
Local authorities are required to make arrangements to secure that early childhood services in their area are provided in an integrated way that facilitates access to services and maximises the benefits to children, parents and prospective parents. The arrangements made under section 3(2) of the Childcare Act 2006, as amended by the Apprenticeships, Skills, Children and Learning Act 2009, must include arrangements for sufficient provision of children’s centres to meet local need.

2.2 Current service provision:
Children’s Centres in Lewisham are commissioned out to school-based providers and a voluntary organisation. They offer both a universal and targeted service, predominantly to families with children under 5, but also work with families with children aged 0-19 particularly where older children are the siblings of younger children in the family.

It is estimated that 9721 adults (114,833 contacts) and 6988 children age 0-4 (49,504) contacts used the service between April 2014 and March 2015. This is based on usage data available to the Council through commissioned providers and entered on to the Tribal Connect database.

2.3 The proposal and changes to the service:
The proposal is to re-designate some Children’s Centres and re-shape some existing services from October 2015 onwards. Services and opportunities for parents to access support will continue to be provided by the Council through the Children’s Centres which remain as well as maternity services and health visitors with which greater links are being developed alongside the increased links with Children’s Social Care. Development of re-designated Children’s Centres will be explored and could include better use of the voluntary sector and community-led provision to ensure continued delivery of services to children and families, particularly targeted support to families who need it most.
3: Assessment of data and research

3.1 General Context & Local Demographics:

Lewisham is the second largest inner London borough and in 2011 was home to approximately 274,900 people (GLA population estimates) which is set to grow by around 11,000 by 2015. Lewisham has a slightly younger age profile than the rest of the UK; children and young people aged 0-19 years make up 24.5% of residents, compared to 22.4% for inner London and 23.8% nationally. Births in Lewisham increased by 34% between 2000/01 and 2009/10 and will continue to increase at a similar rate for the next 5 years.

Lewisham’s Joint Strategic Needs Assessment shows that from data in 2010, Lewisham is the 15th most ethnically diverse local authority in England, and two out of every five residents are from a black and minority ethnic background. The largest BME groups are Black African and Black Caribbean: Black ethnic groups are estimated to comprise 30% of the total population of Lewisham. This rises to 77% of our school population, where over 170 different languages are spoken by our pupils.

Deprivation is increasing in Lewisham. The 2010 Index of Multiple Deprivation ranked Lewisham 31\textsuperscript{st} out of 354 local authorities (LAs) in England compared to a rank of 39 in 2007. On the specific indicator of income deprivation affecting children, 35 (out of 166) of Lewisham’s super output areas are in the 10% most deprived in the country, and 85, (over half) are in the 20% most deprived in the country. It is estimated that 20,355 children (ages 0 – 18) live in poverty in Lewisham.

3.2 Children’s Centres and Ward profiles:

There are 17 designated Children’s Centres in Lewisham. Each Centre broadly delivers services to a particular ward

\begin{itemize}
  \item \textbf{Clyde Early Childhood and Children’s Centre : Area 1}
    \begin{itemize}
      \item Evelyn Children's Centre - Evelyn Ward
      \item Besson Street Gardens Children's Centre - Telegraph Hill Ward
      \item Hatcham Oak Children's Centre - Telegraph Hill Ward
      \item Amersham Children’s Centre - Brockley Ward
    \end{itemize}
  \item Pre-School Learning Alliance: Area 2
    \begin{itemize}
      \item Ladywell Children's Centre - Ladywell Ward
      \item Manor House Children's Centre - Lee Green Ward
      \item St Swithun's Children's Centre - Lewisham Central Ward
      \item Heathside and Lethbridge Children’s Centre* - Blackheath Ward
    \end{itemize}
  \item Pre-School Learning Alliance : Areas 3 and 4
    \begin{itemize}
      \item Torridon Children’s Centre - Catford South and Whitefoot Wards
      \item Bellingham Children's Centre - Bellingham Ward
    \end{itemize}
  \item \textbf{School Based Children's Centres}
    \begin{itemize}
      \item Clyde Children's Centre (Area 1) – Evelyn Ward
      \item Beecroft Garden Children’s Centre (Area 2) – Crofton Park Ward
      \item Downderry Children’s Centre (Area 3) – Downham Ward
      \item Marvel’s Lane Children's Centre (Area 3) – Grove Park Ward
      \item Eliot Bank and Kelvin Grove Children's Centre (Area 4) – Sydenham and Forest Hill Wards
      \item Kilmorie Children's Centre (Area 4) – Perry Vale Ward
    \end{itemize}
\end{itemize}

*Currently closed awaiting demolition as part of the regeneration of the estate.
Children's centres provide services and support to children under 5 and their older siblings. This is focused on adopting a 'whole-family' approach through pulling together appropriate teams of practitioners around families to ensure all children and young people's needs are met through multi-agency support. CC Services are currently delivered by the voluntary sector and schools across the borough at 16 designated Children's Centres (excluding Heathside and Lethbridge) (Appendix A).

Children's Centres are expected to secure improvements against the following overarching outcomes for children, young people and families in Lewisham:

- Improved parenting and attachment.
- Improved school readiness.
- Prevention of escalation.

Age
Children's Centres primarily provide a universal service for all children aged 0-5 years accompanied by an adult carer. The closure of any services will therefore have the greatest impact on provision to this group.

Disability
Data collected from users in 2014-15 shows the following percentage of contacts were with those identifying as having a disability:

<table>
<thead>
<tr>
<th>Ward</th>
<th>% of 0-4 Children using Children's Centres in 2014-15 that have a disability</th>
<th>% of adults using Children's Centres in 2014-15 that have a disability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bellingham</td>
<td>1.9%</td>
<td>0.9%</td>
</tr>
<tr>
<td>Blackheath</td>
<td>1.2%</td>
<td>1.0%</td>
</tr>
<tr>
<td>Brockley</td>
<td>1.8%</td>
<td>0.4%</td>
</tr>
<tr>
<td>Catford South</td>
<td>3.2%</td>
<td>1.0%</td>
</tr>
<tr>
<td>Crofton Park</td>
<td>0.2%</td>
<td>0.2%</td>
</tr>
<tr>
<td>Downham</td>
<td>0.9%</td>
<td>0.7%</td>
</tr>
<tr>
<td>Evelyn</td>
<td>3.9%</td>
<td>1.5%</td>
</tr>
<tr>
<td>Forest Hill</td>
<td>0.5%</td>
<td>1.7%</td>
</tr>
<tr>
<td>Grove Park</td>
<td>1.4%</td>
<td>1.6%</td>
</tr>
<tr>
<td>Ladywell</td>
<td>2.2%</td>
<td>0.5%</td>
</tr>
<tr>
<td>Lee Green</td>
<td>0.3%</td>
<td>0.2%</td>
</tr>
<tr>
<td>Lewisham Central</td>
<td>1.4%</td>
<td>1.4%</td>
</tr>
<tr>
<td>New Cross</td>
<td>1.5%</td>
<td>0.6%</td>
</tr>
<tr>
<td>Perry Vale</td>
<td>1.0%</td>
<td>0.6%</td>
</tr>
<tr>
<td>Rushey Green</td>
<td>3.1%</td>
<td>1.3%</td>
</tr>
<tr>
<td>Sydenham</td>
<td>1.4%</td>
<td>2.0%</td>
</tr>
<tr>
<td>Telegraph Hill</td>
<td>2.7%</td>
<td>0.9%</td>
</tr>
<tr>
<td>Whitefoot</td>
<td>4.2%</td>
<td>1.1%</td>
</tr>
</tbody>
</table>

Pregnancy and Maternity
Children's Centres are heavily used by pregnant women and new mothers as the Centres offer a range of services for young families e.g. Breast Feeding Support, parenting courses and support, support for immunisations, health checks and development etc. The closure of any services will therefore have a significant impact on provision to this group.

Race
The Census data from 2011 indicates that the locations where Children's Centres are based have some of the highest proportion of black and minority ethnic (BME) residents in the borough.
The ethnicity profile of Children (0-4) using Children’s Centres is as follows:

<table>
<thead>
<tr>
<th>Ward</th>
<th>BME Population (2011 Census)</th>
<th>% of 0-4 Children using Children’s Centres in 2014-15 that are BME</th>
<th>% of adults using Children’s Centres in 2014-15 that are BME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bellingham</td>
<td>51.3%</td>
<td>66.6%</td>
<td>67%</td>
</tr>
<tr>
<td>Blackheath</td>
<td>30.2%</td>
<td>39.2%</td>
<td>54%</td>
</tr>
<tr>
<td>Brockley</td>
<td>43.1%</td>
<td>62.7%</td>
<td>69%</td>
</tr>
<tr>
<td>Catford South</td>
<td>56.2%</td>
<td>57.8%</td>
<td>63%</td>
</tr>
<tr>
<td>Crofton Park</td>
<td>39.6%</td>
<td>43.6%</td>
<td>51%</td>
</tr>
<tr>
<td>Downham</td>
<td>41.7%</td>
<td>54.7%</td>
<td>65%</td>
</tr>
<tr>
<td>Evelyn</td>
<td>60.9%</td>
<td>72.4%</td>
<td>77%</td>
</tr>
<tr>
<td>Forest Hill</td>
<td>38.2%</td>
<td>56.5%</td>
<td>61%</td>
</tr>
<tr>
<td>Grove Park</td>
<td>37.5%</td>
<td>58.3%</td>
<td>58%</td>
</tr>
<tr>
<td>Ladywell</td>
<td>45.4%</td>
<td>46.3%</td>
<td>55%</td>
</tr>
<tr>
<td>Lee Green</td>
<td>33.7%</td>
<td>48.1%</td>
<td>58%</td>
</tr>
<tr>
<td>Lewisham Central</td>
<td>51.6%</td>
<td>58.4%</td>
<td>70%</td>
</tr>
<tr>
<td>New Cross</td>
<td>59.7%</td>
<td>71.4%</td>
<td>75%</td>
</tr>
<tr>
<td>Perry Vale</td>
<td>42.5%</td>
<td>49.4%</td>
<td>54%</td>
</tr>
<tr>
<td>Rushey Green</td>
<td>59.1%</td>
<td>65.7%</td>
<td>70%</td>
</tr>
<tr>
<td>Sydenham</td>
<td>41.8%</td>
<td>57.6%</td>
<td>63%</td>
</tr>
<tr>
<td>Telegraph Hill</td>
<td>49.4%</td>
<td>58.4%</td>
<td>67%</td>
</tr>
<tr>
<td>Whitefoot</td>
<td>50.5%</td>
<td>62.3%</td>
<td>64%</td>
</tr>
</tbody>
</table>

The highlighted wards are where the Centres are located for which re-designation is proposed.

The data suggests that Children’s Centres are more heavily used by BME groups than the ward profiles would suggest and therefore any reduction in service would have a greater effect on BME families.

**Gender**

The majority of adult carers who attend the Children’s Centres are female, and so the impact of the proposal will be felt most by this group.

There is no anticipated impact relating to religion and belief, gender reassignment, or sexual orientation.

4: Consultation

A public consultation exercise has been carried out in terms of changes that the Borough provides via its network of Children’s Centres in accordance with the Equalities Act 2010.

This is also a requirement set out in the DfE Statutory Guidance for Children’s Centres under the Heading “Significant changes to children’s centre provision and the duty to consult” (see page 10).

5: Impact Assessment

The Equalities Impact Assessment has been undertaken to ensure that in the case of implementation of the saving proposal to fundamentally change the delivery of services currently provided by Children’s Centres, the Council has met its responsibilities under the Equality Act 2010, specifically:

- To eliminate unlawful discrimination, harassment and victimisation.
- To advance equality of opportunity between people from different groups.
To foster good relations between people from different groups.

The assessment of the potential impact on the nine protected characteristics (age, disability, gender, ethnicity, sexual orientation, religion and belief, gender reassignment, pregnancy/maternity and marriage/civil partnership) has been based on an analysis of service information, including available data relating to service users, and will be considered further in the light of equalities data collected during consultation.

5.1 Impact on Service Users:

As the proposal is to reduce the amount of designated Sure Start Children’s Centres, it is anticipated that proposals will yield a negative impact for the service user. However, many of the negative impacts that may arise from changes to the service can be mitigated through other services and actions. In addition, the Early Intervention Service, will encourage and support the private, voluntary and independent sector to run their own activities in order to supplement the core service.

Age:
The proposed will have the greatest impact upon children aged between 0 and 5 years. There is a range of provision similar to stay and play available across the borough from providers other than the Council. In addition there are existing parks and playgrounds, carer and toddler groups, childminder drop-Ins, stay and play sessions, dads’ stay and play, play and learn for under 5s, and many others. Existing services that will continue to be offered include signposting to other services, the two year early education offer, the universal 3 and 4 year old entitlement to the 15 hours free early education as well as the universal health visiting service.

Disability:
Several of the categories for identification of targeted families concern families where disability is an issue (Children of parents with mental health issues, Children of parents who have disabilities, Children with disabilities). Therefore any reduction in the service provided will have a greater impact on these families.

Gender:
Women are the main user group of the service, and the proposal is therefore likely to impact most on this group. It is also noted that the service is also used by fathers, who may find it harder to access alternative services.

Ethnicity:
Many of the residents of the borough do not speak English as a first language. Children’s Centres are a useful service for these parents and carers. The Council will need to ensure that interpreting and translation services are available in order to communicate with these families/CYP to ensure that they get the support that they need.

The EAA has not identified any disproportionate effects relating to Sexual Orientation, Religion and Belief, Pregnancy and Maternity, or Gender reassignment.

5.2 Impact on Staff:

The proposal would most likely see the service provision in Children’s Centres reduced. Children’s Centre providers may decide to reduce the number of posts available within their Centres with a reduction in funding from October 2015.

There may be re-deployment opportunities available, but it is recognised that the economic climate has had an impact on the number of positions available.
The majority of staff employed by commissioned Children’s Centre providers are female. There will therefore be a disproportionate effect on women if the proposal is taken.

<table>
<thead>
<tr>
<th>6: Decision/ Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Following an analysis of the available research and data it is recommended to continue with the proposal but with actions to mitigate negative impact on equality and diversity. The contract specifications for the Children’s Centres will stipulate the outcomes Centres need to meet to ensure they are delivering high quality services to the communities they serve. This is monitored on a quarterly basis as part of the council’s performance monitoring framework.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sign Off</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signed _________________________________  Date ____________</td>
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</tbody>
</table>
Agenda Item 8

Chief Officer Confirmation of Report Submission
Cabinet Member Confirmation of Briefing

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

Information Part 1 □ Part 2 □ Key Decision □

Date of Meeting 15 July 2015

Title of Report Greyhound Public House – Progress Report

Originator of Report Geoff Whittington Ext. 49530

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

<table>
<thead>
<tr>
<th>Category</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial Comments from Exec Director for Resources</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Legal Comments from the Head of Law</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Crime &amp; Disorder Implications</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Environmental Implications</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Equality Implications/Impact Assessment (as appropriate)</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Confirmed Adherence to Budget &amp; Policy Framework</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Risk Assessment Comments (as appropriate)</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>Reason for Urgency Comments (as appropriate)</td>
<td>n/a</td>
<td></td>
</tr>
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</table>

Signed: [Signature] Executive Member

Date: [Company]

Signed: [Signature] Director/Head of Service

Date 7/7/2015

Control Record by Committee Support

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<tr>
<th>Action</th>
<th>Date</th>
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<tr>
<td>Listed on Schedule of Business/Forward Plan (if appropriate)</td>
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<tr>
<td>Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)</td>
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</tr>
<tr>
<td>Submitted Report from CO Received by Committee Support</td>
<td></td>
</tr>
<tr>
<td>Scheduled Date for Call-in (if appropriate)</td>
<td></td>
</tr>
<tr>
<td>To be Referred to Full Council</td>
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</tr>
</tbody>
</table>
1. **Summary**

1.1 This report sets out the processes that have been undertaken to seek the rebuilding of the Greyhound Public House following Mayor and Cabinet on 22 October 2014.

2. **Purpose**

2.1 To update progress reached with the rebuilding of the Greyhound Public House.

3. **Recommendation**

3.1 The Mayor is recommended to note the content of the report and that a further report is prepared for 30 September 2015 to update progress.

4. **Policy Context**

4.1 The content of this report is consistent with the Council's policy framework. Planning decisions are made on the basis of compliance with the development plan. The development plan for the borough consists of the London Plan and adopted Lewisham local plans including the Core Strategy, Lewisham Town Centre local plan, and the Site Allocation local plan. The Development Management local plan was formally adopted by the Council in November 2014. The development plan for Lewisham is part of the Councils policy framework and is the spatial implementation mechanism for the Sustainable Community Strategy (SCS). It has a central role in implementing the six strategic objectives of the SCS.

5. **Background**

5.1.1 Planning permission and Conservation Area Consent were granted in May 2010 for the partial demolition of the Greyhound Public House with full restoration to provide pub/restaurant use, a new public square, residential
and commercial units with parking and access provision. This was part of a wider scheme affecting not only the pub but also adjoining land. The S106 Agreement was signed on 24 May 2010 by those with an interest in the land in the development site.

5.1.2 The development group Purelake then purchased the pub after the planning permission was granted in late 2010.

5.1.3 Between January and March 2012, the pub was substantially demolished, apart from the front elevation. This was in contravention of the consents and a criminal act. The Council then prosecuted, and in March 2013, Purelake were subsequently convicted and fined.

5.1.4 A new application was submitted in September 2012 for the rebuilding of the public house. In April 2013 Planning Committee (C) granted permission subject to the variation of the original Section 106 Agreement, which required the consent of the signatories to the original agreement, or their successors in title.

5.1.5 Subsequent to negotiations between Purelake, Hexagon’s solicitors, and the legal representatives of both the commercial and residential owners, no agreement was reached to enable the Deed to be signed. The Council was not in a position to influence this process as it was a matter for the relevant potential signatories to resolve.

5.1.6 In response to the significant delays encountered in redeveloping the Greyhound, and the signing by all interested parties regarding the Deed of Variation, the Council sought advice from Counsel to agree upon an effective approach to progress matters.

5.1.7 The advice received was that the Council should consider commencing proceedings against the proprietors for breach of the original S106 Agreement relating to the 2010 consent, namely the Restoration and Refurbishment Works referred to in the provisions of Schedule 10 of the S106 Agreement.

5.1.8 In October 2014, a S96a Non-Material Amendment application was formally submitted to the Council to address reinstatement and public realm works, in addition to alterations to the building that were not proposed within the 2010 consented scheme, including:

- The construction of a replacement roof;
- The retention of an enlarged basement;
- The omission of a rear elevation window;
- Amendment to the west elevation regarding the proposed sliding door and the omission of a ground floor window;
- Provision of replacement railings and door to the existing first floor balcony;
- The formation of a chimney to accommodate internal ventilation ducting;
- The provision of new timber window openings;
- A rooflight to the rear slope;
- Stone plinths with replica greyhounds.

5.1.9 On 10 February 2015, the S96a application was granted planning permission as officers were satisfied the revised plans demonstrated that the nature of the
proposed alterations would not materially harm the appearance of the Greyhound building, the amenities of neighbouring occupiers or the character of the Cobbs Corner Conservation Area.

5.1.10 Schedule 10 of the S106 dated 24 May 2010 required the applicant to submit a comprehensive account of the proposed restoration and refurbishment works. Subsequently, on 5 March 2015, the applicants submitted a formal Building Regulations application to the Council, and engineer’s structural calculations followed on 7 March. On 11 March, Building Control officers confirmed the details submitted were acceptable, and therefore the application was formally approved.

5.1.11 Planning officers requested further advice on 11 March from the applicants, including how the existing lintels would be removed without damaging the brickwork; the tools that would be used; and confirmation of the proposed treatment to ensure the colour of the flank wall bricks appear more like the existing frontage.

5.1.12 The owners responded on 13 March, and on 20 March, the Council wrote to confirm their reply was acceptable. The Council response also set a reasonable date of week beginning 13 April 2015 for rebuilding works to commence after the Easter break. Should no works have started by week beginning 27 April 2015, the Council advised it would consider whether or not to commence legal proceedings for breach of the original S106 Agreement Schedule 10 requirements.

6. **Current Position**

6.1.1 In mid April 2015, Purelake advised the Council that works were unable to commence during week beginning 13 April due to matters that had arisen with their insurers. This required a site meeting between Purelake, the insurers and Building Control officers to discuss the nature of proposed building works and the approved Building Regulation plans.

6.1.2 Once this matter was resolved, Purelake commenced building works on 11 May 2015. Planning officers were satisfied with the reason for the subsequent delay, and did not seek to commence legal proceedings against Purelake.

6.1.3 Building Control officers have conducted frequent site visits to inspect the works being undertaken. The dates of inspections prior to the completion of this report were:

- 11 May 2015
- 1st, 3rd, 4th, 5th, 9th, 10th & 16th June 2015

6.1.4 Officers have advised that since the recommencement of works, 2-3 workmen have generally been present on site. This is expected to increase during the course of construction.
6.1.5 The main works have concentrated upon the formation of the timber frame of the new roof, which was at an advanced stage at the time of writing this report. In addition, two chimney stacks have been rebuilt, with the centrally located third stack nearing completion. No roof tiles have yet been placed.

6.1.6 The former gable ends to the front have been taken down due to severe cracking and leaning, in accordance with the S96a planning approval. The bricks were taken down by hand, and have been stacked on the upper level of the scaffolding platform prior to the eventual reconstruction of the gables.

6.1.7 No work has yet commenced on the ground and first floor levels, whilst the unauthorised timber mezzanine floor that can be seen from the public realm through the first floor window openings remains in place. The developers have reiterated the floor will be removed once the roof is complete and the structure is secure. Building Control are satisfied that the eventual removal of the floor is unlikely to compromise the integrity of the building.

6.1.8 The existing lintels that are cracked beyond repair had not been removed at the time of writing this report. A suitable replacement will be sourced by the developers that will be of a similar appearance to the existing.

6.1.9 It has been observed during site inspections that much of the thermal insulation in the brickwork cavities has deteriorated and needs to be replaced. Officers have discussed this with the developers, and works will be undertaken in due course.

6.1.10 Original barge boards are currently being stored within the ground floor of the building, and will be reused later in the development works.

6.1.11 Building Control officers have advised they consider the works undertaken to date are satisfactory, and in compliance with the approved Building Regulations plans. Whilst works may appear to be proceeding slowly, this is attributed to the complex nature of the roof construction.

6.1.12 Planning officers have accompanied Building Control to inspect the building works, and will be undertaking further visits together with Conservation officers.

6.1.13 In May 2015, a planning application was submitted by Purelake proposing the construction of an extension to the western side of the building, and the formation of external stairs down to the basement located at the rear. At the time of writing this report, the application was being considered by officers, and is due to be determined in late July/ early August.

Schedule 10 Compliance

6.1.14 Schedule 10 of the S106 Agreement requires that the Owner notify the Council two months prior to the date of Practical Completion of the ‘Restoration and Refurbishment Works’, the ‘Reinstatement Works’ and the New Public Realm Works. Officers will on receipt of such notification arrange to meet with the developer on site to determine whether the operations
undertaken are satisfactory and in compliance with the agreed works. Schedule 10 paragraph 1.5 requires the construction and completion of those works in accordance with the details that have been approved by the Council.

6.1.15 In respect of the New Public Realm Works the approved S96a application proposed the following;

- Bradstone Panache concrete paviors - silver grey and black finish;
- The planting of six Silver Birch trees;
- Victorian style lamp-posts painted black;
- Seating area;
- Secure cycle parking.

6.1.16 Officers considered the proposed public realm works to be acceptable. Schedule 10 paragraph 1.3.1 requires the Owner to submit a Maintenance Plan in respect of the New Public Realm Works to the Council two months prior to the date of Practical Completion. The Maintenance Plan is defined in the S106 as a plan to secure the maintenance of the New Public Realm Works and which also ensures public access at all times.

6.1.17 Schedule 10 paragraph 1.4 requires the submission of a Shared Amenity Space Maintenance Plan to the Council two months prior to the date of Practical Completion. That plan is defined in the S106 as a plan to secure the maintenance and upkeep of the Shared Amenity Space being the amenity space provided as part of the Development and shown on Plan 4 attached to the S106.

6.1.18 Confirmation of full compliance with Schedule 10 will therefore be confirmed in writing when the local planning authority is satisfied that the Restoration and Refurbishment Works, the Reinstatement Works and the New Public Realm Works have been completed in accordance with the details approved by the Council.

7. Legal Implications

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

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

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.
7.1.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

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

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

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

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


7.1.7 The Section 106 Agreement dated the 24 May 2010 and referred to in more detail in paragraph 6.1.4-6.1.8 of this report imposed obligations on the owner of the land of which the Greyhound public house forms a part. Those obligations included the requirement to construct and complete the “Restoration an Refurbishment Works”, in accordance with the details that have been approved by the Council.

7.1.8 The Restoration and Refurbishment works are defined in the Agreement as “the works to the Greyhound Public House including the reinstatement of the former drinking corridor tiles within the building in a scheme to be agreed with the Council and the design and implementation of a new ceramic rear
elevation to the building in accordance with the plans and Design and Access Statement submitted as part of the Application.

7.1.9 Paragraph 6 of this report sets out those steps that the Owner has taken so far to comply with the provisions of Schedule 10 of the S106 Agreement in relation to the Restoration and Refurbishment Works, Reinstatement Works and New Public Realm Works. Officers have confirmed at Paragraph 6.1.11 that they are now satisfied that the works being undertaken are satisfactory, and in compliance with the approved Building Regulations plans.

7.1.10 Should the Owner fail in due course to construct and complete the Restoration and Refurbishment Works or the Reinstatement Works or the New Public Realm Works in accordance with the details that have been approved by the Council, then the Council can consider whether or not to commence proceedings against the owner for breach of the provisions of the Section 106 Agreement and to seek an order for compliance with the relevant provisions of the Agreement and/or such other remedy as may be appropriate.

8. Financial Implications

8.1.1 There are no specific financial implications arising from this report although there are costs being incurred by the Council in terms of officer time and external legal opinions on the matters raised, however these are currently being contained within existing budgets. These costs and any future costs arising may need to be considered in light of any enforcement action should it be required.

9. Crime and disorder implications

9.1.1 There are no specific crime and disorder implications in this case.

10. Equalities implications

10.1.1 Shaping our future, Lewisham’s Sustainable Community Strategy for 2008-2020, sets out a vision for Lewisham:

“Together we will make Lewisham the best place in London to live work and learn.”

This is underpinned by hard-edged principles for:

- reducing inequality – narrowing the gap in outcomes for citizens
- delivering together efficiently, effectively and equitably - ensuring that all citizens have appropriate access to and choice of high quality local services

10.1.2 The Council’s Comprehensive Equality Scheme for 2012-16 provides an overarching framework and focus for the Council's work on equalities to
support the Sustainable Community Strategy and to ensure compliance with the Equality Act 2010.

10.1.3 A full Equality Analysis Assessment (EAA) (previously known as Equality Impact Assessment) was carried out for the policies in the Council’s Core Strategy in February 2009. The overall assessment was that the policies in the Core Strategy would not discriminate and that most policies have a positive impact. Three potential adverse impacts were identified: protection of employment land; designation of mixed use employment locations; and concerns of community groups about the amount of new housing development putting undue stress on the existing network of facilities (shops, transport, health facilities, community facilities and other services) particularly in the Deptford/New Cross area.

10.1.4 The Site Allocations DPD followed on from the Core Strategy and identifies sites, usually 0.25 hectares and above which area likely to be developed during the lifetime of the LDF (2011 – 2026). The Core Strategy sets out the policy context and principles for the development of the allocated sites.

10.1.5 An EAA of the Site Allocations DPD was undertaken in 2011 to identify the positive and negative impacts of the Core Strategy DPD and as a consequence the Site Allocations DPD, on three protected characteristics that were not included in the earlier EIA as it pre-dated the Equality Act 2010. This EAA also provided an update on the Core Strategy EIA.

10.1.6 The Development Management Local Plan proposes specific objectives and policies to help ensure that new development complies with inclusive design principles to ensure that the town centres are safe, attractive and inclusive places. Planning applications for development will need to demonstrate how proposals meet these objectives and policies. The DMLP was the subject of an EAA in 2012.

11. Environmental implications

11.1.1 There are no specific environmental implications from this report.

12. Conclusion

12.1.1 The Greyhound site had been in a poor condition since the stalling of development in 2013, which had resulted in an adverse and unacceptable impact upon the character of the Cobbs Corner Conservation Area and the streetscene generally.

12.1.2 Building works recommenced in May 2015, and officers are seeking to work closely with the applicants to ensure the rebuilding process is compliant with the Planning and Building Regulation approvals.
### Background documents

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If you have any queries on this report, please contact Geoff Whittington, Planning, 3rd floor Laurence House, 1 Catford Road, Catford SE6 4RU – telephone 020 8314 9530.
Agenda Item 9

Chief Officer Confirmation of Report Submission
Cabinet Member Confirmation of Briefing
Report for: Mayor
Mayor and Cabinet
Mayor and Cabinet (Contracts)
Executive Director
Information Part 1 x Part 2 Key Decision

Date of Meeting 15th July 2015

Title of Report Measures to increase the supply of permanent primary school places: Report to defer the enlargement of Sir Francis Drake Primary School to September 2017

Originator of Report Chris Threlfall
Ext. 49974

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

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Executive Member
Date: 6th July 2015

Signed: [Signature]
Executive Director
Date: 6th July 2015

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http://assets/sites/emt/mayor and cabinet/2015/17th July 2015/depart of the expansion of sir francis drake primary school/sign off sheet.doc

Page 283
1. **Summary**
   This report updates the Mayor on progress by the Education Funding Agency (EFA) in their proposals to enlarge Sir Francis Drake Primary School (SFD) from 1 to 2 Forms of Entry, and the impact that will have on the Local Authority's proposals to meet the demand for places across the borough.

2. **Purpose**
   2.1 This report requests that the Mayor defer the enlargement of Sir Francis Drake Primary School for a further academic year to September 2017, and reinstate the Determined Admissions Limit for 2016/17 to the current intake of 30 pupils.

3. **Recommendations**
   The Mayor is recommended to:

   3.1 modify the decision made on the 25 June 2014 to enlarge Sir Francis Drake Primary School from 1 to 2 forms of entry with effect from September 2016, subject to the development of satisfactory building proposals in partnership with the Education Funding Agency;

   3.2 defer the enlargement of Sir Francis Drake Primary School from 1 to 2 forms of entry for a further academic year to September 2017, subject to the development of satisfactory building proposals in partnership with the Education Funding Agency;

   3.3 agree to the referral to the Schools Adjudicator seeking a reduction to the Published Admission Number for 2016/17 in relation to Sir Francis Drake School;

   3.4 retain funding already agreed to support additional planning requirements as a commitment from the school places expansion programme.
4. **Policy Context**

4.1 The proposals within this report are consistent with ‘Shaping Our Future: Lewisham’s Sustainable Community Strategy’ and the Council’s corporate priorities. In particular, they relate to the Council’s priorities regarding young people’s achievement and involvement, including inspiring and supporting young people to achieve their potential, the protection of children and young people and ensuring efficiency, effectiveness and equity in the delivery of excellent services to meet the needs of the community.

4.2 The Local Authority has a duty to ensure the provision of sufficient places for pupils of statutory school age and, within financial constraints, accommodation that is both suitable and in good condition.

4.3 In aiming to improve on the provision of facilities for primary education in Lewisham which are appropriate for the 21st century, the implementation of a successful primary places strategy will contribute to the delivery of the corporate priority Young people’s achievement and involvement: raising educational attainment and improving facilities for young people through partnership working.

4.4 It supports the delivery of Lewisham’s Children & Young People’s Plan (CYPP), which sets out the Council’s vision for improving outcomes for all children and young people, and in so doing reducing the achievement gap between our most disadvantaged pupils and their peers. It also articulates the objective of improving outcomes for children with identified SEN and disabilities by ensuring that their needs are met.

**The Primary Capital Programme (PCP) and Lewisham’s Primary Strategy for Change**

4.5 A priority in the Primary Strategy for Change (PSfC), is the provision of sufficient places at the right time to meet future needs within and between Primary Places Planning Localities (PPPLs) in the Borough. As stated in Lewisham’s June 2008 PSfC:

> “Ensuring that sufficient places are provided in localities at the right time will take precedence over significant investment in schools where the rectification of conditions and suitability issues will not produce additional places.”

4.6 Dependent upon future central government decisions on capital delivery, it is proposed that the borough’s Primary Capital Programme will continue to be governed by the following criteria as set out in the 2008 PSfC:

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

Enable school extended services for pupils, parents and communities

Optimise the Council's capital resources available for investment.

5. Background

5.1 School expansion

5.1.1 The Mayor and Cabinet and the Children and Young People Select Committee have received regular reports detailing the pressure on primary school places and the measures taken to increase supply. A more detailed breakdown of the schools that have offered additional places that have been opened since 2008 and justification for increased places in the locality was more fully set out in the report to Mayor & Cabinet dated 25th June 2014.

6. Proposal to enlarge Sir Francis Drake Primary School from 1 to 2 forms of entry

6.1 On January 15th 2014 Mayor & Cabinet received a report which inter alia reported on an opportunity to enlarge SFD as part of the measures to meet the demand for primary places in the Deptford and New Cross Primary Place Planning Locality.

6.2 The enlargement of SFD was contingent on the development of building proposals by the EFA which were satisfactory to the school and the LA, and which did not require an unreasonable cost to the borough beyond the investment made by the EFA.

6.3 At the Mayor & Cabinet meeting of 9 April 2014, the Mayor agreed a consultation on the proposal to enlarge SFD from 1 to 2 Forms of Entry, and to admit 60 pupils with effect from September 2016, subject to the development of satisfactory building proposals in partnership with the EFA. The collaboration required the EFA to project manage the procurement and construction of the building, and the LA to undertake the statutory process to enlarge the school.

6.4 Following the completion of the statutory consultation process, on 25 June 2014 the Mayor agreed to the proposal to enlarge SFD from 1 to 2 forms of entry with effect from September 2016, subject to the development of satisfactory building proposals in partnership with the EFA.

6.5 The EFA then embarked on the development of building proposals and the contractor engagement process for the school.

6.6 At the Mayor & Cabinet meeting on November 14th 2014 the Mayor was asked to note the process of engagement with the school and the EFA to develop a satisfactory building scheme and to agree that a maximum sum of £200,000 be committed to enhance the delivery of the scheme beyond that funded by the EFA.
6.7 However, as a result of pricing issues, the contractor withdrew from the programme and the design work previously undertaken was aborted. The EFA will retain the construction contract, which has resulted in significant delay to the project which the EFA is now unable to deliver for occupation in September 2016.

6.8 The EFA has now nominated a new contractor for the build programme. The Mayor will be kept informed of the progress of the project which now aims for handover by September 2017.

6.9 The LA recognised the need for extra places; however as it is not feasible to accommodate the additional 30 places in line with the proposed expansion until completion of the new building work, it is proposed that the LA make a request to delay the increase in the admissions number for the school.

7 Admission arrangements for 2016/17

7.1 The report submitted by the Admissions Team to Mayor & Cabinet on 25 March 2015, set out details of the Local Authority’s admissions arrangements for community schools for the academic year 2016/17.

7.2 That report made a recommendation to the Mayor to agree the Planned Admission Numbers for 2016/17. The Reception intake for Sir Francis Drake was set at 60 places (Appendix H, Determined Admissions Limits 2016/17).

7.3 Since the EFA scheme will not be able to deliver the required redevelopment of the site the admissions number of 30 for Sir Francis Drake needs to be reinstated for 2016.

7.4 In line with the School Admissions Code, the LA will make representations to the Schools Adjudicator and provide information about the major change of circumstances as outlined in this report and request that the intake for 2016/17 remains at 30 places and plans to increase to 60 place be agreed for 2017/18.

8 Capital Financial implications

8.1 In the period 2008/09 to 2016/17 the Government has made available £114.95m through Basic Need Grant. In addition the Council has secured other grants of £18.65m and identified £4.3m of Section 106 monies to support the programme. This makes the total resources available over the period £137.9m. Against these resources, the value of works estimated to be necessary is £139.8m to September 2016: This leaves a shortfall of £1.9m. This programme of expenditure is included within the Council’s proposed capital programme for 2015 – 2018 which secures Council resources for the balance of £1.9m. The programme identified through to September 2016 is therefore in balance. In the period through to September 2020 additional works of £40m are estimated which includes £37m to meet secondary places demand for which funding will need to be resolved to progress these projects.
If a further secondary school was required this would add £25m to the expected costs.

8.2 Capital Financial Implications

8.2.1 The costs for the construction of Sir Francis Drake were intended to be met through the government’s Priority Schools Building Programme. However it is now clear that the EFA will not pick additional costs resulting from planning permission requirements. While the costs for these cannot be accurately determined at this stage, an allowance has been made in the expenditure forecasts set out in 8.1 above to fund any contribution toward costs as a result of those measures. The Governing Body has raised concerns about the facilities to be provided as part of the build and asked that the local authority address these. No commitments have been made at this stage but discussions will continue if the proposals proceed as agreed.

8.2.2 Although the LA had hoped to secure a rebuilt and expanded school at no cost, the contribution likely to be made will be a small proportion of the costs and could not be otherwise achieved with the resources available currently to the Council.

8.2.3 The construction works will provide an additional 30 places in September 2017 rising to a total of 210 additional places over the next 7 years.

8.2.4 Although the project is delayed the EFA have taken steps to ensure delivery in September 2017. On this basis, it is recommended that the funds identified to meet the costs of any planning requirements should continue to be held for the project.

8.3 Revenue Financial Implications

8.3.1 The revenue costs of running the fully expanded accommodation will be funded from the Dedicated Schools Grant with no burden falling on the General Fund resources of the Council.

9 Legal Implications

9.1 The Human Rights Act 1998 safeguards the rights of children in the Borough to educational provision, which the Council is empowered to provide in accordance with its duties under domestic legislation.

9.2 Section 14 of the Education Act 1996 obliges each local authority to ensure that there are sufficient primary and secondary schools available for its area i.e. the London Borough of Lewisham, although there is no requirement that those places should be exclusively in the borough. The Authority is not itself obliged to provide all the schools required, but to secure that they are available.
9.3 In exercising its responsibilities under section 14 of the Education Act 1996 a local authority must do so with a view to securing diversity in the provision of schools and increasing opportunities for parental choice.

9.4 Section 19 of the Education and Inspections Act 2006 provides that where a local authority proposes to make a prescribed alteration to a maintained school and it is permitted to make that alteration, it must publish proposals.

9.5 The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 provide that proposed enlargements of school premises which would increase the capacity of the school by more than 30 pupils and by 25% or 200 pupils (whichever is the lesser), or changes to the age limit of a school are prescribed alterations which means that statutory proposals have to be published, and there must be a period of four weeks for representations before a decision is made.

9.6 The Council, before making any decision regarding the expansion of a school, must ensure that capital funding is in place, interested parties have been consulted, the statutory notice is published and there has been a four week period for representation.

9.7 Paragraph 13 of Schedule 3 to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 requires that subject to any modifications made by the decision maker the proposer must implement a proposal in the form approved.

9.8 Paragraph 21 of Schedule 3 to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 provides that where proposals have been determined the proposers may seek modifications from the decision maker before the approved implementation date. However proposals cannot be modified to the extent that new proposals are substituted for those that have been published. The proposed deferment of the implementation date by a year appears to be a permissible modification.

9.9 The Mayor will note that his earlier determination on the proposals was subject to the development of satisfactory building proposals in partnership with the Education Funding Agency. Before agreeing to the modification the Mayor should have regard to and have some assurance that by agreeing to the modification the proposals can be implemented by the deferred date.

9.10 Where circumstances have so changed that implementation would be inappropriate or unreasonably difficult consideration of a revocation proposal should be considered by the proposers.

9.11 Where a modification is made details of the modification must be published on the web site where the original proposals were published.

9.12 Section 88E of the School Standards and Framework Act 1998 provides that an admission authority may propose a variation to their determined admission arrangements where they consider this to be necessary in view of a major
change in circumstances. A variation to decrease a published admission number is required to be referred to the School’s Adjudicator.

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

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

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

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

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documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/

9.13 In deciding whether to agree the recommendations of this report, the Mayor must be satisfied that to do so is a reasonable exercise of his discretion on a consideration of all relevant matters and disregarding irrelevancies and having regard to all Guidance that he is statutorily required to consider.

10 Crime and Disorder Implications

10.1 There are no crime and disorder implications.

11 Equalities Implications

11.1 This report supports the delivery of the Council's Equalities programme by ensuring that all children whose parents / carers require a place in a Lewisham school will be able to access one. An Equalities Analysis Assessment has been undertaken and is attached as Appendix 8.

12 Environmental Implications

12.1 Every effort will be made to enhance rather than detract from school environments in the solutions to providing additional primary place.

13 Risk assessment

13.1 There are financial risks if insufficient funding is made available to support the delivery of the programme. There are also significant reputational risks to the Council if it does not meet its statutory requirement to ensure sufficient primary school places are made available.

14 Conclusion

14.1 This report and background papers demonstrate that there is a clear need to expand primary provision to meet demand in the borough and in this locality. The enlargement proposed in this report will provide places in popular and successful schools in areas of high demand. However the expansion will have to be deferred to 2017 in view of the delays to the build programme.

Background Documents

Mayor & Cabinet March 25th 2015
Mayor & Cabinet November 12th 2014
http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=139&MId=3426&Ver=4

Mayor & Cabinet June 25th 2014

Mayor & Cabinet April 9th 2014

Children and Young People Select Committee January 2014

Mayor & Cabinet January 15th 2014

Guidance on school organisation changes

If there are any queries arising from this report, please contact
Margaret Brightman, Place Manager, 0208 3148034
Agenda Item 10

Chief Officer Confirmation of Report Submission
Cabinet Member Confirmation of Briefing
Report for:  Mayor
Mayor and Cabinet
Mayor and Cabinet (Contracts)
Executive Director

Information Part 1 x Part 2 Key Decision x

Date of Meeting 15th July 2015

Title of Report  Council Tax Reduction Scheme – consultation proposal for 2016/17

Originator of Report Ralph Wilkinson

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Signed: ____________________________ Executive Member

Date: _____7th July 2015_______________

Signed: ____________________________ Director/Head of Service

Date: _____6th July 2015_____

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1. Purpose

1.1 To propose a Council Tax Reduction Scheme for 2016/17 that the Council should consult on.

2. Executive Summary

2.1 On 1 April 2013 the Council implemented a local Council Tax Reduction Scheme which passed on the government cut in grant of £3.28m in full to 24,648 working age households previously in receipt of Council Tax Benefit. The Council also implemented a Discretionary Hardship Scheme to help those suffering exceptional financial hardship.

2.2 The Council continued to pass on the government cut in grant for the Council Tax Reduction Schemes in 2014/15 and 2015/16. However, some administrative changes were made to the Discretionary Hardship Scheme for 2015/16.

2.3 This report recommends that the Council consult on a Council Tax Reduction Scheme for 2016/17 that continues to pass on the government cut in funding and maintain a Discretionary Hardship Scheme to help those suffering exceptional financial hardship. Pensioners continue to be protected by legislation from the cuts in government funding.

3. Recommendation

It is recommended that the Mayor agrees to:

3.1 Consult on a local Council Tax Reduction Scheme for 2016/17 that passes on a cut in government funding to working age claimants.

4. Policy context

4.1 One of the primary functions of the Council is to promote the social, economic and environmental wellbeing of the borough and its people. In discharging this important role the Council has a specific duty to safeguard the most vulnerable from harm and to regulate access to public services and to provide social protection for those that might otherwise be put at risk.

4.2 As Council funding is provided through public resources (grants from central Government; Business Rates and Council Tax) the local authority must also demonstrate both responsibility and accountability in the stewardship of public resources.

4.3 The overarching policy and decision making framework for the discharge of the Council’s many functions and duties is Lewisham’s Sustainable Community Strategy. The Strategy contains two overarching principles which are:

- Reducing inequality – narrowing the gap in outcomes; and
delivering together efficiently, effectively and equitably – ensuring that all citizens have appropriate access to and choice of high quality local services.

4.4 Also contained within this overarching policy framework are the Council’s ten priorities. These priorities describe the specific contribution that the local authority will make to the delivery of the Sustainable Community Strategy.

5. Background

5.1 The government abolished Council Tax Benefit on 1 April 2013, from which point local authorities were required to define their own local Council Tax Reduction Scheme. The government also reduced funding by 10% (£3.28m) and made a fixed amount available. Previously the Council Tax Benefit scheme funding had been fully covered by a government subsidy.

5.2 The Council agreed that Lewisham’s 2013/14 Council Tax Reduction Scheme would pass on the £3.28m grant cut to 24,648 working age claimants. The Council also agreed a £100k Discretionary Hardship Scheme for those vulnerable groups facing exceptional hardship. Pensioners are protected by legislation and so continued to receive the same amount of help as before.

5.3 From 1 April 2013, the funding for the Council Tax Reduction Scheme was included in the Council’s revenue support grant. Since then the revenue support grant has been reduced by 18.6% in 2014/15 and by 29.5% in 2015/16. Subject to any change in the chancellor’s forthcoming budget, a further reduction of 21.5% is expected for 2016/17.

5.4 The Council Tax Reduction Scheme for 2014/15 and 2015/16 also passes on the cut in government grant to those of working age. The Council has also continued to support the most vulnerable residents with a Discretionary Hardship Scheme although from 2015/16 the Council has used the provisions of Section 13A (1)(c) of the Local Government Finance Act 1992 to administer it instead of having a separate fund.

5.5 This report proposes to carry out a proportionate consultation on the Council Tax Reduction Scheme for 2016/17.

6. Proposed Council Tax Reduction Scheme for 2016/17

6.1 The Council has the following options when developing its CTRS for 2016/17:

- **To pass on the cut in government grant to those of working age** as the Council has done in the three previous years.
- **To absorb the cut in government grant.** However, the Council is having to make £45.4 savings over the next 2 years so absorbing further cuts in government grant it is not considered possible.
- **To use reserves to deal with the cut in government grant.** It is not considered prudent to use reserves as a way of dealing with any shortfall in government funding as the majority of reserves are earmarked for other purposes with the remainder needed for any urgent one-off unavoidable expenditure.
- **To spend less on the services it delivers.** The Council is already having to review and in some cases reduce what it spends on service delivery.
- **To increase Council Tax.** If the Council were to deal with the shortfall in funding by increasing the Council Tax for everyone, the impact would be likely to be in excess of the 2% threshold set by the Secretary of State beyond which a binding referendum would need to be held.

6.2 The Council’s financial position has not changed and is likely to get worse with further cuts in grant expected. Having considered the different options the Council has to
deal with, given the shortfall in funding, officers advise that the Council Tax Reduction Scheme be retained in its current form for 2016/17. It is recommended that the Council carry out a consultation on that basis.

6.3 The consultation will be proportionate in approach and will consist of the following:

- A self-completion survey – promoted across the Council’s website, and available in hard copy upon request;
- A letter sent out to a sample of households – some being council tax payers and the remainder being in receipt of CTR - inviting them to participate in the survey;
- A general press release from Communications promoting the survey, which will be emailed to local media, blogs and websites;
- Targeted communication to local community groups representing the interests of those residents identified as most vulnerable to any of the proposed changes in the Council Tax Reduction Scheme 2016/17.

6.4 It is anticipated that this consultation will be undertaken between 3 August and 27 September 2015.

7. Proposed implementation timetable on the Council Tax Reduction Scheme 2016/17

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<td>Mayor and Cabinet agree Council Tax Reduction Scheme for 2016/17</td>
<td>Customer Services</td>
</tr>
<tr>
<td>January 2016</td>
<td>Testing for annual Billing</td>
<td>Customer Services/Capita</td>
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<td>January 2016</td>
<td>Council Tax Reduction Scheme agreed as part of budget process and before 31 January 2016</td>
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<td>January 2016</td>
<td>Council Tax base set</td>
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<td>February 2016</td>
<td>Council sets its budget</td>
<td>Resources</td>
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<tr>
<td>March 2016</td>
<td>Council Tax bills issued</td>
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8. Financial implications

8.1 There are no financial implications at this stage as the recommendation is only to consult on the proposed Council Tax Reduction Scheme for 2016/17.

9. Legal implications


9.2 Section 13A of the 1992 Act requires every local authority to adopt a CTRS. Paragraph 2 of s. 13A sets out the two principal factors which are determined by the CTRS; namely, “eligibility” and “reductions”. A CTRS therefore defines the amount of council tax paid by residents of a local authority by reference to i) those persons who are defined as eligible for a reduction in council tax liability and ii) the extent of that reduction.

9.3 Paragraph 5 of Schedule 1A sets out the obligations imposed on the Council in respect of revising and replacing a CTRS. Para 5(1) “For each financial year, each billing authority must consider whether to revise its scheme or to replace it with
another scheme. Para 5(2) provides that “The authority must make any revision to its scheme... no later than 31 January in the financial year preceding that for which the revision ... is to have effect.”

9.4 Paragraph 3 of Schedule 1 contains obligations in respect of consultation. It applies to an authority when revising a scheme as it applies to an authority when making a scheme. (para. 5(5). Para. 3 requires the authority, before [revising a] scheme to, 
“...a) consult any major precepting authority which has power to issue a precept to it, 
b) publish a draft scheme in such manner as it thinks fit, and c) consult such other persons as it considers are likely to have an interest in the operation of the scheme.”.

9.5 The Supreme Court Judgement R –v- London Borough of Haringey (29.10.14 ) is on point with the subject of this Report and it makes it clear that whilst consultation needs always to be proportionate, “even when the subject of the requisite consultation is limited to the preferred option, fairness may nevertheless require passing reference to be made to arguable yet discarded alternative options.” (Lord Wilson Para. 28,)

9.6 By way of some assistance it is stated within the Judgment (at para. 41 by Lord Reed that “…a requirement to provide information about other options [does not] …mean that there must be a detailed discussion of the alternatives or of the reasons for their rejection. The consultation required in the present context is in respect of the draft scheme, not the rejected alternatives; and it is important, not least in the context of a public consultation exercise, that the consultation documents should be clear and understandable, and therefore should not be unduly complex or lengthy. Nevertheless, enough must be said about realistic alternatives, and the reasons for the local authority’s preferred choice, to enable the consultees to make an intelligent response in respect of the scheme on which their views are sought.”

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

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

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

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

9.10 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:
9.11 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

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

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


10. Crime and disorder implications

10.1 There are no direct crime and disorder implications arising from this report.

11. Equalities implications

11.1 In the discharge of their functions, the Equality Act 2010 places a Duty on public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation;
- foster good relations between those who share a protected characteristic and those who do not share that characteristic; and
- advance equality of opportunity between those who share a protected characteristic and those who do not share that characteristic.

11.2 A full analysis was done in 2013/14. To build a picture of Council Tax Reduction (CTR) claimants' propensity to pay their liability, Council Tax accounts were matched with CTR benefit accounts where possible. Across the two data sets it was possible to match 87% of all the records. Thus analysis was done for comparator purposes and only to indicate if any of the claimant types have been disproportionately impacted by the scheme.

11.3 Accounts were also flagged as having a zero, credit or debit balance (account status) and the assumption was made that an account with either a zero or credit balance contains no outstanding Council Tax liability.

11.4 It is important to note that the applicants receiving CTR today may not be the same as those receiving it in a months time, or their award may be greater or less depending on how their circumstances change. This analysis has also only taken CTR into account and it is worth bearing in mind that a number of these claimants may also be in receipt of additional benefits which may have been subject to caps or changes as part of Welfare Reform.

11.5 Claimants that are in receipt of other benefits are known as passported and may either be of working age or they or their partner may be in receipt of state pension credit. Claimants that are only in receipt of CTR are known as non-passported and again can either be of working age or they or their partner may be in receipt of state pension credit.
11.6 There are very few CTR claimant types that have not settled their Council Tax liability to a satisfactory level once the award has been applied. Therefore the Council Tax Reduction Scheme appears to be working well and has not had an adverse impact on any particular group or equalities characteristic (where data is available).

12. **Environmental implications**

12.1 There are no environmental implications arising from this report.

13. **Background papers and report author**

13.1 If you require further information about this report, please contact Ralph Wilkinson, Head of Public Services, on 020 8314 6040.

Date of Meeting | 15th July 2015
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Title of Report | Homeless Allocation Process (locational priority placement)
Originator of Report | Genevieve Macklin

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

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<td>Crime &amp; Disorder Implications</td>
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Signed: [Signature] Executive Member
Date: 7th July 2015

Signed: [Signature] Director/Head of Service
Date: 6th July 2015

Control Record by Committee Support

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1 Summary

1.1 On 2\textsuperscript{nd} April 2015, the Supreme Court found against Westminster Council in a case relating to how it had made decision on where to place a family to which it owed a duty to accommodate under the Housing Act 1996. The Nzolameso v City of Westminster judgment has significant ramifications for local authorities who are now required to develop policies to show how they will procure accommodation both in and outside their boroughs and how they will decide who has priority accommodation in or close to their borough.

1.2 Since the judgment was made, Lewisham officers have been working with colleagues from other London boroughs to examine the impact of the judgment and to determine the appropriate approach for developing a policy which enables this authority to meet these new duties.

1.3 This paper outlines the judgment, its implications and some of the key considerations for the authority in terms of its development of a locational priority policy. In particular, the paper outlines how the policy will apply to the allocation of both temporary accommodation and for private rented sector discharge which was agreed by Mayor and Cabinet on 25\textsuperscript{th} March 2015.

1.4 The paper proposes that an interim policy is adopted to guide practice over the next four months whilst more detailed work is undertaken to develop a full policy. Details of this proposed policy are included in section 8 of this report and in appendix B.

2 Purpose

2.1 The purpose of this report is to:

- Provide an overview of the new legal requirements emanating from the Nzolameso v Westminster judgment
- Explain the rationale behind the development of an interim policy
- Detail the supply and demand data and other considerations which have influenced the development of the policy
- To ask for approval to implement the interim policy for four months
To ask for approval to proceed with consultation to develop a full policy to be presented to Mayor and Cabinet on 11\textsuperscript{th} November 2015.

3 Recommendations
It is recommended that the Mayor

3.1 Note the new legal responsibilities for the council in relation to the development of a locational priority placement policy;

3.2 Note the rationale for the development of an interim policy;

3.3 Approve the interim locational priority placement policy; and

3.4 Give approval to officers to proceed with consultation to develop a full locational priority placement policy to be presented to Mayor and Cabinet in November 2015.

4 The Judgment in Nzolameso v Westminster

4.1 On 2\textsuperscript{nd} April 2015, the supreme court gave its judgment in the case of Nzolameso v Westminster City Council. The case sets legal precedent and has implications for the way in which all local authorities must now make decisions as to where to place a family to whom they owe a duty under Part VII of the Housing Act 1996. The case establishes the need for document and formalise decision making processes which are currently undertaken locally.

A summary of the facts of the case

4.2 Ms Nzolomeso is a 51 year old single mother with five children between eight and 14. She has longstanding health problems and has lived in London since at least January 2000. From December 2008 to November 2012, the family lived in a privately rented four bedroomed house in Westminster. In 2012, she was affected by the benefit cap which dramatically reduced the amount of housing benefit she was entitled to receive which meant she was no longer able to afford the rent. She was evicted in November 2012.

4.3 She applied to Westminster City Council under the homeless provisions in Part 7 of the 1996 Act and the family were temporarily housed in the Royal Borough of Kensington and Chelsea on a bed and breakfast basis. On 17\textsuperscript{th} January 2013, she was notified that Westminster had decided that they accepted that they owed her a housing duty.

4.4 On 24\textsuperscript{th} January, the authority wrote offering her temporary accommodation in a five bedroomed house in Bletchley, near Milton Keynes. In their letter to the applicant, the council explained that:

‘There is a severe shortage of accommodation in Westminster and it is not reasonably practicable for us to offer a Westminster home for everyone who applies for one. That is why we have had to offer you accommodation in Milton Keynes. Although it is outside Westminster, having considered your circumstances, we believe this accommodation is suitable.’
4.5 The applicant rejected this offer because it was too far away and would cause disruption to the support networks which she had in place for her health and her children.

4.6 Westminster Council wrote to the applicant on 25\textsuperscript{th} January stating that none of her children were of GCSE age, so it was suitable for them to move schools. They stated that the property was one hour and 15 minutes travel time from Westminster and was a suitable size. They informed the applicant that because she refused the offer, their duty under s193 of the Housing Act 1996 had ended and she was served notice.

4.7 The applicant sought a review of the local authority’s decision under s202 of the 1996 Act. The review was completed on 27\textsuperscript{th} May 2013 and the reviewing officer confirmed that the original decision was correct and that the accommodation offered was suitable and affordable. In their letter they stated:

‘As you are aware Westminster is currently suffering from a severe shortage of both temporary and permanent accommodation. It is therefore not reasonably practicable to offer temporary accommodation in the borough for everyone who applies for it and therefore we have to offer some people temporary accommodation located outside Westminster. The council’s temporary lettings team carefully assesses each application based on the individual circumstances of each household member and decides what type of accommodation would be suitable for the household. Given the shortage of housing in Westminster and all of our circumstances, including those above, I believe that it was reasonable for the Council to offer your household this accommodation outside the Westminster area’

4.8 The court noted that this appeared to be a standard paragraph which has appeared in a number of decision letters emanating from the City of Westminster. They noted that the authority had produced no evidence of their policy in relation to the procurement of accommodation, nor the location of the accommodation, nor the instructions given to the temporary letting team as to how they are to decide which properties are offered to applicants.

4.9 The applicant then appealed to the county court under section 204 of the 1996 Act. The appeal was heard in October 2013. The appeal was unsuccessful. In his judgment HHJ Hornby commented that:

‘I appreciate that there appears to be no reference in particular to the fact that consideration was given to the particular areas within Westminster or those areas nearer than Milton Keynes, but it seems to me almost inevitable that the team must have had regard to all the stock that there was and allocated what was the most suitable property available to them for that particular person’
4.10 The council had been providing the family with interim accommodation for the applicant and her children during the review and appeal process. But they refused to do so pending her application for permission to appeal to the Court of Appeal. The applicant asked Westminster Children’s Services Department to accommodate the whole family. They refused and on 24th February 2014, the applicant asked the Children’s Service Department to provide accommodation for her children only under the Children Act 1989. The Children were divided between three different placements and care proceedings were commenced.

4.11 The applicant was granted permission to appeal to the Court of Appeal, but that appeal was also unsuccessful, for reasons which were essentially the same as those given by HHJ Hornby.

4.12 The case was heard in the Supreme Court on 17th March 2015. The appeal was allowed on the basis that it raised important issues in relation to out of borough placements of homeless applicants. The two main issues were:

- ‘Reasonably practicable’ – section 208 of the 1996 Act states that local housing authorities must house homeless people in their area, ‘so far as this is reasonably practicable’. How is this to be applied? Is it sufficient for a local authority to have a policy for prioritising applicants for in-borough accommodation or should they check, in every case, whether accommodation is available in-borough?
- Evidence of compliance with the Statutory Guidance – must an authority refer in their decision letter to their efforts to locate accommodation closer to London or produce evidence that they have done so? Or can the Court assume or infer that they have taken proper steps to look for accommodation in the local authority area or nearer to that area?

4.13 The judgment was handed down on 2nd April 2015 and the Court found against Westminster City Council. They concluded that the authority could not show that the offer of a property in Bletchley was sufficient to discharge Westminster’s legal obligations under the 1996 Act. The judgment concludes that the authority did not explain adequately ‘what, if any, consideration had been to providing accommodation in or nearer the borough, apart from the standard general paragraph’. Additionally, the judgment concludes that the authority could not ‘show that they have properly discharged their obligation under section 11 of the Children Act 2004’.

Guidance within the judgment

4.14 In light of this case, the judgment goes on to provide guidance to local authorities as to how they should go about explaining their decisions as to the location of properties offered. The guidance recognises that authorities are entitled to take account of the resources available to them, the difficulties of procuring sufficient units of accommodation at affordable prices in their area and the practicalities of procuring accommodation in nearby authorities. However, the decision on an individual case will depend on the policies which
the authority has adopted both for the procurement and allocation of these units.

4.15 The guidance for local authorities therefore is as follows:

‘Ideally, each local authority should have, and keep up to date, a policy for procuring sufficient units of temporary accommodation to meet the anticipated demand during the coming year. The policy should, of course, reflect the authority’s statutory obligations under both the 1996 (Housing) Act and the Children Act 2004. It should be approved by the democratically accountable members of the council and, ideally, it should be made publicly available. Secondly, each local authority should have and keep up to date, a policy for allocating those units to individual homeless households. Where there was an anticipated shortfall of ‘in borough’ units, that policy would explain the factors which would be taken into account in offering units close to home, and if there was a shortage of such units the factors which would make it suitable to accommodate a household further away’

4.16 The judgment states that the approach would have many advantages. It would enable:

- homeless people, and the local agencies which advised them, to understand what to expect and what factors would be relevant to the decision;
- temporary letting teams to know how they should go about their business;
- reviewing officers to review the decisions made in individual cases by reference to those published policies and how they were applied in the particular case;
- reviewing officers to explain whether or not the individual decision met the authorities’ obligations;
- applicants to challenge, not only the lawfulness of the individual decision, but also the lawfulness of the policies themselves;
- a general challenge to those policies to be brought by way of judicial review: “In some ways this might be preferable to a challenge by way of an individual appeal to a county court. But it may not always be practicable to mount a judicial review of an authority’s policy, and an individual must be able to rely upon any point of law arising from the decision under appeal, including the legality of the policy which has been applied in her case.”

5 Implications of the Westminster judgment for local authority policy and practice

5.1 As a consequence of the judgment in Nzolomeso v Westminster City Council, local authorities must all now develop a policy which:

- outlines the Council’s approach to procuring accommodation both ‘in borough’, ‘close to home’ and ‘further away’. This must indicate both the anticipated supply and the expected demand over the next year.
• Explains how the Council will decide who will receive priority in the allocation of these properties.

5.2 The policy must be compliant with the existing duties of the local authority within the Housing Act 1996 and the Children Act 2004.

6 Considerations in the development of an interim locational priority placement policy

6.1 The implications of the judgment for local authorities are hugely significant as demand rises rapidly and the supply of affordable accommodation to meet this demand reduces. It is estimated that at a national level there are currently 16,000 households in temporary accommodation outside their local authority area. This has almost tripled since 2010 when the figure was 5,880.1

6.2 In Lewisham, the council has seen a 76% increase in the number of households in temporary accommodation in the last five years (now almost 1,800 people). At the same time the number of affordable properties to let has decreased by 44%. The Council has 8,500 individuals and families on the Housing Register and the average wait for a four bedroom property is 4 years. In addition to this, the Council currently has spend in excess of £5m per annum on the provision of accommodation and other services for homeless families under s17 Children Act 1989 who are excluded from support under Housing Act 1996 (i.e. because they have No Recourse to Public Funds or have made themselves intentionally homeless).

6.3 In light of the significant variation between demand and supply, the Council needs to think carefully about how the implications from this judgment are translated into local policy and practice to ensure that:

• our policy meets our legal duties
• it is operationally sustainable
• it sets fair and consistent priorities which set an expectation of entitlements which we are subsequently able to meet.

6.4 Some of the key considerations are outlined below:

• Which types of accommodation should the policy cover? Following the decision of the Supreme Court in Nzolameso v Westminster City Council [2015] UKSC 22; [2015] PTSR 549, there are now four main layers of substantive legal obligations that apply to decision making about the location of accommodation secured under the homelessness legislation in Part 7, Housing Act 1996.
• As a preliminary point, these requirements apply to all accommodation secured under Part 7. That is not to say that they apply in precisely the same way to, e.g. s.188 interim accommodation as to final offers of permanent accommodation under s.193(7).
• The main requirements are as follows:

1 http://www.insidehousing.co.uk/landmark-case-tightens-rules-on-out-of-borough-placements/7009151.article
- The accommodation must be within the Council’s district so far as reasonably practicable: s.208(1);
- Where possible, it should be as close as possible to where an applicant was previously living: paras 48-49, Supplementary Guidance, November 2012;
- The accommodation must be suitable for the applicant and his or her household: s.206(1); and
- When assessing suitability, the Council must have regard to the need to safeguard and promote the welfare of any children; and this means that the decision-maker should identify the principal needs of the children, both individually and collectively: s.11(2), Children Act 2004; Nzolameso at para 27.

- In addition, a lawful decision on location must give adequate reasons to explain why the Council has decided the above issues in the way that it has.
- **Which duties will the policy cover?** Alongside the Housing Act duties we also procure temporary and ongoing accommodation for families whom we support under s17 of the Children Act 1989. In this process the authority must consider the needs of the family when determining the location of a property.
- **How should we define close to home?** The Westminster judgment sets out three geographical areas that local authorities should consider when assessing locational priority: ‘in borough’, ‘close to home’ and ‘further away’. The Council must consider the definitions which will apply, particularly in relation to the category ‘close to home’.
- **Which groups will receive priority and how will this be assessed?** Each week the Council provides temporary accommodation to between 15 and 20 families and single adults a week (90% under Housing Act 1996 and 10% under Children Act 1989 and Care Act 2014). Additionally, there are currently c. 2,100 families and single adults in temporary accommodation (c.1,800 under Housing Act 1989 and c.300 under Children Act 1989 and Care Act 2014). Given the scale of demand, our policy in terms of who has priority for accommodation must adequately reflect what is feasible to achieve and also must ensure that the processes for allocation are relevant and effective.

### 7 Why develop an interim policy?

7.1 As a result of the Westminster judgment, local authorities are now required by law to have a locational priority placement policy to guide decision making on procurement and allocation of properties.

7.2 However, this is a complex matter with significant ramifications for homeless households in the borough as well as on council spend on temporary and other forms of accommodation. In order to develop a coherent and lawful policy which meets the council’s longer term objectives, a significant amount of work is required to map demand, gather insights and consider the full financial and equalities impacts arising from policy decisions. Detailed work is also required to consider how the policy will be implemented in practice. At a
regional level, London Councils are leading work to ensure that London local authorities design policies which are consistent and evidence based and we are expecting further outcomes to be available from this work over the summer.

7.3 There is an inherent tension between the need to comply with the law and our ambition to ensure that our policy encompasses the full breadth of implications which arise from it. On an operational level, decisions are made every day as to where to place homeless households being supported by both our housing and children’s services department. We need to take all necessary steps to comply with the legal position as it currently stands, which primarily relates to our housing duties, whilst working on a fully mature and coherent overall policy relating to our larger duties to all those eligible for temporary housing assistance from the Council. We intend, however, for the interim policy also to extend, as applicable, to those to whom we owe a duty under s17 Children Act 1989 (see below para 8.2).

7.4 The locational priority placement policy included in appendix B of this report has been developed in consultation with a range of internal stakeholders (including housing needs, social care, finance and legal services). It is based on data which is already available on supply and demand for accommodation and the demographics of those who present to our services. It also draws from the information available from other boroughs on approaches which are already in place for out of borough placements.

7.5 Putting in place an interim policy of this kind will ensure that the council has set out an approach which can be used to guide decision making, reviews and response to challenge in the interim whilst enabling the authority to ensure that it puts in place a suitably robust and coherent policy to meet longer term objectives. Establishing an interim policy has the additional benefit that it will enable the authority to ‘trial’ a new approach and ensure that the learning from this informs our ongoing approach.

8 Proposed interim policy for locational priority

Scope of the policy

8.1 The policy covers how locational decisions will be made for all types of temporary accommodation, including bed and breakfast, hostel, Private Sector Leased and leased and managed housing. The policy also covers private rented discharge provided under the Housing Act 1996.

8.2 The policy will also apply to all types of accommodation sourced by the council under its duties flowing from s17 of the Children Act 1989. However, it should be noted that s.17 Children Act 1989 does not provide entitlement for any range, type or level of services from the local authority therefore each case will be considered on a case by case basis under the policy. The Council therefore will exercise its discretion to depart from the guidelines, where it is
appropriate to do so in any particular case, after consideration of all the relevant facts.

**Definitions of locality categories**

8.3 The Westminster judgment identifies three geographical areas that the Council should consider when assessing locational priority. These are defined for the purposes of this policy as follows:

- ‘in borough’: within the London Borough of Lewisham
- ‘close to home’: within 90 minutes travelling distance of Lewisham, with particular reference to the school, place of employment or other physical place which gives rise to the need to be accommodated close to home. Travelling distance will be defined as travelling by public transport on the quickest available route.
- ‘further away’: will be defined as anywhere beyond 90 minutes travelling distance of Lewisham. In deciding accommodation offers for individuals and families further away, the Council will always have regard as to the suitability of the property and the area that that property is in. In particular we will consider the availability of services such as schools and health services to ensure that the welfare of children is fully considered in line with our duties under the Children Act 2004.

**Demand**

8.4 We currently have approximately 2100 families in temporary accommodation who are being accommodated under the Housing Act 1996. This number has risen by 77% over the last five years. It is expected that demand for services will increase in line with the implementation of any future welfare reforms, for example the proposal to reduce the benefit cap from £26,000 to £23,000.

8.5 The Council has a requirement to find temporary accommodation for approximately 50 families applying to the Council’s Children’s Services Department as a person who is homeless and either intentionally homeless or has no recourse to public funds. This is in addition to the existing accommodation requirement for temporary accommodation for approximately 300 families who are already being supported.

8.6 In addition to this the council expects to need Private Rented Sector (PRS) accommodation to house families in some circumstances. The Housing Department expects to need between 150 and 250 PRS properties in line with our recent policy decision to pursue discharge to the PRS for some homeless families. Additionally, the Children’s Service Department expects to need approximately 150 private rented properties for families to move when the authority no longer needs to house them temporarily, as they gain access to public funds, but who are still not owed a duty by our housing service.

**Supply: In borough temporary accommodation**
8.7 Alongside a rising demand for housing support, the council has also been impacted by a 44% reduction in supply over the same period. Locating properties within LHA rates locally has become increasingly difficult. The Council’s in borough temporary accommodation consists of a mix of hostels which are owned and managed by the Local Authority and Private Sector Leased (PSL) properties which are procured on long leases and managed by the authority. The table below shows the current number of properties in borough:

<table>
<thead>
<tr>
<th>Number of hostel units</th>
<th>330</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of PSL properties</td>
<td>621</td>
</tr>
</tbody>
</table>

8.8 In addition to this, the council purchases B&B accommodation for those it is not able to accommodate in one of the accommodation units above. It is increasingly difficult for the authority to find affordable bed and breakfast accommodation. This is a problem experienced across London. Lewisham is part of the Inter Borough Accommodation Agreement. This agreement sets the maximum rates which local authorities should pay for temporary accommodation so as to encourage cooperation across London. This agreement is designed to market manage, as best London Councils are able to, so as to ensure a reasonable supply of available affordable accommodation for all Councils and that we are not in a bidding war against each other, which would restrict supply, drive up costs and be likely to result in failures on the part of responsible Local Authorities to access accommodation for their eligible households. Currently we have 154 families in bed and breakfast accommodation in borough. Based on current London wide agreements, we expect to be able to sustain this number of in borough bed and breakfast placements over the year. Taking this into account, the number of units available in borough is as follows:

<table>
<thead>
<tr>
<th>Number of hostel units</th>
<th>330</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of PSL properties</td>
<td>621</td>
</tr>
<tr>
<td>Number of B&amp;B units</td>
<td>154</td>
</tr>
<tr>
<td>Total in borough units</td>
<td>1105</td>
</tr>
</tbody>
</table>

Supply: Close to home temporary accommodation

8.9 In addition to the properties procured in borough, the Council procures bed and breakfast accommodation and PSL properties in the Greater London area. These properties are not in borough but are within an hour and half travelling distance from Lewisham.

<table>
<thead>
<tr>
<th>Number of B&amp;B units</th>
<th>402</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of PSL properties</td>
<td>2</td>
</tr>
<tr>
<td>Total number of units</td>
<td>404</td>
</tr>
</tbody>
</table>
8.10 It is also important to note that of the total 623 PSL properties we currently manage, we have received notice that on 93 properties that landlords wish to withdraw from current arrangements.

Supply: ‘in borough’ and ‘close to home’ private rented sector

8.11 The Council has regular contact with landlords and letting agents who supply privately rented accommodation in our borough and across London. Following a search on the main agencies and websites offering properties we were able to establish that currently on the market there are:

<table>
<thead>
<tr>
<th>Property type</th>
<th>Total available</th>
<th>Total within LHA rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>‘In borough’</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 bed PRS</td>
<td>265</td>
<td>13 (5%)</td>
</tr>
<tr>
<td>2 bed PRS</td>
<td>563</td>
<td>19 (3%)</td>
</tr>
<tr>
<td>3 bed PRS</td>
<td>197</td>
<td>9 (5%)</td>
</tr>
<tr>
<td>Total affordable PRS in borough</td>
<td>41</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Property type</th>
<th>Total available</th>
<th>Total within LHA rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>‘Close to home’</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 bed PRS</td>
<td>52819</td>
<td>1087 (2%)</td>
</tr>
<tr>
<td>2 bed PRS</td>
<td>38572</td>
<td>754 (2%)</td>
</tr>
<tr>
<td>3 bed PRS</td>
<td>15625</td>
<td>883 (6%)</td>
</tr>
<tr>
<td>Total affordable PRS in London</td>
<td>1850</td>
<td></td>
</tr>
</tbody>
</table>

8.12 This is a snapshot of current supply, there will of course be a flow of properties which come on to the market each year but as indicated, the supply of affordable properties both locally and across London is very limited. This is exacerbated by a number of demand factors. Critically:

- Local authorities face the additional barrier that landlords can decide whether or not they wish to rent their properties to households on benefits. We contacted five agencies who were advertising properties within LHA rates in Lewisham. Three indicated that they did not rent properties to people on benefits, one said they would only do so with a guarantor and the fifth said it would be at the discretion of individual landlords. In reality, this means that the number of PRS properties actually available for many of our families in Lewisham is actually much lower than these figures indicate.
- All local authorities are in competition to secure PRS properties across London. There are approximately 46,000 people in temporary accommodation in London many of whom could be considered for a move to a PRS property.\(^2\)
- Additionally, these properties are available on the open market. Local authorities are therefore in competition with all other individuals and

\(^2\) [http://www.insidehousing.co.uk/london-has-75-of-englands-households-in-temporary-accommodation/7007333.article](http://www.insidehousing.co.uk/london-has-75-of-englands-households-in-temporary-accommodation/7007333.article)
families seeking private rented accommodation in London. The scale of this competition is impossible to predict on individual property types, but over 50% of London households are renters.

Summary: supply and demand

Temporary accommodation

8.13 The table below demonstrates how many families we expect to be able to place in borough, close to home and further away based on expected procurement over the next year. It is important to note that this is indicative at present and requires more detailed modelling of flows in and out of accommodation. The housing market in London is also extremely dynamic and this may affect our ability to retain PSL stock and bed and breakfast accommodation in borough.

| % of people the council expects to be able to place in temporary accommodation ‘in borough’ and ‘close to home’ | 70% |
| % of people the council expects to be able to place in temporary accommodation ‘further away’ | 30% |

Private rented sector

8.14 There are a number of factors which make it very difficult to predict the number of families and single adults for whom we will be able to secure private rented properties in borough or close to home.

- The number of properties for which rent is within LHA rates. In theory LHA rates are set at the 30\textsuperscript{th} percentile meaning that 30% of the total number of c. 30,000 private rented properties in Lewisham should be within LHA rates. However, our analysis suggests that in fact, this is closer to 5% of available properties.
- The flow of affordable properties into the market. Even if properties are being rented within LHA rates, the council needs them to become available to new tenants in order to be able to place families.
- Competition for properties within the market. This includes competition from families and individuals not being supported by the council and competition from other authorities seeking to find private rented accommodation for families.
- The willingness of landlords to accept housing benefit claimants. The council’s Private Sector Housing Agency has devised a number of strategies to overcome this. For example, offering small financial incentives to landlords and providing short-term Discretionary Housing Payments. The effectiveness of these strategies will impacted by the level of competition in the market.

8.15 Given the complex landscape, it is not possible to place an accurate prediction on the number of properties we will be able to secure in Lewisham
or London. What is clear though is that demand is likely to significantly outstrip supply. In light of this, section 8.20 of this report sets out how we will go about searching for and procuring private rented properties and section 8.22 and 8.23 explains our approach to allocation.

8.16 During the period that this interim policy is in place we will record the number of affordable properties we have been able to procure in Lewisham, close to home and further away. This will form the basis of our predictions in terms of the number of families and single adults we expect to be able to house locally when a full policy is developed.

8.17 In particular, the extent to which landlords are willing to accept benefit claimants is difficult to predict. We have set the following targets which are based on the council being able to

8.18 However, based on the current number of properties available within LHA rates, we have set a realistic target

Approaches to procurement

8.19 In September 2013 the Council set up a Private Sector Housing Agency (PSHA) to lead on the procurement of a range of accommodation from the private rented sector including shared and self-contained bed & breakfast both spot purchased and block booked; private sector leased accommodation; directly managed leased and a range of tenant finders schemes. The Agency was established as a response to a much more challenging and competitive private rented market where the council was at risk of being out-priced and out manoeuvred. The services of the Agency are offered council wide, although the highest demand is from the Housing Options service for households who are homeless, at risk of homelessness. The Agency procures properties where it can both in and out of the Borough and in and out of London. The Agency has had a lot of success even within an ever more challenging environment but to ensure the council can continue to compete and source the number and range of properties needed to meet demand. The Agency and associated departments:

- Offers a range of landlord incentives in the form of up front incentives or bonds to make the council offer more competitive in the market where our rents are required to fall within Local Housing Allowance levels;
- Offers a full range of leased and managed products to meet the individual requirements of landlords from a fully leased and managed service to a Tenants Finders scheme only;
- Ensures that Lewisham participates in pan London or sub regional initiatives to increase access to supply including membership of the west London consortium which, working on an economies of scale principle, will allow us to access more accommodation that historically has been unavailable to us.
- Enters into partnerships with large landlords, including block booking TA to secure supply at peak times;
• Uses any available grant, like empty homes grant to attract landlords to the council, delivering 5 year leased accommodation for use as TA;
• Undertakes advertising campaigns in local and national press, radio, on buses and taxis etc to increase our profile and show there is a very viable alternative to lettings agents;
• Supports landlords as businesses including offering a range of information, landlord days and tenant training.

In addition to this wide ranging strategic development work, the service is also responsible for undertaking regular checks with landlords for individual properties which are available and affordable which can be used to meet the accommodation needs of our families and single adults. This consists of daily contact to Bed and Breakfast providers. For private rented properties we undertake weekly searches of the main agents, both locally and out of borough, to identify available properties within LHA where the landlord will accept a housing benefit claimants.

This practice will continue to be a core part of the function of the PSHA. In light of the judgment we will record the findings of our searches in line with the categories outlined in this policy – ‘in borough’, ‘close to home’ and ‘further away’ to facilitate the appropriate allocation of these properties based on our assessment of locational priority need.

Priority groups

8.20 The proposed policy in relation to priority groups is appended to this report.

Approach to allocation

8.21 In parallel with the priority need assessment undertaken on all households who present to the council by the assessment teams a locational priority will also be made based on the principles contained within the locational priority policy. This locational priority assessment will be signed off by the on duty manager. The household will then be allocated accommodation in line with this locational priority assessment.

8.22 However there may be instances where, despite an in Borough or “close to home” assessment, available and affordable accommodation cannot be found. This section outlines how we propose to deal with these circumstances for individuals and families seeking accommodation support under Housing Act 1996 or Children Act 1989:

For emergency temporary placements:

• We will seek to identify properties within the relevant locational priority. If this is not available and there is a need for a placement to be made that day, the household will be moved to the closest appropriate and available accommodation. The procurement team will then seek alternative TA in an area that is a closer match to their agreed locational priority within a 4 week timescale. If this is sourced they will be transferred into that accommodation.
• If accommodation cannot be sourced within a 4 week period, a review will be undertaken as to the impact of this and will consider alternative avenues for meeting the family’s needs.

Private rented sector offers or non-urgent accommodation offers:

• We will seek to identify properties within the relevant locational priority. The first stage of the search process will continue for 4 weeks. During the time that this search is undertaken, the family will remain within the accommodation that they currently reside in.
• If accommodation cannot be sourced within the 4 week period, the council’s procurement service will notify the original assessing officer. A review will be undertaken to determine the best course of action for the family. The review will consider whether the best interests of the children and family are best served by extending the time for the search (thus extending the length of time in temporary accommodation) or whether the best course of action is to extend the search area thus reducing the time in temporary accommodation.

9 Development of full policy

9.1 The following activities will be undertaken to develop a full locational priority placement policy:

• Engagement with London Councils and other London boroughs to gather insights into the approaches being undertaken by other boroughs
• Consultation with advocates and homeless households likely to be affected by this policy
• Detailed supply and demand analysis and comparison to other boroughs
• Analysis of impacts of interim arrangements for homeless households and service delivery
• A full financial impact assessment
• A full Equalities Analysis Assessment

9.2 The full policy will be presented to Mayor and Cabinet on 11th November 2015.

10 Comments from the Housing Select Committee

10.1 Given the timescales involved in preparing this policy, it was not possible to provide the Housing Select Committee (HSC) with a copy of the report in advance of this Mayor and Cabinet meeting. However, a briefing was given to members of the HSC on 8th May 2015 including a presentation covering the background to the policy and some of the key principles underpinning it. Their comments will be provided as an addendum at the meeting.
11 Financial implications

11.1 In addition to the £5m accommodation costs on S17 clients and those with No Recourse to Public Funds, mentioned in paragraph 6.2, the Council also spent £23m on temporary accommodation costs for housing tenants in 2014-15, some £3m over the budget provision.

11.2 The costs incurred implementing the proposed interim plan is not expected to increase the current budget pressures. A fully costed business case in respect of any acquisitions plan will need to be presented to members when the fully policy is proposed.

12 Legal Implications

12.1 The implications of the decision of the Supreme Court in Nzolameso v Westminster City Council have been set out in this report. There are two main groups of applicants to whom the Council owes a duty to source accommodation on a temporary basis- those to whom a Children Act 1989 duty is owed, following assessment, and those to whom a homelessness duty is owed, pursuant to the 1996 Act and Guidance.

12.2 The position with respect to the Council’s duties pursuant to ss17 and 20 of the Children Act 1989 are that:-
- (s17) It is a general duty of every local authority to safeguard and promote the welfare of children within their area who are in need; and (b) so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children’s needs. These services can include accommodation.
- Before giving any assistance or imposing any conditions, a local authority shall have regard to the means of the child concerned and of each of his parents.
- Children in need are those who are unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision of services by a local authority ; whose health or development is likely to be significantly impaired, or further impaired, without the provision of such services; or who are disabled.
- (s20) Every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation as a result of ( inter alia)— the person who has been caring for him being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care.

12.3 It is of note that the facts of the Westminster case are significantly stark: the parent had health issues, and it may seem to observers that the decision to refuse accommodation pending appeal, under their housing duties, and then to refuse accommodation to the family pursuant to s17 Children Act 1989, restricting their support to the children alone under s20, then to split the sibling
group and commence care proceedings, should have prompted a review of the family’s situation as a whole focussing upon the children’s welfare. However, that is not the course that Westminster pursued, with good cause or not. The Supreme Court did not comment upon the child protection issues, if any. They did however consider the issues relating to the children’s welfare very strongly in the light of the overall duties owed to the children flowing from s11(2) Children Act 2004, which states that the Local Authority, in the discharge of their functions,( in this case their housing function under the 1996 Act) must make arrangements for ensuring that they have regard to the need to safeguard and promote the welfare of children, including in their arrangements with other agencies.

12.3.1 As Lady Hale, giving the leading judgment, remarks- S11 2004 Act does not define “welfare”. S 10 provides a statutory framework for co-operation between the local authority and relevant agencies with a view to improving the “well-being” of children in the area. Well-being for this purpose is defined as (a) physical, mental and emotional well-being; (b) protection from harm and neglect; (c) education, training and recreation; (d) the contribution made by children to society; and (e) social and economic well-being (section 10(2)). The welfare of the child has long been given a broad meaning in family proceedings, encompassing physical, psychological, social, educational and economic welfare.

12.3.2 It has been held that section 11 applies, not only to the formulation of general policies and practices, but also to their application in an individual case. As Pitchford LJ put it, in R (Castle) v Metropolitan Police Commissioner [2011] EWHC 2317 (Admin), [2014] 1 All ER 953, para 51: “The chief officer’s statutory obligation is not confined to training and dissemination of information. It is to ensure that decisions affecting children have regard to the need to safeguard them and to promote their welfare.”

12.3.3 However, he went to point out that: “This does not mean that the duties and functions of the police have been re-defined by section 11 … the guidance accurately states the obligation of chief officers of police ‘to carry out their existing functions in a way which takes into account the need to safeguard and promote the welfare of children’.”

12.3.4 Thus s11 imposes a similar duty upon a local authority to carry out their functions in a way which takes into account the need to safeguard and promote the welfare of children.

12.3.5 The Supreme Court in Westminster laid emphasis upon that need to promote as well as safeguard the welfare of children flowing from s11.

12.3.6 Lady Hale again “Its suitability to meet their needs is a key component in its suitability generally. In my view, it is not enough for the decision-maker simply to ask whether any of the children are approaching GCSE or other externally assessed examinations. Disruption to their education and other support networks may be actively harmful to their social and educational development, but the authority also have to have regard to the need to promote, as well as
to safeguard, their welfare. The decision maker should identify the principal needs of the children, both individually and collectively, and have regard to the need to safeguard and promote them when making the decision.

12.3.7 However, section 11 does not in terms require that the children’s welfare should be the paramount or even a primary consideration.

12.3.8 It is also the case that there will almost always be children affected by decisions about where to accommodate households to which the main homelessness duty is owed. Such households must, by definition, be in priority need, and most households are in priority need because they include minor children. The local authority may have the invidious task of choosing which household with children is to be offered a particular unit of accommodation. This does not absolve the authority from having regard to the need to safeguard and promote the welfare of each individual child in each individual household, but it does point towards the need to explain the choices made, preferably by reference to published policies setting out how this will be done “(my emphasis)

12.4 Such a duty under s11 is therefore a “have regard” duty. It is arguable (and will no doubt be subject to further litigation) the extent to which such a duty is owed to any individual child.

12.5 However, as things stand, any policy in relation to the procurement, allocation and eligibility of temporary or more settled housing for families, should have due regard to the general duties imposed under s11, as well as the assessed individual needs of each child under s17 Children Act 1989.

12.6 Sections 206 and 208 of the Housing Act 1996 [“the 1996 Act”] impose distinct but related requirements upon the local authority.

12.7 Section 206(1) provides that the authority may discharge their housing functions only by securing “suitable” accommodation, albeit by a variety of routes.

12.8 Section 208(1) provides that: “So far as reasonably practicable a local housing authority shall in discharging their housing functions under this Part secure that accommodation is available for the occupation of the applicant in their district”.

12.9 By virtue of section 205(1) of the 1996 Act, their “housing functions” refers to their functions under Part 7 to secure that accommodation is available for a person’s occupation. It is clear, therefore, that these are duties owed to the individual person to whom the main homelessness duty is owed. The accommodation offered has to be suitable to the needs of the particular homeless person and each member of her household and the location of that accommodation can be relevant to its suitability: This has since been fleshed out in statutory guidance.
12.10 Under section 182(1) of the 1996 Act, local housing authorities are required to have regard to such guidance as may from time to time be given by the Secretary of State. The current general guidance is contained in the Homelessness Code of Guidance for Local Authorities (Department for Communities and Local Government, 2006). As to the duty in section 208(1), this provides: “16.7. Section 208(1) requires housing authorities to secure accommodation within their district, in so far as is reasonably practicable. Housing authorities should, therefore, aim to secure accommodation within their own district wherever possible, except where there are clear benefits for the applicant of being accommodated outside of the district. This could occur, for example, where the applicant, and/or a member of his or her household, would be at risk of domestic or other violence in the district and need to be accommodated elsewhere to reduce the risk of further contact with the perpetrator(s) or where ex-offenders or drug/alcohol users would benefit from being accommodated outside the district to help break links with previous contracts which could exert a negative influence.”

12.11 As to suitability, the Code says this about the location of the accommodation: “17.41. The location of the accommodation will be relevant to suitability and the suitability of the location for all the members of the household will have to be considered. Where, for example, applicants are in paid employment account will need to be taken of their need to reach their normal workplace from the accommodation secured. The Secretary of State recommends that local authorities take into account the need to minimise disruption to the education of young people, particularly at critical points in time such as close to taking GCSE examinations. Housing authorities should avoid placing applicants in isolated accommodation away from public transport, shops and other facilities, and, wherever possible, secure accommodation that is as close as possible to where they were previously living, so they can retain established links with schools, doctors, social workers and other key services and support essential to the well-being of the household.”

12.12 This has since been expanded upon. Under section 210(2), the Secretary of State may by order specify (a) the circumstances in which accommodation is or is not to be regarded as suitable, and (b) the matters to be taken into account or disregarded in determining whether accommodation is suitable for a person. During the passage of the Localism Act 2011, the Government undertook “to remain vigilant to any issues that arose around suitability of location”. It had come to light that some local authorities were seeking accommodation for households owed the main homelessness duty “far outside their own district”. The Government was therefore “willing to explore whether protections around location of accommodation need to be strengthened and how this might be done” (Department for Communities and Local Government, Homelessness (Suitability of Accommodation) (England) Order 2012 – Consultation, May 2012, para 38). A full consultation exercise showed widespread support for strengthening that protection (Department for Communities and Local Government, Homelessness (Suitability of Accommodation)(England) Order 2012 – Government’s Response to Consultation, November 2012): “Government has made it clear that it is neither acceptable nor fair for local authorities to place households many miles
away from their previous home where it is avoidable. Given the vulnerability of this group it is essential that local authorities take into account the potential disruption such a move could have on the household.”

12.13 The method chosen was to make it a matter of statutory obligation to take the location of the accommodation into account when determining whether accommodation is suitable. Hence, in October 2012, shortly before the decisions were taken in this case, the Secretary of State made the Homelessness (Suitability of Accommodation) (England) Order 2012 (SI 2012/2601).

12.14 Article 2 provides: “In determining whether accommodation is suitable for a person, the local housing authority must take into account the location of the accommodation, including - (a) where the accommodation is situated outside the district of the local housing authority, the distance of the accommodation from the district of the authority; (b) the significance of any disruption which would be caused by the location of the accommodation to the employment, caring responsibilities or education of the person or members of the person’s household; (c) the proximity and accessibility of the accommodation to medical facilities and other support which - (i) are currently used by or provided to the person or members of the person’s household; and (ii) are essential to the wellbeing of the person or members of the person’s household; and (d) the proximity and accessibility of the accommodation to local services, amenities and transport.”

12.15 The Government’s response to consultation had emphasised that the Order “does not prevent or prohibit out of borough placements where they are unavoidable nor where they are the choice of the applicant”. However, the Department also issued Supplementary Guidance on the homelessness changes in the Localism Act 2011 and on the Homelessness (Suitability of Accommodation) (England) Order 2012 (November 2012), which strengthened the obligation to secure accommodation as close as possible to where the household had previously been living:-

“48. Where it is not possible to secure accommodation within district and an authority has secured accommodation outside their district, the authority is required to take into account the distance of that accommodation from the district of the authority. Where accommodation which is otherwise suitable and affordable is available nearer to the authority’s district than the accommodation which it has secured, the accommodation which it has secured is not likely to be suitable unless the authority has a justifiable reason or the applicant has specified a preference.

49. Generally, where possible, authorities should try to secure accommodation that is as close as possible to where an applicant was previously living. Securing accommodation for an applicant in a different location can cause difficulties for some applicants. Local authorities are required to take into account the significance of any disruption with specific regard to employment, caring responsibilities or
education of the applicant or members of their household. Where possible the authority should seek to retain established links with schools, doctors, social workers and other key services and support.” (Emphasis supplied).

12.16 The guidance goes on to deal with employment, caring responsibilities, education, medical facilities and other support, and also with cases where there may be advantages in the household being accommodated somewhere outside the local authority’s district, including employment opportunities there.

12.17 The effect, therefore, is that local authorities have a statutory duty to accommodate within their area so far as this is reasonably practicable. “Reasonable practicability” imports a stronger duty than simply being reasonable. But if it is not reasonably practicable to accommodate “in borough”, they must generally, and where possible, try to place the household as close as possible to where they were previously living. There will be some cases where this does not apply, for example where there are clear benefits in placing the applicant outside the district, because of domestic violence or to break links with negative influences within the district, and others where the applicant does not mind where she goes or actively wants to move out of the area. The combined effect of the 2012 Order and the Supplementary Guidance changes, and was meant to change, the legal landscape as it was when previous cases dealing with an “out of borough” placement policy, such as R (Yumsak) v Enfield London Borough Council [2002] EWHC 280 (Admin), [2003] HLR 1, and R (Calgin) v Enfield London Borough Council [2005] EWHC 1716 (Admin), [2006] HLR 58, were decided.

12.18 An applicant who is dissatisfied with any of the local authority’s decisions listed in section 202(1) of the Act can request a review of that decision. The decisions listed do not in terms include a decision to place “out of borough” despite section 208(1). But they do include, at (f), any decision of a local housing authority as to the suitability of accommodation offered in discharge of their duty under, inter alia, section 193(2). They also include, at (b), any decision as to what duty (if any) is owed, inter alia, under section 193(2). It is common ground that (b) includes a decision that the duty is no longer owed because it has been discharged.

12.19 Under section 204, an applicant who has requested a review under section 202 and is dissatisfied with the decision may appeal to a county court “on any point of law arising from the decision” (alternatively, if the review decision has not been notified within the prescribed time, arising from the original decision).

13 Equalities Implications

13.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
13.2 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

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

13.3 The initial phase of reviewing the impact of proposed changes is to gather evidence on the demographic profile of the users of our services. The council's P1E homelessness return collects demographic information on the people approaching the council's homelessness service. Based on the data available from the last return:

- **Ethnicity:**
  - 55% of applicants are black, 25% are white, 5% are Asian, 5% are mixed. In total 10% of applicants said their ethnicity was ‘other’ or did not state an ethnicity.

- **Gender:**
  - 87% of applicants are female, 13% are male
  - 62% of applications are from lone parent households where the applicant is female

- **Age:**
  - 69% of applicants are aged between 25 and 44, 16% are aged between 16 and 24 and 15% are aged between 45 and 59.

- **Disability:**
  - Data on the most recent P1E return shows that 1% of applicants reported that they had a mental health of physical disability.

13.4 As part of the process for developing a full policy, we will be further analysing the impact of the changes against the protected characteristics and will complete a full Equality Analysis Assessment using the data collected during this initial period to inform the development of our full policy in November 2015.

14 Environmental Implications

14.1 No specific environmental implications have been identified as arising from this report.

15 Crime and Disorder Implications

15.1 No specific crime and disorder implications have been identified as arising from this report.

16 Background Documents and report author
• Appendix A: JUDGMENT Nzolameso (Appellant) v City of Westminster (Respondent)
• Appendix B: Locational Priority Placement Policy

16.1 If you require further information about this report please contact Genevieve Macklin on 020 8314 6057.
General

The aim of this policy is to provide a framework for the fair allocation of the limited supply of affordable temporary accommodation within and close to the London Borough of Lewisham. This policy applies to temporary accommodation secured under Part 7, Housing Act 1996 and under Part 3, Children Act 1989.

The award of in-borough or 90 minutes travel priority does not guarantee the provision of temporary accommodation within those areas. Where the household is in receipt of welfare benefits, this may place additional constraints on the availability of affordable accommodation, including constraints on its type and location.

Nothing in this policy should prevent a household from considering other housing options, including asking the Council for advice, support and assistance in relocating to more settled accommodation.

In-borough priority

1. Priority for available in-borough accommodation will be given to certain households who have a compelling need to be housed within Lewisham.

2. Such priority does not guarantee an in-borough placement, but should suitable and affordable accommodation be available within that area, it does give that household priority over others without that assessed priority.

3. Applicants and their household members to be housed with them who satisfy one or more of the following criteria will qualify for in-borough priority:

   a. They are receiving treatment for a physical or mental health condition from a specialist hospital unit which cannot be transferred to another NHS service or they are at a critical point in their treatment.
b. They have a longstanding arrangement to provide care and support to another family member in Lewisham who is not part of the household. Carers will need to be in receipt of Carer’s Allowance and/or the person they care for must be in receipt of middle or high rate DLA care component or the daily living component of PIP.

c. Children subject to a Child Protection Plan in Lewisham which cannot be transferred to another local authority without causing serious detriment to a child’s welfare.

d. Children subject to an Education Health and Care Plan in Lewisham which cannot be transferred to another local authority without causing serious detriment to a child’s welfare.

e. Other circumstances which demonstrate an exceptional and compelling need that cannot be met outside the borough.

90 minutes travel priority

4. Priority for accommodation within 90 minutes travelling distance of Lewisham by public transport (“90 minutes travel priority”) will be given to certain households who have a compelling need to be housed within that area.

5. Such priority does not guarantee a placement within 90 minutes travelling distance of Lewisham by public transport, but should suitable and affordable accommodation be available within that area, it does give the household priority over others without that assessed priority.

6. Applicants or their household members to be housed with them who satisfy one or more of the following criteria will qualify for 90 minutes travel priority:

   a. They have been continuously employed within 90 minutes travelling distance of Lewisham for 16 hours or more per week in a role which cannot which cannot be transferred to another area. Applicants must have been employed in this role for six months prior to the date of application and remain so employed. Women who are on maternity leave from employment and meet the above criteria will also be prioritised for placements within 90 minutes travelling distance.
travelling distance of Lewisham by public transport. Wherever practicable we will seek to place such households within 90 minutes travelling distance from their place of employment, by public transport. Wherever practicable we will seek to place such households within 90 minutes travelling distance, by public transport, from their place of employment at the time of application.

b. Children who are enrolled in GCSE, AS, or A level courses in Lewisham, with public exams to be taken within the next this academic year. Wherever practicable we will seek to place such households within 90 minutes travelling distance of their school or college, by public transport.

c. Other exceptional circumstances, where they demonstrate an exceptional and compelling need to be housed within 90 minutes travelling distance of Lewisham by public transport.

**No locational priority**

7. Applicants who meet none of the above criteria will be offered properties further afield than 90 minutes travelling distance of Lewisham by public transport, when no suitable property is available within Lewisham or within 90 minutes travelling distance of Lewisham by public transport.

8. The Council will have regard to the principal needs of any children in the household, and to the need to safeguard and promote the children’s welfare. In particular, regard will be had to any disruption to schools, medical care, social work other key services and other support. However, due to the scarcity of temporary accommodation nearer to Lewisham, of themselves these factors will not normally confer locational priority.
JUDGMENT

Nzolameso (Appellant) v City of Westminster (Respondent)

before

Lady Hale, Deputy President
Lord Clarke
Lord Reed
Lord Hughes
Lord Toulson

JUDGMENT PROMULGATED ON

2 April 2015

Heard on 17 March 2015
Appellant
Martin Westgate QC
Lindsay Johnson
(Instructed by Hodge
Jones & Allen LLP)

Respondent
Ian Peacock

(Instructed by City of
Westminster, Contentious
Section Legal Services)

Intervener (Secretary of
State for Communities and
Local Government)
Martin Chamberlain QC
Oliver Jones
(Instructed by Treasury
Solicitor)

Intervener (Shelter
Children’s Legal Service –
written submissions only)
David Wolfe QC
Shu Shin Luh
(Instructed by Freshfields
Bruckhaus Deringer LLP)
LADY HALE: (with whom Lord Clarke, Lord Reed, Lord Hughes and Lord Toulson agree)

1. When is it lawful for a local housing authority to accommodate a homeless person a long way away from the authority’s own area where the homeless person was previously living? There is no doubt that, for a variety of reasons, such “out of borough” placements have become increasingly common in recent years. The latest national statistics show that in September 2014 a quarter of all temporary accommodation for homeless people was provided in a different council area, an increase from 21% in September 2013. The great majority of these were from London Boroughs (Department for Communities and Local Government, Statutory Homelessness: July to September Quarter, England, National Statistics, Housing, Statistical Release, 11 December 2014). However, local authorities have a statutory duty to provide accommodation in their own area “so far as reasonably practicable”: Housing Act 1996 (“the 1996 Act”), section 208(1). And if that is not practicable, statutory guidance requires them “where possible”, to try to secure accommodation as close as possible to where the applicant was previously living. This case is about the import of those duties for individual households who are offered an “out of borough” placement.

The facts

2. The appellant is a 51 year old single mother of five children, aged between eight and 14. She has many long-standing health problems: she is HIV positive, and suffers from Type II diabetes, hypertension, diabetic retinopathy and perhaps depression. She has lived in London since at least January 2000. From December 2008 to November 2012, the family lived in a privately rented four bedroomed house in Westminster. Her rent of £1,150 per week was covered by housing benefit. In 2012, however, a cap (known as the local housing allowance) was placed on the amount of housing benefit payable for privately rented properties according to their size and locality (known as the local housing allowance). Her maximum housing benefit was dramatically reduced. This meant that she was no longer able to afford the rent. The landlord was not prepared to reduce it and so she was evicted from her home in November 2012.

3. She applied to Westminster City Council under the homelessness provisions in Part 7 of the 1996 Act and the family were temporarily housed in two rooms in a hotel in the Royal Borough of Kensington and Chelsea on a bed and breakfast basis. This was near enough for the children to continue in their schools. On 17 January 2013, she was notified that Westminster had decided that she was homeless, eligible
for assistance, in priority need, not intentionally homeless, and that they should not refer her case to another local authority where she was more closely connected. Hence they accepted that they owed her what is usually termed the “main homelessness duty” under section 193(2) of the 1996 Act, as they put it “a duty to ensure that you have somewhere suitable in which to live”. Their temporary lettings team would be contacting her shortly “with an offer of self-contained temporary accommodation” in discharge of that duty.

4. On Thursday 24 January, the authority wrote offering her temporary accommodation in a five bedroomed house in Bletchley, near Milton Keynes. They had arranged for her to view the property at 12 pm on Monday 28 January. The letter explained:

“There is a severe shortage of accommodation in Westminster and it is not reasonably practicable for us to offer a Westminster home for everyone who applies for one. That is why we have had to offer you accommodation in Milton Keynes. Although it is outside Westminster, having considered your circumstances, we believe this accommodation is suitable for you.”

The appellant rejected this offer because it was too far away. It was too far from people helping her with her children. There would be nobody there she knew. She had high blood pressure and wanted to stay with her GP. It would mean changing the children’s schools. She had lived in Westminster for a long time.

5. The authority’s immediate response, by letter of Friday 25 January, was that none of the children was of GCSE age, so it was suitable for them to move schools. The average journey time from the Bletchley property to Westminster was around one hour and 15 minutes. The property was of a suitable size for the family and “based on your circumstances there’s no reason for us to place you within the borough of Westminster”. Because she had refused the offer, their duty under section 193 had ended and they were no longer required to provide her with accommodation. The letter was headed “Notice that our housing duty has come to an end”. This was no doubt because the duty under section 193(2) does not come to an end automatically when the applicant refuses to accept an offer of accommodation which the authority are satisfied is suitable; under section 193(5), the authority must serve notice that the duty has come to an end.

6. The appellant sought a review of the authority’s decision under section 202 of the 1996 Act. She was interviewed for the purpose of the review, where she repeated her concerns and gave some more details of the help she received from her
friends. Three of her friends were also interviewed. Two medical certificates were obtained which confirmed that her “chronic conditions [were] incurable and likely to worsen with further complications” and that she needed “safe accommodation to be able to take medication and stay well”; but a medical assessment could not “find anything medical to preclude residing in Milton Keynes”.

7. The review was completed on 27 May 2013 and the reviewing officer confirmed the decision that the property in Bletchley was suitable and the duty towards her discharged. The decision letter dealt in detail with the family’s personal circumstances. As to these, the officer’s conclusions were: “I am not satisfied that the accommodation was unsuitable on the grounds that your medical and support needs are such that you have to live in Westminster”; the length of time she had lived in Westminster was “not a particularly long time and does not mean that you cannot live anywhere else”; none of her children were “currently sitting national exams and could … move schools without their education suffering”; and the accommodation offered was suitable and affordable.

8. The letter then refers to the duty in section 208 of the 1996 Act and states:

“As you are aware Westminster is currently suffering from a severe shortage of both temporary and permanent accommodation. It is therefore not reasonably practicable to offer temporary accommodation in the borough for everyone who applies for it and therefore we have to offer some people temporary accommodation located outside Westminster. The Council’s Temporary Lettings team carefully assesses each application based on the individual circumstances of each household member and decides what type of accommodation would be suitable for the household. Given the shortage of housing in Westminster and all of your circumstances, including those above, I believe that it was reasonable for the Council to offer your household this accommodation outside the Westminster area.”

This appears to be a standard paragraph which has appeared in a number of other decision letters emanating from the City of Westminster. The authority have produced no evidence of their policy in relation to the procurement of accommodation in order to fulfil their obligations under the 1996 Act, nor of the location of that accommodation, nor of the instructions given to the temporary lettings team as to how they are to decide which properties are offered to which applicants.
9. The appellant then appealed to the county court under section 204 of the 1996 Act. The appeal was heard in October 2013. The authority adduced evidence that at that date 52% of Westminster’s temporary accommodation units were “in borough” and 48% “out of borough”. Also produced was a report dated May 2012, from the Strategic Director of Housing, Regeneration and Property, produced for the relevant Cabinet Member’s approval. This reviewed the demand for and supply of social rented housing and low-cost home ownership for the previous year and made supply and demand projections for the coming year. It revealed that in the nine months to the end of 2011 there had been 1072 homelessness applications and 394 acceptances; there was a total of 1783 households in temporary accommodation, of which 478 were “stage 2” (that is, after the main homelessness duty had been accepted); the housing benefit cap was leading to an increase in homelessness resulting from the loss of a private sector tenancy; at the same time it was becoming increasingly difficult to source self-contained temporary accommodation from the private sector, particularly in high rent areas; but at that time around 70% of their temporary accommodation was “in borough”, with the majority of the non-Westminster stock in East London; it would continue to be secured in borough so far as reasonably practicable but would also be sourced out of borough in areas where it was available.

10. The appeal was unsuccessful. HHJ Hornby commented that:

“I appreciate that there appears to be no reference in particular to the fact that consideration was given to the particular area within Westminster or those areas nearer than Milton Keynes, but it seems to me almost inevitable that the team must have had regard to all the stock that there was and allocated what was the most suitable property available to them for that particular person.”

11. The authority had been continuing to provide interim accommodation for the appellant and her children during the review and appeal process. But they refused to do so pending her application for permission to appeal to the Court of Appeal. After she was refused permission for a judicial review of that decision, the authority ceased to provide that accommodation. The children’s services department refused to accommodate the whole family and so on 24 February 2014, the appellant asked the children’s services department to provide accommodation for her children under the Children Act 1989. The children were separated between three different foster families and care proceedings were begun.

12. The appellant was granted permission to appeal to the Court of Appeal, but that appeal was also unsuccessful, for reasons which were essentially the same as
those of Judge Hornby: [2014] EWCA Civ 1383, [2015] PTSR 211 (see paras 33 and 34 below).

**The 1996 Act and Guidance**

13. Sections 206 and 208 of the 1996 Act impose distinct but related requirements upon the local authority. Section 206(1) provides that the authority may discharge their housing functions only by securing “suitable” accommodation, albeit by a variety of routes. Section 208(1) provides that: “So far as reasonably practicable a local housing authority shall in discharging their housing functions under this Part secure that accommodation is available for the occupation of the applicant in their district”. By virtue of section 205(1) of the 1996 Act, their “housing functions” refers to their functions under Part 7 to secure that accommodation is available for a person’s occupation. It is clear, therefore, that these are duties owed to the individual person to whom the main homelessness duty is owed. The accommodation offered has to be suitable to the needs of the particular homeless person and each member of her household and the location of that accommodation can be relevant to its suitability: see *R (Sacupima) v Newham London Borough Council* [2001] 1 WLR 563, CA.

14. This has since been fleshed out in statutory guidance. Under section 182(1) of the 1996 Act, local housing authorities are required to have regard to such guidance as may from time to time be given by the Secretary of State. The current general guidance is contained in the *Homelessness Code of Guidance for Local Authorities* (Department for Communities and Local Government, 2006). As to the duty in section 208(1), this provides:

“16.7. Section 208(1) requires housing authorities to secure accommodation within their district, in so far as is reasonably practicable. Housing authorities should, therefore, aim to secure accommodation within their own district wherever possible, except where there are clear benefits for the applicant of being accommodated outside of the district. This could occur, for example, where the applicant, and/or a member of his or her household, would be at risk of domestic or other violence in the district and need to be accommodated elsewhere to reduce the risk of further contact with the perpetrator(s) or where ex-offenders or drug/alcohol users would benefit from being accommodated outside the district to help break links with previous contracts which could exert a negative influence.”
15. As to suitability, the Code says this about the location of the accommodation:

“17.41. The location of the accommodation will be relevant to suitability and the suitability of the location for all the members of the household will have to be considered. Where, for example, applicants are in paid employment account will need to be taken of their need to reach their normal workplace from the accommodation secured. The Secretary of State recommends that local authorities take into account the need to minimise disruption to the education of young people, particularly at critical points in time such as close to taking GCSE examinations. Housing authorities should avoid placing applicants in isolated accommodation away from public transport, shops and other facilities, and, wherever possible, secure accommodation that is as close as possible to where they were previously living, so they can retain established links with schools, doctors, social workers and other key services and support essential to the well-being of the household.”

16. This has since been expanded upon. Under section 210(2), the Secretary of State may by order specify (a) the circumstances in which accommodation is or is not to be regarded as suitable, and (b) the matters to be taken into account or disregarded in determining whether accommodation is suitable for a person. During the passage of the Localism Act 2011, the Government undertook “to remain vigilant to any issues that arose around suitability of location”. It had come to light that some local authorities were seeking accommodation for households owed the main homelessness duty “far outside their own district”. The Government was therefore “willing to explore whether protections around location of accommodation need to be strengthened and how this might be done” (Department for Communities and Local Government, Homelessness (Suitability of Accommodation) (England) Order 2012 – Consultation, May 2012, para 38). A full consultation exercise showed widespread support for strengthening that protection (Department for Communities and Local Government, Homelessness (Suitability of Accommodation)(England) Order 2012 – Government’s Response to Consultation, November 2012):

“Government has made it clear that it is neither acceptable nor fair for local authorities to place households many miles away from their previous home where it is avoidable. Given the vulnerability of this group it is essential that local authorities take into account the potential disruption such a move could have on the household.”
17. The method chosen was to make it a matter of statutory obligation to take the location of the accommodation into account when determining whether accommodation is suitable. Hence, in October 2012, shortly before the decisions were taken in this case, the Secretary of State made the Homelessness (Suitability of Accommodation) (England) Order 2012 (SI 2012/2601). Article 2 provides:

“In determining whether accommodation is suitable for a person, the local housing authority must take into account the location of the accommodation, including -

(a) where the accommodation is situated outside the district of the local housing authority, the distance of the accommodation from the district of the authority;

(b) the significance of any disruption which would be caused by the location of the accommodation to the employment, caring responsibilities or education of the person or members of the person’s household;

(c) the proximity and accessibility of the accommodation to medical facilities and other support which - (i) are currently used by or provided to the person or members of the person’s household; and (ii) are essential to the well-being of the person or members of the person’s household; and

(d) the proximity and accessibility of the accommodation to local services, amenities and transport.”

18. The Government’s response to consultation had emphasised that the Order “does not prevent or prohibit out of borough placements where they are unavoidable nor where they are the choice of the applicant”. However, the Department also issued Supplementary Guidance on the homelessness changes in the Localism Act 2011 and on the Homelessness (Suitability of Accommodation) (England) Order 2012 (November 2012), which strengthened the obligation to secure accommodation as close as possible to where the household had previously been living:

“48. Where it is not possible to secure accommodation within district and an authority has secured accommodation outside their district, the authority is required to take into account the
distance of that accommodation from the district of the authority. Where accommodation which is otherwise suitable and affordable is available nearer to the authority’s district than the accommodation which it has secured, the accommodation which it has secured is not likely to be suitable unless the authority has a justifiable reason or the applicant has specified a preference.

49. Generally, where possible, authorities should try to secure accommodation that is as close as possible to where an applicant was previously living. Securing accommodation for an applicant in a different location can cause difficulties for some applicants. Local authorities are required to take into account the significance of any disruption with specific regard to employment, caring responsibilities or education of the applicant or members of their household. Where possible the authority should seek to retain established links with schools, doctors, social workers and other key services and support.” (Emphasis supplied)

The guidance goes on to deal with employment, caring responsibilities, education, medical facilities and other support, and also with cases where there may be advantages in the household being accommodated somewhere outside the local authority’s district, including employment opportunities there.

19. The effect, therefore, is that local authorities have a statutory duty to accommodate within their area so far as this is reasonably practicable. “Reasonable practicability” imports a stronger duty than simply being reasonable. But if it is not reasonably practicable to accommodate “in borough”, they must generally, and where possible, try to place the household as close as possible to where they were previously living. There will be some cases where this does not apply, for example where there are clear benefits in placing the applicant outside the district, because of domestic violence or to break links with negative influences within the district, and others where the applicant does not mind where she goes or actively wants to move out of the area. The combined effect of the 2012 Order and the Supplementary Guidance changes, and was meant to change, the legal landscape as it was when previous cases dealing with an “out of borough” placement policy, such as R (Yumsak) v Enfield London Borough Council [2002] EWHC 280 (Admin), [2003] HLR 1, and R (Calgin) v Enfield London Borough Council [2005] EWHC 1716 (Admin), [2006] HLR 58, were decided.

20. An applicant who is dissatisfied with any of the local authority’s decisions listed in section 202(1) of the Act can request a review of that decision. The
decisions listed do not in terms include a decision to place “out of borough” despite section 208(1). But they do include, at (f), any decision of a local housing authority as to the suitability of accommodation offered in discharge of their duty under, inter alia, section 193(2). They also include, at (b), any decision as to what duty (if any) is owed, inter alia, under section 193(2). It is common ground that (b) includes a decision that the duty is no longer owed because it has been discharged.

21. Under section 204, an applicant who has requested a review under section 202 and is dissatisfied with the decision may appeal to a county court “on any point of law arising from the decision” (alternatively, if the review decision has not been notified within the prescribed time, arising from the original decision).

The children’s welfare

22. Shelter Children’s Legal Service have helpfully intervened to remind the court that the exercise of the local authority’s functions under the 1996 Act is covered by section 11(2) of the Children Act 2004. This requires each person or body to whom the section applies (which includes a local housing authority) to make arrangements for ensuring that:

“(a) their functions are discharged having regard to the need to safeguard and promote the welfare of children; and

(b) any services provided by another person pursuant to arrangements made by the person or body in the discharge of their functions are provided having regard to that need.”

23. Section 11 does not define “welfare”, but section 10 provides a statutory framework for co-operation between the local authority and relevant agencies with a view to improving the “well-being” of children in the area. Well-being for this purpose is defined as (a) physical, mental and emotional well-being; (b) protection from harm and neglect; (c) education, training and recreation; (d) the contribution made by children to society; and (e) social and economic well-being (section 10(2)). The welfare of the child has long been given a broad meaning in family proceedings, encompassing physical, psychological, social, educational and economic welfare.

24. It has been held that section 11 applies, not only to the formulation of general policies and practices, but also to their application in an individual case. As Pitchford LJ put it, in R (Castle) v Metropolitan Police Commissioner [2011] EWHC 2317 (Admin), [2014] 1 All ER 953, para 51:
“The chief officer’s statutory obligation is not confined to training and dissemination of information. It is to ensure that decisions affecting children have regard to the need to safeguard them and to promote their welfare.”

However, he went to point out that:

“This does not mean that the duties and functions of the police have been re-defined by section 11 … the guidance accurately states the obligation of chief officers of police ‘to carry out their existing functions in a way which takes into account the need to safeguard and promote the welfare of children’.”

25. In the homelessness context, there is a distinction between the factual decisions which the authority have to make and an exercise of discretion or evaluation. Thus it has been held that section 11 has no part to play in the decision as to whether a person’s actions are deliberate for the purpose of deciding whether she is intentionally homeless. As Moses LJ pointed out in Huzrat v Hounslow London Borough Council [2013] EWCA Civ 1865, para 26:

“The statutory questions are clear; was the action or omission in question deliberate? The answer to that question cannot differ [according to] whether the local authority takes into account the duty under section 11 of the Children’s [sic] Act or not.”

26. Some statutory questions do leave room for the consideration of the child’s welfare. Where the question relates to the eligibility of a third country national for homelessness assistance under the Regulations implementing the decision of the Court of Justice of the European Union in Ruiz Zambrano v Office national de l’emploi (Case C-34/09) [2012] QB 265, the test is whether the EU citizen child of that third country national would be “unable to reside” in the UK or another EEA state if the third country national were obliged to leave. It was held in Hines v Lambeth London Borough Council [2014] EWCA Civ 660, [2014] 1 WLR 4112, that the child’s welfare had obviously to be taken into account, but it could not be the paramount consideration as this would be inconsistent with the statutory language.

27. The question of whether the accommodation offered is “suitable” for the applicant and each member of her household clearly requires the local authority to have regard to the need to safeguard and promote the welfare of any children in her
household. Its suitability to meet their needs is a key component in its suitability generally. In my view, it is not enough for the decision-maker simply to ask whether any of the children are approaching GCSE or other externally assessed examinations. Disruption to their education and other support networks may be actively harmful to their social and educational development, but the authority also have to have regard to the need to promote, as well as to safeguard, their welfare. The decision maker should identify the principal needs of the children, both individually and collectively, and have regard to the need to safeguard and promote them when making the decision.

28. However, section 11 does not in terms require that the children’s welfare should be the paramount or even a primary consideration. As the Joint Committee on Human Rights pointed out (19th Report of Session 2003-2004, Children Bill, HL Paper 161, paras 69 to 77), it does not in terms reproduce the wording of article 3(1) of the United Nations Convention on the Rights of the Child (“UNCRC”):

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”

29. Where Convention Rights under the Human Rights Act 1998 are engaged, it is well established that they have to be interpreted and applied consistently with international human right standards, including the UNCRC: see ZH (Tanzania) v Secretary of State for the Home Department [2011] UKSC 4, [2011] 2 AC 166, H(H) v Deputy Prosecutor of the Italian Republic Genoa (Official Solicitor intervening), [2012] UKSC 25, [2013] 1 AC 338, Stevens v Secretary of State for Communities and Local Government [2013] EWHC 792 (Admin), [2013] JPL 1383, approved in Collins v Secretary of State for Communities and Local Government [2013] EWCA Civ 1193, [2013] PTSR 1594. It is not suggested in this case that any of the Convention rights are engaged: compare Yumsak (para 19 above), where it was conceded that placing the mother and her children in Birmingham interfered with their rights under article 8 of the Convention. We have not heard argument on the interesting question of whether, even where no Convention right is involved, section 11 should nevertheless be construed consistently with the international obligations of the United Kingdom under article 3 of the UNCRC. That must be a question for another day.

30. It is also the case that there will almost always be children affected by decisions about where to accommodate households to which the main homelessness duty is owed. Such households must, by definition, be in priority need, and most households are in priority need because they include minor children. The local authority may have the invidious task of choosing which household with children is
to be offered a particular unit of accommodation. This does not absolve the authority from having regard to the need to safeguard and promote the welfare of each individual child in each individual household, but it does point towards the need to explain the choices made, preferably by reference to published policies setting out how this will be done (as to which see further below).

Evidencing and explaining the authority’s decisions

31. The Secretary of State for Communities and Local Government has also intervened in this case, in order to emphasise that when making decisions about where to accommodate homeless persons, local authorities have a number of duties to evidence and explain their decisions. They are required to take the Code and Supplementary Guidance into account. If they decide to depart from them they must have clear reasons for doing so: see R (Khatun) v Newham London Borough Council [2004] EWCA Civ, [2005] QB 37, para 47. Very good reasons are required to depart from a policy formulated after public consultation: Royal Mail Group plc v Postal Services Commission [2007] EWHC 1205 (Admin), para 33. This is especially so where the Code is designed to protect vulnerable people: R (Munjaz) v Mersey Care NHS Trust [2005] UKHL 58, [2006] 2 AC 148. By definition, any homeless household in priority need will be vulnerable in this sense. The authority must also have a proper evidential basis for their decision: R (Calgin) v Enfield London Borough Council [2005] EWHC 1716 (Admin), [2006] HLR 58, para 32.

32. It must be clear from the decision that proper consideration has been given to the relevant matters required by the Act and the Code. While the court should not adopt an overly technical or “nit-picking” approach to the reasons given in the decision, these do have to be adequate to fulfil their basic function. It has long been established that “an obligation to give reasons for a decision is imposed so that the persons affected by the decision may know why they have won or lost and, in particular, may be able to judge whether the decision is valid and therefore unchallengeable or invalid and therefore open to challenge: see R v City of Westminster, Ex p Ermakov (1996) 28 HLR 819, at 826-827. Nor, without a proper explanation, can the court know whether the authority have properly fulfilled their statutory obligations.

33. The Secretary of State is concerned that the Court of Appeal was too ready to assume that the authority had properly complied with their statutory obligations. Thus, at para 21, it was said that the reviewing officer

“… must be taken to have been aware of the resources available to the council and the pressures on them. It is not necessary in a decision letter of this kind for the reviewing officer to
describe in detail what those resources and pressures are. If, as I think, Westminster was entitled to take a broad range of factors into account in deciding whether it was reasonably practicable to provide accommodation to [the applicant] within its own district, it was sufficient for the reviewing officer to describe the circumstances which led her to that conclusion in general terms. I am therefore not persuaded that her decision was irrational in the sense that it lacked an evidential base.”

34. Then, at para 25, when it came to providing accommodation as close as possible to the home district:

“The guidance produced by the Secretary of State is lengthy and detailed … in my view there is no basis for inferring that [the reviewing officer] did not have it in mind or that she was unaware of the desirability of accommodating [the applicant] as close to Westminster as was reasonably practicable. … It was not necessary for her to explain in detail what other accommodation was available to Westminster outside its own district and why it had not been offered to [her].”

35. The Secretary of State complains that the effect of this approach would be to encourage courts to infer, on no other basis than the assumed experience and knowledge of a local authority, that the authority knew of the Code and Guidance and had taken it into account; that the authority had considered and rejected the possibility of providing closer accommodation than that offered; and that the authority had good reasons for their decision in this particular case. If the courts are prepared to assume all this in the authority’s favour, this would immunise from judicial scrutiny the “automatic” decisions to house people far from their home district, which was just what the 2012 Order and Supplementary Guidance were designed to prevent.

This case

36. The Secretary of State has, of course, made no submissions as to the effect of these criticisms in this particular case. Mr Peacock, on behalf of the Local Authority, does not dispute the applicable principles but has valiantly tried to defend the decision letter. But it is apparent that this decision suffers from all of those defects and more. There is little to suggest that serious consideration was given to the authority’s obligations before the decision was taken to offer the property in Bletchley. At that stage, the temporary lettings team knew little more than what was on the homelessness application form. This did not ask any questions aimed at
assessing how practicable it would be for the family to move out of the area. Nor were any inquiries made to see whether school places would be available in Bletchley and what the appellant’s particular medical conditions required. Those inquiries were only made after the decision had been taken. The review decision is based on the premise that, because of the general shortage of available housing in the borough, the authority could offer accommodation anywhere else, unless the applicant could show that it was necessary for her and her family to remain in Westminster. There was no indication of the accommodation available in Westminster and why that had not been offered to her. There was no indication of the accommodation available near to Westminster, or even in the whole of Greater London, and why that had not been offered to her. There was, indeed, no indication that the reviewing officer had recognised that, if it was not reasonably practicable to offer accommodation in Westminster, there was an obligation to offer it as close by as possible.

37. It follows that the authority cannot show that their offer of the property in Bletchley was sufficient to discharge their legal obligations towards the appellant under the 1996 Act. Moreover, their notification to the appellant that their duty towards her had come to an end was purportedly given in circumstances where she did not know, and had no means of knowing, what, if any, consideration had been given to providing accommodation in or nearer to the borough, apart from the general standard paragraph in the letter offering her the Bletchley accommodation the previous day. I would add that they also cannot show that they have properly discharged their obligation under section 11 of the Children Act 2004. The appeal must be allowed and the decision that their duty to secure that accommodation was made available to her had come to an end must be quashed.

Guidance

38. But how, it may be asked, are local authorities to go about explaining their decisions as to the location of properties offered? It is common ground that they are entitled to take account of the resources available to them, the difficulties of procuring sufficient units of temporary accommodation at affordable prices in their area, and the practicalities of procuring accommodation in nearby authorities. It may also be acceptable to retain a few units, if it can be predicted that applicants with a particularly pressing need to remain in the borough will come forward in the relatively near future. On the other hand, if they procure accommodation outside their own area, that will place pressures on the accommodation, education and other public services available in those other local authority areas, pressures over which the receiving local authority will have no control. The placing authority are bound to have made predictions as to the likely demand for temporary accommodation under the 1996 Act and to have made arrangements to procure it. The decision in any individual case will depend upon the policies which the authority has adopted.
both for the procurement of temporary accommodation, together with any policies for its allocation.

39. Ideally, each local authority should have, and keep up to date, a policy for procuring sufficient units of temporary accommodation to meet the anticipated demand during the coming year. That policy should, of course, reflect the authority’s statutory obligations under both the 1996 Act and the Children Act 2004. It should be approved by the democratically accountable members of the council and, ideally, it should be made publicly available. Secondly, each local authority should have, and keep up to date, a policy for allocating those units to individual homeless households. Where there was an anticipated shortfall of “in borough” units, that policy would explain the factors which would be taken into account in offering households those units, the factors which would be taken into account in offering units close to home, and if there was a shortage of such units, the factors which would make it suitable to accommodate a household further away. That policy too should be made publicly available.

40. This approach would have many advantages. It would enable homeless people, and the local agencies which advise them, to understand what to expect and what factors will be relevant to the decision. It would enable temporary letting teams to know how they should go about their business. It would enable reviewing officers to review the decisions made in individual cases by reference to those published policies and how they were applied in the particular case. It would enable reviewing officers to explain whether or not the individual decision met the authorities’ obligations. It would enable applicants to challenge, not only the lawfulness of the individual decision, but also the lawfulness of the policies themselves.

41. Indeed, it would also enable a general challenge to those policies to be brought by way of judicial review. In some ways this might be preferable to a challenge by way of an individual appeal to a county court. But it may not always be practicable to mount a judicial review of an authority’s policy, and an individual must be able to rely upon any point of law arising from the decision under appeal, including the legality of the policy which has been applied in her case.

42. No doubt there are other ways in which an authority could ensure that their decisions are properly evidenced and properly explained. But a standard paragraph of the sort that was used in this case is not one of them.
Agenda Item 12

Chief Officer Confirmation of Report Submission
Cabinet Member Confirmation of Briefing
Report for:  Mayor
Mayor and Cabinet
Mayor and Cabinet (Contracts)
Executive Director
Information Part 1 x Part 2 Key Decision x

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<td>Byelaws for Parks and Open Spaces</td>
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<tr>
<td>Originator of Report</td>
<td>Nigel Tyrell Ext. 46041</td>
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At the time of submission for the Agenda, I confirm that the report has:

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<td>Legal Comments from the Head of Law</td>
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<td>Crime &amp; Disorder Implications</td>
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Signed: [Signature]  Executive Member
Date: 7th July 2015

Signed: [Signature]  Director/Head of Service
Date: 6th July 2015

Control Record by Committee Support

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1. Summary

1.1 The Council is responsible for various parks, open spaces and gardens in the Borough. The conduct of the public in these locations is regulated by byelaws, which aim to ensure that everyone is reasonably able to use the spaces without unreasonably inconveniencing other users. The byelaws were last updated in 1980 and over time the nature of park usage has altered and the expectations of park users have also changed. The updated byelaws reflect the way in which the Borough’s parks and open spaces are used today and the reasonable expectations of users. The updating also ensures that they are easier for park users to understand.

2. Policy Context

2.1 Shaping the Future – the Council’s Sustainable Community Strategy sets out the broad themes that describe a ‘sense of place’ that all Council services aspire to. It has six priority areas to which open space contributes to:

- Ambitious and Achieving – where people are inspired and supported to fulfill their potential
  "Celebrate local achievement so people feel proud of their area and eager to be a part of its success"

- Safer – where people feel safe and live free from crime, anti-social behaviour and abuse
  "Tackle antisocial behavior and ensure that people feel confident and safe throughout the borough"
  "Keep our children and young people safe from harm, abuse and criminal activity"

- Empowered and responsible - where people are actively involved in their local area and contribute to supportive communities
  "Empower citizens to be involved in their local area and responsive to the needs of those who live there.
  "Champion diversity and the contribution everyone makes to the borough’s quality of life"
• Clean, green and livable – where people live in high quality housing and care for and enjoy their environment
  - protect and enhance our parks, open spaces and local biodiversity

• Healthy, active and enjoyable – where people can actively participate in maintaining and improving their health and well-being
  - improving the well-being of our citizens by increasing participation in healthy and active lifestyles

2.2 Alongside the above the Corporate Strategy sets out the specific contribution of the Council to the delivery of Shaping our future. The strategy has 10 corporate priorities including “clean green and liveable” which has a commitment to “maximise access to and use of our open spaces by all communities and organisations, making them feel safe and open to all”.

2.3 The Council’s Open Space Strategy 2012-17 sets out as one of its key themes to promote a safe and secure environment.

3. Recommendations

It is recommended that the Mayor

3.1 recommends to full Council that they make the new byelaws for parks and open spaces in the form attached to this report, and that they revoke the existing byelaws made in 1980.

4. Purpose

4.1 The purpose of this report is to agree referral to full Council of the new set of parks Byelaws, and the revocation of the existing set which were made in 1980.

5. Narrative

5.1 The Council is responsible for public parks, open spaces and gardens in the Borough. The conduct of the public in these locations is currently regulated by byelaws, which aim to ensure that everyone is reasonably able to use the spaces without unreasonably inconveniencing other users.

5.2 The byelaws were last updated in 1980 although an attempt was made in 2004 to introduce new ones but they were never confirmed by the Secretary of State and therefore did not replace the 1980 byelaws. Over time the nature of park usage has altered as has the expectations of users. In addition, the penalties which may be imposed in serious cases of breach are insufficient to act as a deterrent.

5.3 The Open Space Strategy 2012-17 sets out as a key theme to promote a safe and secure environment and has an objective (6.1) to tackle antisocial
behaviour and reduce fear of crime. The updated byelaws therefore are required to reflect the way in which the Borough’s parks and open spaces are used today and the responsible expectations of users. The updated byelaws, which are based upon model wording published by the Department for Communities and Local Government (DCLG), also ensures that they are easier for park users to understand. Because certain of the model byelaws have been amended to address specific Lewisham requirements, provisional approval had to be sought from DCLG, who have now given their provisional approval for the byelaws to be made in the form attached to this report.

5.4 Officers from Green Scene have liaised with the Lewisham Parks Forum, made up of members of all the friends and user groups, to garner their views and take comments. Responses are available in the Background paper attached.

5.5 The adoption of clearly set out and updated byelaws will assist the agencies involved with park policing (Glendale, Community Safety team, Police, Environment Enforcement officers etc), to enforce these rules and regulations, principally through persuasion. These groups will help co-ordinate future enforcement of the byelaws and other associated Acts of Parliament which apply to the parks environment, for example the Environmental Protection Act 1990 and Clean Neighbourhood and Environment Act 2005 (Dog Control Order). Enforcement is likely to take place at targeted enforcement sessions rather than on an ad-hoc basis. Members of the public who contravene a bylaw will be given a written caution for a first offence. However, any person offending against any of these byelaws shall be liable on conviction at the Magistrates Court to a fine not exceeding level 2 on the standard scale (currently up to £500.) An effective deterrent will therefore exist to deal with serious contraventions of the byelaws.

5.6 The draft set of byelaws attached to this report has been subject to discussion with the Lewisham Parks Forum (Friends and User Groups). As a result of that process several recurring themes have emerged which include issues covered by existing criminal law. The point to note is that where the existing criminal law deals with a problem, the Council is unable to duplicate that in a byelaw. The existing criminal law covers issues such as dog fouling, littering and fly-tipping and in most cases imposes a higher maximum penalty than would apply under the byelaws. Some members of the Lewisham Parks Forum felt that the Council should not ban the climbing of trees or the use of BBQ’s. Both these matters are included in the model byelaws for health and safety and environmental reasons.

5.7 A certain amount of training will be required for Glendale’s parks services team, to carry out informal enforcement duties. This will be undertaken within the terms of the current parks contract.

5.8 The new byelaws must be displayed and or be available for the public to read and a number of signs highlighting specific clauses must be erected. The
cost of signage, or amendments to signage is anticipated to be in the region of £1000.

6. **Financial implications**

6.1 The cost of adopting the new byelaws is limited to the cost of signage, or amendments to signage which is anticipated to be in the region of £1000. This will be contained within the Green Scene budget.

6.2 The training required for Glendale’s parks services team to carry out informal enforcement duties will be undertaken within the terms of the current parks contract, at no additional cost to the Council.

7. **Legal implications**

7.1. Section 164 of the Public Health Act 1875 and Section 15 of the Open Spaces Act 1906 enable local authorities to make byelaws for the regulation of public walks and pleasures grounds and of open space and burial ground respectively. Section 12 of the Open Spaces Act 1906 extends the types of land for which byelaws can be made under section 15 of that Act.

7.2. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 provides that the power to make, amend, revoke, re-enact or enforce byelaws shall not be the responsibility of the Council’s executive. Furthermore the Council’s constitution reserves the making altering and revoking of byelaws to full council.

7.3. The procedure for making byelaws is set out in Section 236 of the Local Government Act 1972. That section provides that byelaws must be made under the common seal of the authority making them. The authority must then apply to the relevant Secretary of State, which in this case is the Secretary of State for Communities and Local Government, for confirmation. At least a month before seeking such confirmation the Council must publish a notice in a local newspaper indicating its intention to do so. During this month a copy of the byelaws must be made available at all reasonable hours at the Council’s offices for public inspection. There is no legal requirement for a formal consultation process for new byelaws.

7.4 Any objections to the byelaws should be sent to the Secretary of State for Communities and Local Government. The Secretary of State may confirm, or refuse to confirm, any byelaw submitted for confirmation, and may fix the date on which the byelaws are to come into operation and if no date is so fixed the byelaw shall come into operation at the expiration of one month from the date of its confirmation.

8. **Crime and disorder implications**
8.1 The byelaws will facilitate and enhance reasonable use of the Borough’s parks and open spaces, while at the same time providing a more effective deterrent to serious instances of park misuse.

9. **Equalities implications**

9.1 The adoption of the new byelaws will clearly set out rules and regulations, which aim to ensure that all members of the community are able to use parks without unreasonably inconveniencing other users.

10. **Environmental implications**

10.1 A number of byelaws specifically set out to protect the environment, for example protection of flower beds, trees and grassland and the protection of lakes and water courses. Byelaws also include for the protection of fish and other wildlife.

11. **Conclusion**

11.1 The adoption of the new set of byelaws will provide the community with clearly set out rules and regulations as to how members of the public should conduct themselves in parks and open spaces.

12. **Background documents and originator**

12.1 There are no background documents to this report.

12.2 If you require further information please contact Martin Hyde, Green Space Regeneration Manager on 020 8314 2034.
1. LONDON BOROUGH OF LEWISHAM

BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES

ARRANGEMENT OF BYELAWS

PART 1

GENERAL

1. General interpretation
2. Application
3. Opening times

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PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

4. Protection of structures and plants
5. Unauthorised erection of structures
6. Climbing
7. Grazing
8. Protection of wildlife
9. Gates
10. Camping
11. Fires
12. Missiles
13. Interference with life-saving equipment
PART 3
HORSES, CYCLES AND VEHICLES

14. Interpretation of Part 3
15. Horses - Horse riding prohibited (subject to any bridleway, etc)
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PLAY AREAS, GAMES AND SPORTS

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20. Children's play areas
21. Children's play apparatus
22. Skateboarding, etc - Skateboarding, etc permitted but must not cause danger or annoyance
23. Ball games - Prohibition of ball games
24. Ball games - Ball games permitted throughout the ground but designated area for ball games also provided
25. Ball games - Rules
26. Cricket
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30. Golf - Permitted where part of ground is set aside as a golf course

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WATERWAYS

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32. Bathing
33. Ice skating
34. Model boats
35. Boats - To prohibit use of boats, etc without permission except in designated area
36. Fishing
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PART 7
OTHER REGULATED ACTIVITIES
40. Provision of services
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MISCELLANEOUS
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SCHEDULE 1 - Grounds to which byelaws apply generally
SCHEDULE 2 - Grounds referred to in certain byelaws
SCHEDULE 3 - Rules for playing ball games in designated areas
Byelaws made under section 164 of the Public Health Act 1875 section 15 of the Open Spaces Act 1906 sections 12 and 15 of the Open Spaces Act 1906 by the LONDON BOROUGH OF LEWISHAM with respect to pleasure grounds, public walks and open spaces.

PART 1
GENERAL

General Interpretation

1. In these byelaws:

“the Council” means the London Borough of Lewisham;

“the ground” means any of the grounds listed in Schedule 1;

“designated area” means an area in the ground which is set aside for a specified purpose, that area and its purpose to be indicated by notices placed in a conspicuous position;

“invalid carriage” means a vehicle, whether mechanically propelled or not,

(a) the unladen weight of which does not exceed 150 kilograms,

(b) the width of which does not exceed 0.85 metres, and

(c) which has been constructed or adapted for use for the carriage of a person suffering from a disability, and used solely by such a person.

Application

2. These byelaws apply to all of the grounds listed in Schedule 1 unless otherwise stated.

Opening times

3. (1) No person shall enter or remain in the ground except during opening hours.

(2) “Opening hours” means the days and times during which the ground is open to the public and which are indicated by a notice placed in a conspicuous position at the entrance to the ground.

(3) Byelaw 3(1) applies only to the grounds listed in Schedule 2 Part 1.

PART 2
PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

Protection of structures and plants
4. **(1)** No person shall without reasonable excuse remove from or displace within the ground:

(a) any barrier, post, seat or implement, or any part of a structure or ornament provided for use in the laying out or maintenance of the ground; or

(b) any stone, soil or turf or the whole or any part of any plant, shrub or tree.

**(2)** No person shall walk on or ride, drive or station a horse or any vehicle over:

(a) any flower bed, shrub or plant;

(b) any ground in the course of preparation as a flower bed or for the growth of any tree, shrub or plant; or

(c) any part of the ground set aside by the Council for the renovation of turf or for other landscaping purposes and indicated by a notice conspicuously displayed.

### Unauthorised erection of structures

5. No person shall without the consent of the Council erect any barrier, post, ride or swing, building or any other structure.

### Climbing

6. No person shall without reasonable excuse climb any wall or fence in or enclosing the ground, or any tree, or any barrier, railing, post or other structure.

### Grazing

7. No person shall without the consent of the Council turn out or permit any animal for which he is responsible to graze in the ground.

### Protection of wildlife

8. No person shall kill, injure, take or disturb any animal, or engage in hunting or shooting or the setting of traps or the laying of snares.

### Gates

9. **(1)** No person shall leave open any gate to which this byelaw applies and which he has opened or caused to be opened.

**(2)** Byelaw 9(1) applies to any gate to which is attached, or near to which is displayed, a conspicuous notice stating that leaving the gate open is prohibited.

### Camping
10. No person shall without the consent of the Council erect a tent or use a vehicle, caravan or any other structure for the purpose of camping.

**Fires**

11. (1) No person shall light a fire or place, throw or drop a lighted match or any other thing likely to cause a fire.

(2) Byelaw 11(1) shall not apply to the lighting of a fire at any event for which the Council has given permission that fires may be lit.

**Missiles**

12. No person shall throw or use any device to propel or discharge in the ground any object which is liable to cause injury to any other person.

**Interference with life-saving equipment**

13. No person shall except in case of emergency remove from or displace within the ground or otherwise tamper with any life-saving appliance provided by the Council.

**PART 3**

**HORSES, CYCLES AND VEHICLES**

**Interpretation of Part 3**

14. In this Part:

“designated route” means a route in or through the ground which is set aside for a specified purpose, its route and that purpose to be indicated by notices placed in a conspicuous position;

“motor cycle” means a mechanically-propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which does not exceed 410 kilograms;

“motor vehicle” means any mechanically-propelled vehicle other than a motor cycle or an invalid carriage;

“trailer” means a vehicle drawn by a motor vehicle and includes a caravan.

**Horses**

15. (1) No person shall ride a horse except:

(a) in any of the grounds listed in Part 2 of Schedule 2; or

(b) in the exercise of a lawful right or privilege.

(2) Where horse-riding is permitted in any ground by virtue of byelaw 15(1)(a) or a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.
Cycling

16  No person shall without reasonable excuse ride a cycle in the ground except in any part of the ground where there is a right of way for cycles.

Motor vehicles

17  (1)  No person shall without reasonable excuse bring into or drive in the ground a motor cycle, motor vehicle or trailer except in any part of the ground where there is a right of way or a designated route for that class of vehicle.

(2)  Where there is a designated route for motor cycles, motor vehicles or trailers, it shall not be an offence under this byelaw to bring into or drive in the ground a vehicle of that class for the sole purpose of transporting it to the route.

Overnight parking

18  No person shall without the consent of the Council leave or cause or permit to be left any motor vehicle in the ground between the hours of 10 p.m. and 6 a.m..

PART 4

PLAY AREAS, GAMES AND SPORTS

Interpretation of Part 4

19  In this Part:

“ball games” means any game involving throwing, catching, kicking, batting or running with any ball or other object designed for throwing and catching, but does not include cricket;

“golf course” means any area within the ground set aside for the purposes of playing golf and includes any golf driving range, golf practice area or putting course;

“self-propelled vehicle” means a vehicle other than a cycle, invalid carriage or pram which is propelled by the weight or force of one or more persons skating, sliding or riding on the vehicle or by one or more persons pulling or pushing the vehicle.

Children’s play areas
20 No person aged 13 years or over shall enter or remain in a designated area which is a children’s play area unless in charge of a child under the age of 13 years.

Children’s play apparatus

21 No person aged 13 years or over shall use any apparatus stated to be for the exclusive use of persons under the age of 13 years by a notice conspicuously displayed on or near the apparatus.

Skateboarding, etc

22 No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.

Ball games

Prohibition of ball games

23 No person shall play ball games in the grounds listed in Schedule 2 Part 3.

24 No person shall play ball games outside a designated area for playing ball games in such a manner:

(a) as to exclude persons not playing ball games from use of that part;

(b) as to cause danger or give reasonable grounds for annoyance to any other person in the ground; or

(c) which is likely to cause damage to any tree, shrub or plant in the ground.

25 It is an offence for any person using a designated area for playing ball games to break any of the rules set out in Schedule 3 and conspicuously displayed on a sign in the designated area when asked by any person to desist from breaking those rules.

Cricket

26 No person shall throw or strike a cricket ball with a bat except in a designated area for playing cricket.

Archery

27 No person shall engage in the sport of archery except in connection with an event organised by or held with the consent of the Council.

Field sports
28 No person shall throw or put any javelin, hammer, discus or shot except in connection with an event organised by or held with the consent of the Council or on land set aside by the Council for that purpose.

Golf

29 No person shall drive, chip or pitch a hard golf ball except on the golf course.

30 (1) No person shall play golf on the golf course unless he holds a valid ticket issued by or on behalf of the Council entitling him to do so, which ticket shall be retained and shown on demand to any authorised officer or agent of the Council.

(2) No person shall enter on to or remain on the golf course unless:

(a) taking part in the game of golf or accompanying a person so engaged; or

(b) doing so in the exercise of a lawful right or privilege.

(3) No person shall offer his service for hire as an instructor on the golf course without the consent of the Council.

PART 5

WATERWAYS

Interpretation of Part 5

31 In this Part:

“boat” means any yacht, motor boat or similar craft but not a model or toy boat;

“power-driven” means driven by the combustion of petrol vapour or other combustible substances;

“waterway” means any river, lake, pool or other body of water and includes any fountain.

Bathing

32 No person shall without reasonable excuse bathe or swim in any waterway except in a designated area for bathing and swimming.

Ice skating

33 No person shall step onto or otherwise place their weight upon any frozen waterway.

Model boats
No person shall operate a power-driven model boat on any waterway except in a designated area for model boats.

Boats

No person shall sail or operate any boat, dinghy, canoe, sailboard or inflatable on any waterway without the consent of the Council except in a designated area for the sailing or operation of boats.

Fishing

No person shall in any waterway cast a net or line for the purpose of catching fish or other animals except in a designated area for fishing.

Blocking of watercourses

No person shall cause or permit the flow of any drain or watercourse in the ground to be obstructed, diverted, open or shut or otherwise move or operate any sluice or similar apparatus.

PART 6

MODEL AIRCRAFT

Interpretation of Part 6

In this Part:

“model aircraft” means an aircraft which weighs not more than 7 kilograms without its fuel;

“power-driven” means driven by:

(a) the combustion of petrol vapour or other combustible substances;

(b) jet propulsion or by means of a rocket, other than by means of a small reaction motor powered by a solid fuel pellet not exceeding 2.54 centimetres in length; or

(c) one or more electric motors or by compressed gas.

General prohibition

No person shall cause any power-driven model aircraft to:

(a) take off or otherwise be released for flight or control the flight of such an aircraft in the ground; or
(b) land in the ground without reasonable excuse.

PART 7

OTHER REGULATED ACTIVITIES

Provision of services

40 No person shall without the consent of the Council provide or offer to provide any service for which a charge is made.

Excessive noise

41 (1) No person shall, after being requested to desist by any other person in the ground, make or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground by:

(a) shouting or singing;
(b) playing on a musical instrument; or
(c) by operating or permitting to be operated any radio, amplifier, tape recorder or similar device.

(2) Byelaw 42(1) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

Public shows and performances

42 No person shall without the consent of the Council hold or take part in any public show or performance.

Aircraft, hang gliders and hot air balloons

43 No person shall except in case of emergency or with the consent of the Council take off from or land in the ground in an aircraft, helicopter, hang glider or hot air balloon.

Kites

44 No person shall fly any kite in such a manner as to cause danger or give reasonable grounds for annoyance to any other person.

Metal detectors

45 No person shall without the consent of the Council use any device designed or adapted for detecting or locating any metal or mineral in the ground.

PART 8

Page 360
MISCELLANEOUS

Obstruction

46 No person shall obstruct:

(a) any officer of the Council in the proper execution of his duties;

(b) any person carrying out an act which is necessary to the
    proper execution of any contract with the Council; or

(c) any other person in the proper use of the ground.

Savings

47 (1) It shall not be an offence under these byelaws for an officer of the
    Council or any person acting in accordance with a contract with the
    Council to do anything necessary to the proper execution of his duty.

(2) Nothing in or done under these byelaws shall in any respect prejudice
    or injuriously affect any public right of way through the ground, or the
    rights of any person acting lawfully by virtue of some estate, right or
    interest in, over or affecting the ground or any part of the ground.

Removal of offenders

48 Any person offending against any of these byelaws may be removed from the
    ground by an officer of the Council or a constable.

Penalty

49 Any person offending against any of these byelaws shall be liable on
    summary conviction to a fine not exceeding level 2 on the standard scale.

Revocation

50 The byelaws made by the London Borough of Lewisham on 5th March 1980
    and confirmed by Secretary of State for the Home Office on 18 August 1980
    are hereby revoked.
SCHEDULES

SCHEDULE 1

GROUNDS TO WHICH BYELAWS APPLY GENERALLY

The grounds referred to in byelaw 2 are:

- Baxter Field
- Beckenham Place Park
- Bellingham Green
- Bellingham Play Park
- Blythe Hill Fields
- Bridghouse Meadows
- Broadway Fields
- Brookmill Park
- Chinbrook Meadows
- Cornmill Gardens
- Deptford Memorial Gardens
- Deptford Park
- Downham Playing Fields
- Downham Woodland Walk
- Durham Hill
- Eckington Gardens
- Edith Nesbit Gardens
- Evelyn Green
- Ferranti Park
- Folkestone Gardens
- Fordham Park
- Forster Memorial Park
- Friendly Gardens
- Frendsbury Gardens
- Grove Park Library Gardens
- Hatcham Gardens
- Hilly Fields
- Home Park
- Horniman Play Park (Triangle)
- Kirkdale Green
- Ladywell Fields
- Ladywell Green
Lewisham Memorial Gardens
Lewisham Park
Luxmore Gardens
Manor House Gardens
Manor Park
Margaret McMillian Park
Mayow Park
Mountsfield Park
Northbrook Park
Pepys Park
Ravensbourne Park Gardens
River Pool Linear Park
Riverdale sculpture park
Riverview Walk
Sayes Court Park
Southend Park
St. Andrew's Churchyard (disused)
St. Bartholomew's Churchyard (disused)
St. Margaret's Churchyard (disused)
St Mary's Churchyard (disused)
St Paul's Churchyard (disused) (including Mary Ann Gardens)
Sue Godfrey Nature Reserve
Sydenham Wells Park
Telegraph Hill Park
SCHEDULE 2
GROUNDS REFERRED TO IN CERTAIN BYELAWS

PART 1
OPENING TIMES BYELAW 3 (1)

Beckenham Place Park
Deptford Park
Downham Woodland Walk
Eckington Gardens
Edith Nesbit Gardens
Forster Memorial Park
Frendsbury Gardens
Grove Park Library Gardens
Horniman Play Park (Triangle)
Lewisham Park
Luxmore Gardens
Manor House Gardens
Manor Park
Mayow Park
Mountsfield Park
Northbrook Park
St Paul's Churchyard disused (including Mary Ann Gardens)
Sayes Court Park
Southend Park
Sydenham Wells Park
Telegraph Hill Park (lower section)

PART 2
HORSE RIDING PROHIBITED EXCEPT IN CERTAIN GROUNDS (SUBJECT TO BRIDLEWAY, ETC) BYELAW 15 (1)

Hilly Fields

PART 3
GROUNDS WHERE BALL GAMES ARE PROHIBITED BYELAW 24
Downham Woodland Walk
Frendsbury Gardens
Sayes Court Park
St Paul’s Churchyard (disused) (including Mary Ann Gardens)
Lewisham Memorial Gardens
Deptford Memorial Gardens
St Mary’s Churchyard (disused)
St. Andrew’s Churchyard (disused)
St. Bartholomew’s Churchyard (disused)
St. Margaret’s Churchyard (disused)
SCHEDULE 3
RULES FOR PLAYING BALL GAMES IN DESIGNATED AREAS (BYELAW 26)

Any person using a designated area for playing ball games is required by byelaw 26 to comply with the following rules:

(1) No person shall play any game other than those ball games for which the designated area has been set aside.
(2) No person shall obstruct any other person who is playing in accordance with these rules.
(3) Where exclusive use of the designated area has been granted to a person or group of persons by the Council for a specified period, no other person shall play in that area during that period.
(4) Subject to paragraph (5), where the designated area is already in use by any person, any other person wishing to play in that area must seek their permission to do so.
(5) Except where they have been granted exclusive use of the designated area for more than two hours by the Council, any person using that area shall vacate it if they have played continuously for two hours or more and any other person wishes to use that area.
(6) No person shall play in the designated area when a notice has been placed in a conspicuous position by the Council prohibiting play in that area.
<table>
<thead>
<tr>
<th>Name</th>
<th>User Group</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rachel Mooney</td>
<td>Hilly Fields</td>
</tr>
<tr>
<td>Austen Jones</td>
<td>Ravensbourne Park Gds</td>
</tr>
<tr>
<td>Toby Swan</td>
<td>Brookmill Park</td>
</tr>
<tr>
<td>Toby Swan</td>
<td>Brookmill Park</td>
</tr>
<tr>
<td>Symon Knightswood</td>
<td>Hilly Fields</td>
</tr>
<tr>
<td>Anne Slater</td>
<td>Chinbrook Meadows</td>
</tr>
<tr>
<td>Anne Slater</td>
<td>Chinbrook Meadows</td>
</tr>
<tr>
<td>Symon Knightswood</td>
<td>Hilly Fields</td>
</tr>
<tr>
<td>Comment</td>
<td>Byelaw number</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>You should be able to climb trees</td>
<td>6</td>
</tr>
<tr>
<td>Why 13 age limit play</td>
<td>20; 21</td>
</tr>
<tr>
<td>Erections of structures should be allowed</td>
<td>5</td>
</tr>
<tr>
<td>Designated cycle paths only?</td>
<td>15</td>
</tr>
<tr>
<td>Can we add use of drones?</td>
<td>n/a</td>
</tr>
<tr>
<td>Why no mention of memorial plaques</td>
<td>n/a</td>
</tr>
<tr>
<td>Why no mention of dogs - dongs not allowed in Brookmill</td>
<td>n/a</td>
</tr>
<tr>
<td>Clarification on shows and performances</td>
<td>42</td>
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<tr>
<td>Public Performances</td>
<td>42</td>
</tr>
<tr>
<td>Climbing trees allow?</td>
<td>6</td>
</tr>
<tr>
<td>BBQ bans?</td>
<td>11</td>
</tr>
<tr>
<td>Detailed comments on each byelaw in general querying wording of the Model set</td>
<td>All</td>
</tr>
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</table>
Response
H&S
to stop older children monopolising
H&S
We will be flexible
No will wait for legislation

Not an issue for byelaws legislation

Existing criminal law
all events of this nature should be approved in advance
Reasonableness
H&S
H&S environmental damage

The appropriate time for these comments is when the byelaws are publically advertised.
Blackheath Joint Working Party
Byelaws comments

<table>
<thead>
<tr>
<th>Name</th>
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<th>Comment</th>
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<tr>
<td>Emily Norton</td>
<td>Westcombe Park Soc</td>
<td>Why Cycling treated different to other wheeled use</td>
</tr>
<tr>
<td>Helen Reeves</td>
<td>Blackheath Society</td>
<td>Removal of planting Hare and Billet Pond to be allowed</td>
</tr>
<tr>
<td>Helen Reeves</td>
<td>Blackheath Society</td>
<td>Typo Clause</td>
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<tr>
<td>Helen Reeves</td>
<td>Blackheath Society</td>
<td>Enforcement?</td>
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<tr>
<td>Byelaw number</td>
<td>Response</td>
<td></td>
</tr>
<tr>
<td>---------------</td>
<td>----------</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>All pathways designated</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>This will still be allowable to approved groups</td>
<td></td>
</tr>
<tr>
<td>30 (i) c</td>
<td>Amended spelling</td>
<td></td>
</tr>
<tr>
<td>all</td>
<td>Deatiled in report</td>
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</table>
Chief Officer Confirmation of Report Submission
Cabinet Member Confirmation of Briefing
Report for: Mayor
Mayor and Cabinet
Mayor and Cabinet (Contracts)
Executive Director
Information [ ] Part 1 [x] Part 2 [ ] Key Decision [x]

Date of Meeting | 15th July 2015

Title of Report | Byelaws for Blackheath (Lewisham section)

Originator of Report | Nigel Tyrell Ext. 46041

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

<table>
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<th>Category</th>
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<th>No</th>
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<td>Legal Comments from the Head of Law</td>
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<tr>
<td>Crime &amp; Disorder Implications</td>
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<tr>
<td>Environmental Implications</td>
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<tr>
<td>Equality Implications/Impact Assessment (as appropriate)</td>
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</tr>
<tr>
<td>Confirmed Adherence to Budget &amp; Policy Framework</td>
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<td>x</td>
</tr>
<tr>
<td>Risk Assessment Comments (as appropriate)</td>
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<tr>
<td>Reason for Urgency (as appropriate)</td>
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Signed: ____________________________ Executive Member

Date: __7th July 2015_______________________

Signed: ____________________________ Director/Head of Service

Date: __6th July 2015_______________________

Control Record by Committee Support

<table>
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<tr>
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<tr>
<td>Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)</td>
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<tr>
<td>Submitted Report from CO Received by Committee Support</td>
<td></td>
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<tr>
<td>Scheduled Date for Call-in (if appropriate)</td>
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</tr>
<tr>
<td>To be Referred to Full Council</td>
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</tbody>
</table>
1. **Summary**

1.1 The Council is responsible for the section of Blackheath that lies within the borough boundary, that is the land to the south of the A2 trunk road. The conduct of the public in this location is regulated by byelaws, which aim to ensure that everyone is reasonably able to use the space without unreasonably inconveniencing other users. The byelaws, were made in 1932 by the London County Council and over time the nature of park usage has altered and the expectations of park users have also changed. The updated byelaws reflect the way in which Blackheath is used today and the reasonable expectations of users. The updating also ensures that they are easier for users of the Heath to understand.

2. **Policy Context**

2.1 Shaping the Future – the Councils Sustainable Community Strategy sets out the broad themes that describe a ‘sense of place’ that all Council services aspire to. It has six priority areas to which open space contributes to:

- **Ambitious and Achieving** – where people are inspired and supported to fulfill their potential
  
  *Celebrate local achievement so people feel proud of their area and eager to be a part of its success*

- **Safer** – where people feel safe and live free from crime, anti-social behaviour and abuse
  
  *Tackle antisocial behavior and ensure that people feel confident and safe throughout the borough*
  
  *Keep our children and young people safe from harm, abuse and criminal activity*

- **Empowered and responsible** - where people are actively involved in their local area and contribute to supportive communities
  
  - Empower citizens to be involved in their local area and responsive to the needs of those who live there.
  
  - Champion diversity and the contribution everyone makes to the borough’s quality of life
• Clean, green and livable – where people live in high quality housing and care for and enjoy their environment
  - protect and enhance our parks, open spaces and local biodiversity

• Healthy, active and enjoyable – where people can actively participate in maintaining and improving their health and well-being
  - improving the well-being of our citizens by increasing participation in healthy and active lifestyles

2.2 Alongside the above the Corporate Strategy sets out the specific contribution of the Council to the delivery of Shaping our future. The strategy has 10 corporate priorities including “clean green and liveable” which has a commitment to “maximise access to and use of our open spaces by all communities and organisations, making them feel safe and open to all”.

2.3 The Council’s Open Space Strategy 2012-17 sets out as one of its key themes to promote a safe and secure environment.

3. Recommendations

It is recommended that the Mayor

3.1 recommends to full Council that they make the new byelaws for Blackheath in the form detailed in the Appendix to this report, and revoke the existing byelaws for Blackheath made in 1932.

4. Purpose

4.1 The purpose of this report is to agree referral to full Council of the new set of Byelaws for Blackheath, and the revocation of the existing set.

5. Narrative

5.1 The Council is responsible for the management and maintenance of Blackheath that lies to the south of the A2 trunk road. The section to the north of the A2 is managed and maintained by the Royal Borough of Greenwich who have their own set of byelaws. Officers attempted on numerous occasions to try to make joint byelaws with Greenwich but they chose to go their own way. The conduct of the public in this location is currently regulated by byelaws, which aim to ensure that everyone is reasonably able to use the space without unreasonably inconveniencing other users.

5.2 The byelaws were made in 1932 and over time the nature of park usage has altered as has the expectations of users. In addition, the penalties which may be imposed in serious cases of breach are insufficient to act as a deterrent.

5.3 The Open Space Strategy 2012-17 sets out as a key theme to promote a safe and secure environment and has an objective (6.1) to tackle antisocial
behaviour and reduce fear of crime. The updated byelaws therefore are required to reflect the way in which the Borough’s parks and open spaces are used today and the responsible expectations of users. The updated byelaws, which are based upon a model set published by the Department for Environment, Food and Rural Affairs (DEFRA), also ensures that they are easier for users of the Heath to understand. Because certain of the model byelaws were amended to address specific Lewisham requirements, provisional approval had to be sought from DEFRA, who have now given their provisional approval for the byelaws to be made in the form attached to this report.

5.4 Officers from Green Scene have liaised with the Blackheath Joint Working Party, made up of members of amenity groups, local interest groups and ward councillors, to garner their views and take comments. Responses are available in the appendix attached.

5.5 The adoption of clearly set out and updated byelaws will assist the agencies involved with policing Blackheath (Glendale, Community Safety team, Police, Environment Enforcement officers etc), to enforce these rules and regulations, principally through persuasion. These groups will help co-ordinate future enforcement of the byelaws and other associated Acts of Parliament which apply to the parks environment, for example the Environmental Protection Act 1990 and Clean Neighbourhood and Environment Act 2005 (Dog Control Order). Enforcement is likely to take place at targeted enforcement sessions rather than on an ad-hoc basis. Members of the public who contravene a byelaw will be given a written caution for a first offence. However, any person offending against any of these byelaws shall be liable on conviction at the Magistrates Court to a fine not exceeding level 2 on the standard scale (currently up to £500.) An effective deterrent will therefore exist to deal with serious contraventions of the byelaws.

5.6 The draft set of byelaws attached to this report has been subject to discussion with the Blackheath Joint Working Party. As a result of that process a number of points were raised including the removal of pond planting etc. in relation to the Hare and Billet Pond where this practice is allowed with the approval of the Council in order to maintain the pond environment. The new byelaws would not affect maintenance by approved volunteer groups in relation to the nature site. Other concerns were raised about the ability of the Council to impose fines for breaches the response to which is set out in section 5.5. It was also explained to the BJWP that where the existing criminal law deals with a problem, the Council is unable to duplicate that in a byelaw. The existing criminal law covers issues such as dog fouling, littering and fly-tipping and in most cases imposes a higher maximum penalty than would apply under the byelaws.

5.7 A certain amount of training will be required for Glendale’s parks services team, to carry out informal enforcement duties. This will be undertaken within the terms of the current parks contract.
5.8 The new byelaws must be displayed and or be available for the public to read and a number of signs highlighting specific clauses must be erected. The cost of signage, or amendments to signage is anticipated to be in the region of £500.

6 Financial implications

6.1 The cost of adopting the new byelaws is limited to the cost of signage, or amendments to signage which is anticipated to be in the region of £500. This will be contained within the Green Scene budget.

6.2 The training required for Glendale’s parks services team to carry out informal enforcement duties will be undertaken within the terms of the current parks contract, at no additional cost to the Council.

7 Legal implications

7.1 The Council maintains Blackheath Common under a management scheme pursuant to the Metropolitan Commons Act 1866 and confirmed by the Metropolitan Commons Supplemental Act 1871. That scheme requires the Council to make byelaws for the regulation and preservation of the common. Section 15 of the Open Spaces Act 1906 enable local authorities to make byelaws for the regulation of an open space for whose management they are responsible.

7.2 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 provides that the power to make, amend, revoke, re-enact or enforce byelaws shall not be the responsibility of the Council’s executive. Furthermore the Council’s constitution reserves the making altering and revoking of byelaws to full council.

The procedure for making the byelaws is set out in Section 236 of the Local Government Act 1972. That section provides that byelaws must be made under the common seal of the authority making them. The authority must then apply to the relevant Secretary of State, which in this case is the Secretary of State for Environment Food and Rural Affairs, (DEFRA), for confirmation. At least a month before seeking such confirmation the Council must publish a notice in a local newspaper indicating its intention to do so. During this month a copy of the byelaws must be made available at all reasonable hours at the Council’s offices for public inspection. There is no legal requirement for a formal consultation process for new byelaws.

7.3 Any objections to the byelaws should be sent to the Secretary of State for DEFRA. The Secretary of State may confirm, or refuse to confirm, any byelaw submitted for confirmation, and may fix the date on which the byelaws are to come into operation and if no date is so fixed the byelaw shall come into operation at the expiration of one month from the date of its confirmation.

8 Crime and disorder implications
8.1 The byelaws will facilitate and enhance reasonable use Blackheath while at the same time providing a more effective deterrent to serious instances of park misuse.

9 **Equalities implications**

9.1 The adoption of the new byelaws will clearly set out rules and regulations, which aim to ensure that all members of the community are able to use Blackheath without unreasonably inconveniencing other users.

10 **Environmental implications**

10.1 A number of byelaws specifically set out to protect the environment, for example protection of trees and grassland and the protection of lakes and water courses. Byelaws also include for the protection of fish and other wildlife.

11 **Conclusion**

11.1 The adoption of the new set of byelaws will provide the community with clearly set out rules and regulations as to how members of the public should conduct themselves at Blackheath.

12 **Background documents and originator**

12.1 There are no background documents to this report.

12.2 If you require further information please contact Martin Hyde, Green Space Regeneration Manager on 020 8314 2034.

Appendix

**Draft Byelaws**
THE LONDON BOROUGH OF LEWISHAM
BLACKHEATH OPEN SPACE, LONDON SE3

Byelaws made by THE LONDON BOROUGH OF LEWISHAM under paragraph 5 of the Scheme for Blackheath confirmed by the Metropolitan Commons Supplemental Act 1871 and section 15 of the Open Spaces Act 1906, with respect to the Blackheath open space.

Interpretation

1. In these byelaws:

"the Council" means the London Borough of Lewisham or where the context requires it its nominated contractor;

"the ground" means the Blackheath open space, Blackheath, London SE3 (including any new name subsequently given to it) as shown edged red on the plan attached to these byelaws;

“Schedule” followed by a number, or a number and a letter, means the Schedule to these byelaws bearing that number, or that number and letter

Words implying the singular shall include the plural and vice versa

Application

2. These byelaws shall apply to the ground

Motor Vehicles

3. (1) No person shall without reasonable excuse bring onto or drive in the ground a motor cycle, motor vehicle, trailer except in any part of the ground where there is a right of way for that class of vehicle.

(2) In these byelaws:

"cycle" means a unicycle, bicycle, a tricycle, or a cycle having four or more wheels, not being in any case a motor cycle or motor vehicle;

"motor cycle" means a mechanically propelled vehicle, whether or not intended or adapted for use on roads, not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed 410 kilograms;
"motor vehicle" means a mechanically propelled vehicle, whether or not intended or adapted for use on roads, not being an invalid carriage.

"trailer" means a vehicle drawn by a motor vehicle, and includes a caravan.

Cycling
4. No person shall without reasonable excuse ride a cycle in the ground except in any part of the ground where there is a right of way for cycles or on a designated route for cycling.

Overnight parking
5. No person shall without the consent of the Council leave or cause or permit to be left any vehicle in the ground between the hours of 10 pm and 6 a.m.

Horses
6. (1) No person shall ride a horse except in the exercise of any lawful right or privilege.

(2) Where horse-riding is permitted by virtue of a lawful right or privilege no person shall ride a horse in such a manner as to cause danger to any other person.

Climbing
7. No person shall without reasonable excuse climb any wall or fence in or enclosing the ground, or any tree, or any barrier, railing, post or other structure.

Removal of structures
8. No person shall, without reasonable excuse, remove from or displace on the ground any barrier, railing, post or seat, or any part of any structure or ornament, or any implement provided for use in the laying out or maintenance of the ground.

Erection of structures
9. No person shall in the ground, without the consent of the Council, erect any post, rail, fence, pole, tent, booth, stand, building or other structure.
Camping

10. No person shall in the ground, without the consent of the Council, erect a tent or use any vehicle, including a caravan, or any other structure for the purpose of camping.

Fires

11. (1) No person shall in the ground intentionally light a fire, or place, throw or let fall a lighted match or any other thing so as to be likely to cause a fire.

(2) Byelaw 11(1) shall not apply to any event held with the prior written consent of the Council.

Games

12. (1) Where the Council has, by a notice placed in a conspicuous position in the ground, set apart an area in the ground for the playing of such games as may be specified in the notice, no person shall:

(a) play in such an area any game other than the game for which it has been set apart;

(b) use any such area so as to give reasonable grounds for annoyance to any person already using that area for any purpose for which it has been set apart; or

(c) play any game so specified in any other part of the ground in such a manner as to exclude any person not playing the game from the use of that part.

(2) No person shall, in any area of the ground which may have been set apart by the Council for any game, play any game when the state of the ground or other cause makes it unfit for use and a notice is placed in a conspicuous position prohibiting play in that area of the ground.

(3) (i) No person shall in the ground play any game:

(a) so as to give reasonable grounds for annoyance to any other person in the ground; or
(b) which is likely to cause damage to any tree, shrub or plant in the ground.

(ii) This Byelaw shall not extend to any area set apart by the Council for the playing of any game.

**Trading**

13. No person shall in the ground, without the consent of the Council, sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any service commodity or article.

**Grazing**

14. No person shall without the consent of the Council turn out or permit any animal for which he is responsible to graze in the ground.

**Protection of flower beds, trees, grass, etc**

15. No person shall walk on or ride drive or station a horse or any vehicle over:

   (a) any flower bed, shrub or plant

   (b) any ground in the course of preparation as a flower bed or for the growth of any tree, shrub or plant; or

   (c) any part of the ground set aside by the Council for the renovation of turf or for other landscaping purposes indicated, by a notice conspicuously displayed.

**Removal of substances**

16. No person shall remove from or displace in the ground any stone, soil or turf, or the whole or any part of any plant, shrub or tree.

**Archery**
17. No person shall engage in the sport of archery except in connection with an event organised by or held with the consent of the Council.

Field Sports

18. No person shall throw or put any javelin, hammer, discus or shot except in connection with an event organised by or held with the consent of the Council,

Golf

19. No person shall in the ground drive, chip or pitch a hard golf ball except in connection with an event organised by or held with the consent of the Council

Cricket

20. No person shall throw or strike a cricket ball with a bat except in a designated area for playing cricket.

Skateboarding and roller skating

21. No person shall in the ground skate, slide or ride on rollers, skateboards or other self-propelled vehicles, wheels, mechanical contrivances or other equipment in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.

Missiles

22. No person shall in the ground, to the danger or annoyance of any other person in the ground, throw or discharge any missile.
Bathing

23. No person shall without reasonable excuse, bathe or swim in any waterway comprised in the ground except in an area where a notice exhibited by the Council permits bathing and swimming.

Watercourses

24. No person shall knowingly cause or permit the flow of any drain or watercourse in the ground to be obstructed or diverted, or open, shut or otherwise work or operate any sluice or similar apparatus in the ground.

Ice Skating

25. No person shall step onto or otherwise place their weight upon any frozen waterway.

Boats

Model boats

26. (1) No person shall operate a power-driven model boat on any waterway.

(2) No person shall operate a non power-driven model boat on any waterway except in a designated area for non power-driven model boats.

(3) In byelaw 26(1), "power-driven" means driven by the combustion of petrol vapour or other combustible vapour or other combustible substances.

Boats

27. No person shall sail or operate a boat dingy canoe sailboard or inflatable in any waterway without the consent of the Council except in a designated area for the sailing or operation of boats.
Interference with life-saving equipment

28. No person shall, except in case of emergency, remove from or displace in the ground or otherwise tamper with any life-saving appliance provided by the Council.

Aircraft

29. No person shall, except in case of emergency or with the consent of the Council, take off from or land in the ground in an aircraft, helicopter, hang-glider, hot-air balloon, helium or hydrogen filled airships and balloons.

Power-driven model aircraft

30. (1) In these Byelaws

(i) "model aircraft" means

   (a) a power-driven aircraft which either weighs between 500 grams and 7 kilograms without its fuel or

   (b) a power-driven aircraft which weighs more than 7 kilograms and up to 20 kilograms without its fuel and is regulated by the Air Navigation Order Clause 87 or

   (c) a power-driven aircraft which weights over 20 kilogram without it fuel and which is exempt from the Air Navigation Order

(ii) “power-driven” means driven by the combustion of petrol vapour or other combustible vapour or other combustible substances and subject to the Code of Practice on Noise from Model Aircraft 1982

(iii) The “Noise Code” means the Code of Practice issued by the Department of the Environment in pursuance of the approval given by the Control of Noise (Code of Practice on Noise from Model Aircraft) Order 1981

(2) No person shall
(i) in the ground release any power-driven model aircraft for flight or control the flight of such an aircraft.

(ii) cause any power-driven model aircraft to take off or land in the ground.

Kites

31. No person shall in the ground fly any kite or cause or permit to be flown or ride or drive any vehicle powered by a kite in such a manner as to cause danger, nuisance or annoyance to any other person in the ground.

Metal detectors

32. No person shall on the land without the consent of the Council use any device designed or adapted for detecting or locating any metal or mineral in the ground.

Protection of Wildlife

33. (1) No person shall in the ground intentionally kill, injure, take or disturb any animal or fish or engage in hunting, shooting or fishing, or the setting of traps or nets or the laying of snares.

(2) This byelaw shall not prohibit any fishing which may be authorised by the Council.

Noise

34. (1) No person shall in the ground, after being requested to desist by an officer of the Council, or by any person annoyed or disturbed, or by any person acting on his behalf:

(a) by shouting or singing;

(b) by playing on a musical instrument; or

(c) by operating or permitting to be operated any radio, CD player or other device capable of emitting sound.
cause or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground.

(2) This byelaw shall not apply to any person holding or taking part in any entertainment held with the consent of the Council.

Public Shows, Exhibitions and Structures

35. No person shall in the ground, without the consent of the Council, place or take part in any public show or exhibition or set up any swing roundabout or other like thing.

Children’s play areas

36. No person aged 13 years or over shall enter or remain in a designated area which is a children’s play area unless in charge of a child under the age of 13 years.

Children’s play apparatus

37. No person aged 13 years or over shall use any apparatus stated to be for the exclusive use of persons under the age of 13 years by a notice conspicuously displayed on or near the apparatus.

Obstruction

38. No person shall in the ground:

(a) intentionally obstruct any officer of the Council in the proper execution of his duties; or

(b) intentionally obstruct any person carrying out an act which is necessary to the proper execution of any contract with the Council; or of the ground

Savings

39. (1) An act necessary to the proper execution of his duty in the ground by an officer of the Council, or any act which is necessary to the
proper execution of any contract with the Council, shall not be an offence under these byelaws.

(2) Nothing in or done under any of the provisions of these byelaws shall in any respect prejudice or injuriously affect any public right of way through the ground, or the rights of any person acting legally by virtue of some estate, right or interest in, over or affecting the ground or any part thereof.

Removal of offenders

40. Any person offending against any of these byelaws may be removed from the ground by an officer of the Council or a constable.

Penalty

41. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Revocation

42. The byelaws referred to in Schedule 1 are hereby revoked.
SCHEDULE 1

Existing byelaws to be revoked

The following byelaws relating to the ground made by:

1. the London County Council on 1 November 1932 as confirmed by the Secretary of State for the Home Department on 14 December 1932 (insofar as they apply to that part of the ground within the Borough of Lewisham); are hereby revoked.
<table>
<thead>
<tr>
<th>Name</th>
<th>User Group</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rachel Mooney</td>
<td>Hilly Fields</td>
</tr>
<tr>
<td>Austen Jones</td>
<td>Ravensbourne Park Gds</td>
</tr>
<tr>
<td>Toby Swan</td>
<td>Brookmill Park</td>
</tr>
<tr>
<td>Toby Swan</td>
<td>Brookmill Park</td>
</tr>
<tr>
<td>Symon Knightswood</td>
<td>Hilly Fields</td>
</tr>
<tr>
<td>Anne Slater</td>
<td>Chinbrook Meadows</td>
</tr>
<tr>
<td>Anne Slater</td>
<td>Chinbrook Meadows</td>
</tr>
<tr>
<td>Symon Knightswood</td>
<td>Hilly Fields</td>
</tr>
<tr>
<td>Comment</td>
<td>Byelaw number</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>You should be able to climb trees</td>
<td>6</td>
</tr>
<tr>
<td>Why 13 age limit play</td>
<td>20; 21</td>
</tr>
<tr>
<td>Erections of structures should be allowed</td>
<td>5</td>
</tr>
<tr>
<td>Designated cycle paths only?</td>
<td>15</td>
</tr>
<tr>
<td>Can we add use of drones?</td>
<td>n/a</td>
</tr>
<tr>
<td>Why no mention of memorial plaques</td>
<td>n/a</td>
</tr>
<tr>
<td>Why no mention of dogs - dongs not allowed in Brookmill</td>
<td>n/a</td>
</tr>
<tr>
<td>Clarification on shows and performances</td>
<td>42</td>
</tr>
<tr>
<td>Public Performances</td>
<td>42</td>
</tr>
<tr>
<td>Climbing trees allow?</td>
<td>6</td>
</tr>
<tr>
<td>BBQ bans?</td>
<td>11</td>
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</tbody>
</table>

Detailed comments on each byelaw in general
querieing wording of the Model set All
Response
H&S

to stop older children monopolising
H&S

We will be flexible
No will wait for legislation

Not an issue for byelaws legislation

Existing criminal law
all events of this nature should be approved
in advance

Reasonableness
H&S
H&S environmental damage

The appropriate time for these comments is
when the byelaws are publically advertised.
## Blackheath Joint Working Party

### Byelaws comments

<table>
<thead>
<tr>
<th>Name</th>
<th>User Group</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emily Norton</td>
<td>Westcombe Park Soc</td>
<td>Why Cycling treated differently to other wheeled use</td>
</tr>
<tr>
<td>Helen Reeves</td>
<td>Blackheath Society</td>
<td>Removal of planting Hare and Billet Pond to be allowed</td>
</tr>
<tr>
<td>Helen Reeves</td>
<td>Blackheath Society</td>
<td>Typo Clause</td>
</tr>
<tr>
<td>Helen Reeves</td>
<td>Blackheath Society</td>
<td>Enforcement?</td>
</tr>
<tr>
<td>Byelaw number</td>
<td>Response</td>
<td></td>
</tr>
<tr>
<td>---------------</td>
<td>----------</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>All pathways designated</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>This will still be allowable to approved groups</td>
<td></td>
</tr>
<tr>
<td>30 (i) c</td>
<td>Amended spelling</td>
<td></td>
</tr>
<tr>
<td>all</td>
<td>Detailed in report</td>
<td></td>
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</table>
Chief Officer Confirmation of Report Submission
Cabinet Member Confirmation of Briefing

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

Information □ Part 1 x □ Part 2 □ Key Decision x

Date of Meeting 15th July 2015

Title of Report Deptford Southern Sites regeneration project – Appropriation of Land

Originator of Report Genevieve Macklin
Ext. 46057

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

<table>
<thead>
<tr>
<th>Category</th>
<th>Yes</th>
<th>No</th>
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<tr>
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<tr>
<td>Legal Comments from the Head of Law</td>
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<td>x</td>
</tr>
<tr>
<td>Crime &amp; Disorder Implications</td>
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</tr>
<tr>
<td>Environmental Implications</td>
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<tr>
<td>Equality Implications/Impact Assessment (as appropriate)</td>
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<tr>
<td>Confirmed Adherence to Budget &amp; Policy Framework</td>
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<td>x</td>
</tr>
<tr>
<td>Risk Assessment Comments (as appropriate)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reason for Urgency (as appropriate)</td>
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</tr>
</tbody>
</table>

Signed:       _______     Executive Member
Date:  _______7th July 2015_____________________

Signed:      ____________________________ Director/Head of Service
Date             _____6th July 2015 ______

Control Record by Committee Support

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

Page 394
1. Summary

1.1 The Deptford Southern Housing sites scheme consists of two developments being carried out as part of an ongoing programme the Council has led in Deptford since 2006. The previous phases of that ongoing programme have seen completion of the Wavelengths extension, Frankham Street parking boulevard, Tidemill Deptford Lounge development and relocation of Deptford Green School. These have paved the way for further development opportunities now being carried out in Amersham Vale and a further site that sits across Reginald Road and the old Tidemill School.

1.2 Previously Mayor and Cabinet have been informed of key stages of the schemes including statutory Section 105 consultation in September 2013. Following on from a competitive dialogue process Mayor and Cabinet agreed that Family Mosaic, Mulalley and Sherrygreen Homes be appointed as the preferred development partner in February 2014. In March 2015 it was agreed to start the re-housing of tenants and buy back of leaseholders in 2 – 30A Reginald Road.

1.3 In order to implement the redevelopment proposals for the Deptford Southern Housing sites, the Council is now required to appropriate the land for planning purposes.

2. Purpose of Report

2.1 To seek the necessary authority for the appropriation, for planning purposes, of the Council owned land within the scheme, shown [in bold edging on the attached plan] in order to enable the powers in Section 237 of the Town and Country Planning Act (T&CPA) 1990 to be used to ensure that any restrictive covenants or other rights affecting the land can be overridden in the interests of the proper planning of the area, thereby allowing the redevelopment of the land to proceed.
3  **Recommendations**

The Mayor is recommended to:

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

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

3.3  note that the consent of the Secretary of State under Schedule 1 of the Academies Act to the appropriation of the education land referred to at recommendation 3.2 has already been obtained; and

3.4  approve the making of an application to the Secretary of State under Section 19 of the Housing Act 1985 for consent to the appropriation referred to at recommendation 3.1.

4  **Policy Context**

4.1  The re-development of the Deptford Southern Housing sites contributes to key national objectives, particularly meeting the decent homes standard and increasing the supply of affordable housing.

4.2  The re-development will provide 321 new homes, of which 117 are expected to be affordable (including 77 for rent). This is to replace an existing block of 16 homes and bring new life into an old school building.

4.3  Development of the sites supports the Sustainable Community Strategy 2008 – 2020 especially the priority outcomes Reducing inequality – narrowing the gap in outcomes for citizens; Clean, green and liveable – where people live in high quality housing and can care for and enjoy their environment and Dynamic and prosperous – where people are part of vibrant communities and town centres, well connected to London and beyond. It also supports the Council’s corporate priorities notably ‘Clean, Green and Liveable’ and ‘Decent Homes For All.’

4.4  Further, the re-development of the two Deptford sites is in line with Lewisham’s established housing policy as set out in previous reports to Mayor and Cabinet and also contributes significantly to the Councils incoming Housing Strategy for 2015 – 2018.
4.5 The scheme will increase local housing supply and by introducing a range of housing types and tenures for a range of income households, the scheme will help to widen housing choice. More specifically, the scheme contributes to a host of strategic objectives. By obtaining funding from the HCA and using Council owned land for the purposes set out here, the Council is engaging with delivery partners and making the best use of available resources. A key principle of the scheme is to make the new development a desirable place to live, supporting the strategic objectives around design quality and safety, accessibility and improving environmental performance. In addition, Family Mosaic will manage all new homes, regardless of tenure through an integrated management body that will work with existing residents to ensure it provides high quality housing management.

5 Project Progress

5.1 Summary of the principles of this project and progress to date:

- Family Mosaic, Mulalley and Sherrygreen Homes were appointed as the preferred development partner by Mayor and Cabinet in February 2014.
- The Development Agreement covering both sites is agreed
- Section 105 consultation has carried out with residents of 2 – 30A Reginald Road three times during the development of the scheme, most recently this was in May 2013.
- There has been further informal consultation carried out by the developer with residents of Reginald Road and a local community group and there is a programme of consultation planned for the coming months.
- The partners have begun the process of developing the planning application, which is due to be submitted in the Autumn 2015.

5.2 The schemes will provide:

- 204 new homes on the Reginald Road/ Tidemill site, including 53 for social rent, 25 for shared ownership and 126 for sale. This equates to 38% affordable housing.
- 117 new homes are to be built on the Amersham Grove site, including 24 for social rent; 15 for shared ownership and 78 for sale. This equates to 33% affordable housing.
- All existing tenants of Reginald Road are to be re-housed and all can be accommodated in the new homes being built on either site or elsewhere in the borough should they so choose.
- Family Mosaic have offered to provide a new home to resident leaseholders through shared equity – as used on other regeneration schemes such as Heathside and Lethbridge.
- Family Mosaic use ‘target rent’ levels rather than up to the 80% of market rents levels allowed through ‘affordable rent’ with a lower rent commitment for those residents who are re-housed into the new homes.
from 2 – 30A Reginald Road

- Homes will be built to London Housing Design Guide space standards, Code for Sustainable Homes level 4, rented homes will be built to lifetime homes standards and 10% of homes will be wheelchair adaptable.
- The park at Amersham Grove will be built to in accordance with the Planning approval and it will meet the specification agreed with the Council’s parks team. The park will remain in the ownership of the Council.

5.3 There is a significant background to this scheme, of which there is a summary in the report ‘Deptford Southern Housing Sites project – section 105 housing consultation outcome’ which was approved by Mayor and Cabinet on the 11th September 2014. This history has included a number of changes including to the area of the Tidemill regeneration, notably to take out two Giffin Street blocks, which will now remain in situ.

6. Appropriating the Land

6.1 The Council owns the freehold interest of the site shown on the attached plan. Within the site area is the old Tidemill school and annex buildings and part of the old Deptford Green School site. There is one housing block, 2 – 30A Reginald Road where the Council has just started the process of re-housing the tenants and Officers will soon commence negotiations to buy back leaseholders.

6.2 The Council acquires and holds property for various statutory purposes in order to provide its various functions. The subject property is currently held by the Council for a mixture of housing purposes within the Housing Revenue Account and education purposes within the General Fund. In accordance with Section 122 of the Local Government Act 1972, an authority may appropriate land from one purpose to another, when it is no longer required for the purpose for which it was previously held.

6.3 Land is held by the Council subject to any existing interests and rights belonging to third parties and the land will be sold subject to any such interests and rights on disposal. However, under Section 237 of the Town and Country Planning Act 1990, the development of land which has been acquired or appropriated for planning purposes in accordance with planning permission is authorised even if that development would interfere with any interests or rights affecting the land. The effect of the appropriation is to extinguish any such interests or rights.

6.4 Where rights are extinguished, the owners of any such interests are entitled to compensation calculated under the compulsory purchase compensation rules for injurious affection. However, appropriation removes the potential for excessive compensation claims and the ability for owners to obtain injunctions preventing the redevelopment or claim
6.5 The precise design of the scheme is yet to be finalised and consultation with residents and community groups is taking place prior to and alongside the formal Planning process. However the developers are carrying out daylight and sunlight studies to assess and seek to minimise the impact on local properties. Further, they are using key principles of maximising daylight and sunlight, creating attractive amenity spaces and ensuring careful consideration of relationships to neighbouring properties.

6.6 In the Development Agreement, the Council agreed to consider appropriating the site for planning purposes, although the decision whether or not to appropriate remains in the absolute discretion of the Mayor.

6.7 In view of the potential rights of light referred to in paragraph 6.5 above and other existing interests and rights which may exist, it is recommended that in order to overcome this problem, the land be appropriated to planning purposes, which will enable the developers to rely on the protection provided by Section 237, provided planning permission for the proposed redevelopment scheme has been obtained and the redevelopment is carried out in accordance with that planning permission.

6.9 Assessment of compensation for the loss of rights would be calculated on the basis of the before and after market value of the affected properties. It will be for the owners to demonstrate that the loss is likely to cause inconvenience to them and affect the enjoyment of their properties and to substantiate any claim for compensation.

6.10 Any claim for compensation will be made against the developers in the first instance. However, as the Council has a residual liability for compensation, an indemnity agreement will be entered into under which the developers will agree to indemnify the Council against any claim for compensation. The Development Agreement provides for this indemnity agreement to be entered into.

7. **Head of Planning’s Comments**

7.1 The sites are located within the Deptford Regeneration and Growth Area of the Council’s adopted Core Strategy (2011) and are identified in the Site Allocations DPD (2013).

7.2 The Frankham Street site forms part of the wider Deptford Regeneration Area allocation which envisaged mixed use commercial/creative floor space, relocation of Tidemill School, relocation of library, housing and community use (work/office space and community café). Commercial, leisure and educational uses have already been provided to the north of
Giffin Street, therefore it is considered acceptable for this element of the redevelopment to comprise housing only. The Amersham Vale site is allocated for redevelopment for new public open space (39%) and housing (61% of site).

7.3 The principle of redevelopment of both sites for housing, incorporating new areas of public realm, is therefore accepted, subject to satisfactorily addressing other planning policy objectives including design and provision of affordable housing.

7.4 The schemes have yet to be submitted for planning approval however the developers have entered into pre-application discussions with officers and the schemes have been reviewed by the Lewisham Design Review Panel. These discussions are at an advanced stage and officers consider that the emerging schemes are progressing positively in line with policy. Public consultation is due to take place ahead of the applications being submitted.

8. Legal Implications

8.1 The Council has power under the Local Government Act 1972 to appropriate land which is no longer required for the purpose for which it was acquired to use for any other purpose for which it has power to acquire land.

8.2 In the case of land held for housing purposes, that power is subject to Section 19 of the Housing Act 1985. Under Section 19(1), an authority may not appropriate housing land with dwellings on it for other purposes without the consent of the Secretary of State. In this case, Section 19(1) is engaged as there are dwellings in the Reginald Road block which will not have been demolished at the time the appropriation takes effect and the appropriation is therefore subject to Secretary of State’s consent being obtained.

8.3 Consent to appropriate the former school sites to planning purposes has already been obtained under Schedule 1 of the Academies Act 2010.

8.4 The legal implications associated with the appropriation of the site to planning purposes and the effect of Section 237 of the Town and Country Planning Act 1990 are set out in full in Section 6 of this report.

8.2 The Equality Act 2010 (the Act) brings together all previous equality legislation in England, Scotland and Wales. The Act includes a new public sector equality duty (the duty), replacing the separate duties relating to race, disability and gender equality. The duty came into force on 5 April 2011.
The duty consists of the 'general equality duty' which is the overarching requirement or substance of the duty, and the 'specific duties' which are intended to help performance of the general equality duty.

The duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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

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

These are often referred to as the three aims of the general equality duty.

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

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

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

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

8.6 The EHRC guidance does not have legal standing unlike the statutory Code of Practice on the public sector equality duty which was due to be produced by the EHRC under the Act. However, the Government has now stated that no further statutory codes under the Act will be approved. The EHRC has indicated that it will issue the draft code on the PSED as a non statutory code following further review and consultation but, like the guidance, the non statutory code will not have legal standing.

9. Financial Implications

9.1 There are no financial implications arising from this report.


10.1 The Act effectively incorporates the European Convention on Human Rights into UK law and requires all public authorities to have regard to Convention Rights. In making decisions Members therefore need to have regard to the Convention.

10.2 The rights that are of particular significance to the Mayor’s decision in this matter are those contained in Articles 8 (right to home life) and Article 1 of Protocol 1 (peaceful enjoyment of possessions).

10.3 Article 8 provides that there should be no interference with the existence of the right except in accordance with the law and, as necessary in a democratic society in the interest of the economic well-being of the country, protection of health and the protection of the rights and freedoms of others. Article 1 of the 1st Protocol provides that no-one shall be deprived of their possessions except in the public interest and subject to the conditions provided for by law although it is qualified to the effect that it should not in any way impair the right of a state to enforce such laws as it deems necessary to control the uses of property in accordance with the general interest.

10.4 In determining the level of permissible interference with enjoyment the courts have held that any interference must achieve a fair balance between the general interests of the community and the protection of the rights of individuals. There must be reasonable proportionality between the means employed and the aim pursued. The availability of an effective remedy and compensation to affected persons is relevant in assessing whether a fair balance has been struck.

10.5 Therefore, in reaching his decision, the Mayor needs to consider the extent to which the decision may impact upon the Human Rights of estate residents and other affected persons and to balance this against the overall benefits to the community which the redevelopment of the Excalibur Estate will bring. The Mayor will wish to be satisfied that
interference with the rights under Article 8 and Article 1 of Protocol 1 is justified in all the circumstances and that a fair balance would be struck in the present case between the protection of the rights of individuals and the public interest.

10.6 The Mayor should have regard to the matters referred to at paragraph 6.5 above. It is also relevant to the consideration of this issue, that affected owners will be entitled to compensation for any diminution in the value of their properties resulting from the extinguishment of these rights.

11. **Environmental Implications**

11.1 The proposed new homes to be built by the developers would exceed the requirements of the Decent Homes Standard; this means greater energy efficiency, reduced maintenance costs and lower fuel bills for residents. This would also reduce the environmental impact of the new homes.

11.2 As new landlord the developers will develop minimum standards that tenants can expect from their home. A key part of that will be the affordability and sustainability of the energy usage. The homes are designed using principles of passive solar design and have been modelled by energy consultants to ensure high thermal comfort whilst keeping heat loss to a minimum. This includes making the home air tight through construction detailing and incorporating a heat recovery ventilation system to further reduce energy loss and provide homes with fresh air. The Greater London Authority requires this scheme to achieve 20% renewable energy and a Code for Sustainable Homes level 3-4, as a minimum; both pieces of legislation necessitate an energy efficient home.

12. **Crime and Disorder Implications**

12.1 The regeneration scheme meets the police’s Secured by Design standards and should lead to a reduction in crime and the fear of crime.

13. **Equality Implications**

13.1 Mayor and Cabinet approved the Equalities Impact Assessment for the regeneration of Heathside and Lethbridge in November 2009. Officers have since taken the new Equalities Analysis Assessment (EAA) additional categories into account in considering the impact of the regeneration scheme and regularly review the Impact Assessments to ensure that any equalities implications are considered. There are equalities implications in the decanting and re-building process and there will also be benefits in the completed scheme that will impact on
some of the most disadvantaged in the community. The Council's approach to re-housing tenants means that all residents' needs such as language and medical are individually taken into account.

14. Conclusion

14.1 The Mayor is required to agree that the Deptford Southern Housing sites can be appropriated for planning purposes.

15. Background Documents and Report Author

15.1 There are no background documents to this report.

15.2 If you require any further information about this report, please contact Rachel George on 020 8314 8146
Agenda Item 15

Chief Officer Confirmation of Report Submission
Cabinet Member Confirmation of Briefing

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

Information Part 1 x Part 2 Key Decision x

Date of Meeting 15th July 2015

Title of Report Consultation on Potential Waste & Recycling Service Collections

Originator of Report Nigel Tyrell Ext. 46041

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

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Signed: ____________________________ Executive Member

Date: __7th July 2015 ______________________

Signed: ____________________________ Director/Head of Service

Date __6th July 2015 _______________________
1. Summary

1.1. This paper provides background information on a proposed consultation programme for potential options on Lewisham’s waste services and, should approval be granted, will run from August to October 2015.

2. Purpose

2.1. The purpose of this report details a recommended approach to consultation with the general public and key stakeholders on the development and future of Lewisham’s Waste Services.

3. Recommendations

The Mayor is recommended to:

3.1. Approve the proposed consultation approach and timetable.

4. Policy Context

4.1. Engagement activity is a core part of the Council’s business. It is a tool through which policy and decision making can better reflect the priorities and aspirations of citizens, and services are better positioned to meet the needs of all users. In light of the recent years of government budget restrictions it is also a device to understand how difficult decisions can be made with the least detrimental impact caused. This culture of providing more, from less resourcing will continue to be a part of what local authorities are required to do going forward.

4.2. The most recent Census, which took place in Spring 2011, has highlighted the continuing rich diversity of the borough. As the number of residents has grown, so has the number of national identities, languages spoken, occupations held and other characteristics which need to be considered in terms of service provision. This reemphasises the Council’s belief that there can be “no quality without equality”, as we continue to address the diversity of need within the vibrant communities we serve through inclusive engagement activity. This in turn means engagement also plays an important role in the way the Council looks to provide services.

4.3. Lewisham recognises that engagement is not a single type of activity but a whole host of tools which aim to get citizens involved in the decisions that shape their community, consulting where appropriate but always keeping residents informed. All activity is focused on bettering outcomes for Lewisham’s residents.

4.4. The review and consultation on Lewisham’s future waste services also contributes towards delivering the council’s corporate priorities, especially in respect of ‘clean, green and liveable’ and ‘inspiring efficiency, effectiveness and equity’.
5. Background

5.1. Although ‘recycling’ is cited as the key activity in relation to sustainable waste management, Lewisham operates within a broader regulatory framework. The Waste Hierarchy (shown in this diagram) dictates how we should structure our services and focus attention on those activities at the top of the diagram, with the least amount of waste going for disposal at the bottom of the upturned pyramid.

5.2. Historically Lewisham took the lead in diverting waste from landfill by entering into a contract with SELCHP, the local Energy from Waste (EfW) plant. Not only does this generate electricity for approximately 48,000 homes, this has saved the Council millions of pounds in landfill tax and charges. As an example if Lewisham had land filled all of the waste it incinerated in 2014-15, it would have cost the Council over an additional £2m more than what the disposal costs for that year actually were.

5.3. Our proposals for future services need to reflect and respond to present and future waste regulations as well as our citizen’s interest in recycling. As such there are a number of drivers for change, which are detail below.

Improved Environmental Outcome

5.4. Preventing waste means reducing the amount of waste generated, therefore reducing its impact on the environment. It is based on the simple concept that if you create less waste, you consume fewer resources and you don’t have to spend as much money to transport, treat or dispose of your waste. In particular avoidable food waste prevention has huge impacts on the environment, greenhouse gas emissions and global food security.

5.5. There are a number of benefits to recycling more than we currently do, including reducing the amount of waste sent to incineration, conserving natural resources such as wood, water and minerals, and preventing pollution by reducing the need to collect new raw materials. Lewisham does have a good range of materials that can be recycled, however, not all residents are using the services to their full potential. There could also be significant gains both in performance and environmental impact on collecting food waste. By the very nature of collecting food waste people often see how much is being wasted and change their habits to reduce their waste accordingly. Further, collecting food waste produces biogas providing a source of renewable energy that is carbon neutral and a fertiliser rich in nitrogen.
5.6. The way in which waste is treated and disposed of can have a huge impact on carbon emissions. Reducing, reusing or recycling waste is an essential step in the move to a sustainable low carbon economy.

5.7. Finally waste materials are increasingly being viewed as a resource rather than something to be disposed of, and there is now a significant move from treating waste in a linear model of production and consumption to a more circular model, known as the Circular Economy.

Legislative
5.8. There are two key regulations in the Waste (England and Wales) (Amendment) Regulations 2012, as detailed below:

- Regulation 12 - places an ongoing requirement for local authorities to apply the waste hierarchy;
- Regulation 13 – from 1 January 2015, waste collection authorities must collect waste paper, metal, plastic and glass separately and imposes a duty on waste collection authorities, from that date, when making arrangements for the collection of such waste, to ensure that those arrangements are by way of separate collection. These duties apply where separate collection is necessary (the Necessity Test) to ensure that waste undergoes recovery operations in accordance with the directive and to facilitate or improve recovery; and where it is technically, environmentally and economically practicable (The TEEP Test).

5.9. Further, the authority needs to contribute to the national recycling target to reach the 50% recycling rate by 2020. Failure to do so could lead to fines imposed by central Government.

Financial
5.10. The financial drivers are around the need to make savings in the current budget climate, whilst at the same time running effective and efficient services.

5.11. Reductions in government funding, combined with increased costs of collection and disposal and a volatile recyclable market has significantly increased pressure on waste budgets in recent years. A review of the council’s waste strategy presents an opportunity to review the costs drivers of the service and look for more cost effective collection and disposal models with the flexibility to meet current and future challenges.

Future Waste Planning
5.12. With only nine years left until the SELCHP contract ends in 2024, it is important to look at a future strategy for dealing with waste that doesn’t necessarily depend on energy from waste. The reason for this is that there could be issues around future capacity for Lewisham’s waste at SELCHP and there could be increased disposal costs, which may become more in line with the market conditions than at present.

5.13. Further, whilst waste per household is falling overall waste will increase due to population and household growth. The population is expected to reach over 300,000 in September 2016 and, household numbers having increased by over 5,000 in the past five years, are expected to grow by a projected 7,000 more by 2019.

5.14. A waste services efficiency review has been undertaken with funding from the London Waste & Recycling Board (LWARB). From this review, the Council is contemplating a number of options for managing waste in Lewisham, initially focussing on street level properties. It is committed to engaging with the local community, stakeholders and the wider general public to ascertain the optimum solution, taking into account financial, environmental, economic and legislative practicalities.

6. Potential Changes to Waste & Recycling Collections
6.1. The consultation will garner residents’ views about how Lewisham might change the way in which waste & recycling services are collected from houses and flats in houses (i.e. all households that typically have collections from a wheelie bin).

6.2. New Waste Regulations were introduced on 1 January 2015 stating that all collection authorities need to separately collect paper, glass, metals and plastics unless it is not necessary to do so or it’s technically, environmentally and economically impracticable to do so. This is to ensure that the quality of collected recyclables is as high as it can be as well as an attempt to improve the quantity of materials collected to ensure that the UK meets its target to recycle 50% by 2020.

6.3. At present the Council collects refuse and recycling weekly and offers a garden waste collection service at a charge. The recycling is co-mingled and collected together in one bin.

6.4. It is becoming more expensive to dispose of waste and it costs the Council less to dispose of material through recycling and composting compared with incineration. The Council could also get an income from selling some good quality materials that are recycled, for example paper.

6.5. To comply with the regulations, there are a number of actions the Council could consider that might also help increase the amount of material that is collected for recycling. This includes options for collecting different materials for recycling separately rather than altogether as the Council does now, introduction of food waste collections and a subscription based garden waste service. Some changes could mean more bins and boxes for residents and some changes could also mean changing the frequency of collections.

6.6. The Council does not have a preferred option and decisions regarding the future of waste management services will be influenced by the outcomes of the consultation programme detailed within this paper. It will also have to consider the practicalities of operating such services, environmental impact, financial considerations and meeting legislative requirements, in particular compliance with the Waste Regulations 2012 as mentioned above.

6.7. Given the possible extent of service changes, this necessitates a considered and well-managed approach to this consultation programme. Most importantly it needs to be accompanied by a robust communications strategy, which will ensure that any future service changes are communicated as effectively as possible to ensure correct participation in the potential new services. The next section details the proposed consultation approach.

7. Consultation Approach

7.1. There are a number of considerations that have shaped the final design of the consultation plan for the proposed waste strategy options, and are detailed below.

Purpose – why are we consulting?

7.2. The key objective is to keep the decision-making process around the future of Lewisham waste services open and transparent. It must provide a variety of methods and opportunities for all interested parties to share their views and contribute to the final decision on the most appropriate option.

7.3. The Council is interested in gaining residents views as to what they think and feel about potential service changes. At the end of the consultation process there should be a clear idea of which services are preferential and any differences in opinion will need to be balanced in the final decision-making process.
People – who are we consulting?

7.4. The Council’s guidance on consultation, which includes relevant information and analysis from the 2011 Census, emphasises the importance of engaging, involving and informing residents and partners but specifically details about engaging with specific groups. A robust approach to consultation is for the local authority to understand their target audience and ensure that all stakeholders are consulted. The consultation for the future of waste services will include the following groups:

- **Recycling & Refuse Operatives:** It is important to get the views of all stakeholders and this includes people with experience of operating the service. The refuse and recycling crews have valuable knowledge of the borough and this would help guide the type of services that could be operated or otherwise in specific locations.

- **Residents in street level properties:** These are the residents that are likely to be affected most by the proposed service changes and will be the target group for the more in depth consultation activities.

- **General Public:** The Council would also like to gain the views of the wider public as these residents are likely to also have valid contributions. This would particularly be the case with regards to the subscription based garden waste service as this will be available to any property with a garden.

- **Targeted and Hard-to-Engage Groups:** Those who struggle to get involved or are difficult to attract may include older people, young people, minority ethnic groups and disabled people. These groups may have distinct views and priorities which may not be identified through consultation with the general public. Targeted and hard to engage groups, although this list is not exhaustive, are outlined below:
  - Campaign for Independent Living
  - Young Mayor of Lewisham
  - Positive Ageing Council
  - Lewisham Ethnic Minority Partnership
  - Staff Forums

Pacing – when are we consulting?

7.5. The period allocated for consultation activities have been planned between August and October 2015. The results of the consultation will be presented to the relevant committees from November 2015, after which, should approval to commence be given, service development and implementation can begin.

7.6. The timeline for consultation is as follows:

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<th>Options</th>
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<td>August</td>
<td>Sept</td>
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<td>Consultation activities</td>
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Process – how are we consulting?

7.7. It is important to utilise a variety of methods in order that a range of public opinion is tested. This will also help prevent results being distorted by a few vocal people or groups. Throughout the process, the Cabinet Member for Public Realm will need to be kept abreast of all activities and be provided with the opportunity to help shape the approach.
7.8. Due to the extent of possible changes to universal services, it is recommended that Lewisham draw upon a range of consultation tools at its disposal. With this in mind, the following consultation methods would be utilised:

Citizens’ Forum

7.8.1. A representative panel of 50 residents from street level properties will be recruited to attend a Citizens Forum event. Quotas on age, disability and ethnicity would be set to match the borough demographic. To ensure that it is statistically representative, all invites will be randomly selected. This would be a one day event where a panel of expert witnesses would present to the Citizens Forum on various aspects of the proposed options. The Citizens Forum will then discuss their opinions on the aspects and proposed options and these opinions will be collated and fed back into the consultation process.

Waste & Recycling video

7.8.2. A waste & recycling animated video would be produced to help illustrate what is currently in a person’s bin and what could happen to that waste and recycling in terms of potential future service options.

7.8.3. This animated video could be used in a variety of the consultation methods, and in addition to the online surveys, it could be used with the focus groups and at the Citizen’s Forum. It would also help a broader communications campaign and would be particularly useful on social media.

uEngage

7.8.4. Results of the 2012 Lewisham Residents' Survey indicate that 85% of residents have personal access to the internet. Increasing numbers would now prefer to be consulted via online mechanisms. In response to this, it is proposed that an online survey be developed for residents to respond to the outlined options. This survey would take two forms:

i. Short Online Poll – to try and capture as many residents' views as possible, a short online poll would be developed which could take 2-3 minutes to complete. This would set out the headline points and request that people tick their favoured response.

ii. Longer Survey – the Council’s online polling tool, uEngage, will provide an opportunity for those residents who wish to answer more detailed questions to do so.

Ward Assemblies

7.8.5. Some of the ward assemblies will be visited to promote the online surveys during September and October. Whilst not all the ward assemblies can be visited in the consultation period, information on the surveys will be promoted through the ward assembly network.

Focus Groups

7.8.6. Focus groups consist of 8-12 people that explore an issue in depth over a 1-2 hour period with the guidance of a facilitator. This would be an ideal way to engage with hard to reach groups that have not participated in any of the other consultation methods. This could be targeted at particular groups e.g. refuse & recycling operatives, older people, people with disabilities, BAME, people living in certain
housing types and people who tend not to participate correctly in the recycling services. These would take place towards the end of the consultation period, to ensure that any key points that result from the early stages of the consultation could be addressed during the consultation process.

Lewisham Life

7.8.7. The Council’s magazine for residents is delivered door-door to all households four times a year. The autumn edition would carry an article about the consultation and encouraging feedback. The winter edition could carry the results of the consultation. More than 26,000 people are now subscribed to receive regular news and information from the Council by email. This media will be used during the consultation phase to encourage engagement.

Local and Social Media

7.8.8. The Council will try and maximise engagement by using local media and by promoting the consultation through the Council’s social media channels, on its own website and through community websites and blogs.

Marketing

7.8.9. We will use truck side livery to promote the consultation and street side poster sites.

Product – what are the required outputs?

7.9. Essentially the consultation programme will result in a statistical breakdown of answers to each of the questions. The required outcome is that the Council can make an informed decision on the future of Lewisham’s waste services with the confidence that their decision will have the backing of the majority of stakeholders and the general public.

7.10. From the public perspective there is the requirement that there has been sufficient opportunity for their voices to be heard (both in terms of method and scheduling of consultations activities) and that there is a feeling that the outcome has been community-driven.

Recommended Approach

7.11. The recommended approach is that a variety of methods is used so that stakeholders, including directly affected residents, the wider public and targeted and hard to engage groups, all have had the opportunity to voice their opinion on the future of Lewisham’s waste services during the consultation window of August to October 2015.

7.12. The table below illustrates the methods that will be utilised to target each of these groups during the consultation process:
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<th>General Public</th>
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<td>Animated video uEngage Surveys Citizens Forum</td>
<td>Social, local media &amp; other promotions Ward assemblies</td>
<td>Animated video uEngage Surveys</td>
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<td><strong>October</strong></td>
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<td>Animated video uEngage Surveys Social, local media &amp; other promotions Ward assemblies</td>
<td>Animated video uEngage Surveys Focus Groups</td>
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7.13. To test the effectiveness of the consultation the evaluation mechanisms could include:
- % that completed quantitative elements;
- Representative nature of those participating (against borough profile);
- Impact consultation has on final decision.

7.14. Many of the consultation activities will be conducted in-house, including the focus groups and uEngage. The Citizens’ Forum would be organised, facilitated and the final report produced by a consultant with experience of undertaking such activities. This would have the added benefit of being run independent of the Council, which may give participants more confidence in the outcome.

7.15. This consultation would be led by Strategic Waste Management with assistance from consultants and from Policy & Partnerships, Communications Team and other identified officers.

7.16. A final report with results and recommendations will be produced and brought back to the relevant committees later in the year.

8. Financial Implications

8.1. As can be seen from paragraphs 7.14 and 7.15, the majority of the consultation work will be conducted in house. Some external costs will be incurred, including consultancy support and other expenses such as marketing and publicity, participant incentives, venue hire and catering.
8.2. The estimated cost for this is £25k. This can be met from grant monies set aside for waste strategy purposes.

9. Legal Implications

9.1. The revised Waste Framework Directive (2008/98/EC) ("The Directive") requires EU member states to set up separate waste collection where necessary and practicable. Where waste paper, metal, plastic or glass has been collected separately all reasonable steps must be taken to keep that stream separate from other waste streams wherever this is necessary to provide high quality recyclables.

9.2. Article 4 of The Directive sets out five steps for dealing with waste, ranked according to environmental impact – the ‘waste hierarchy’. The ‘waste hierarchy has been transposed into UK law through The Waste (England and Wales) Regulations 2011 (as amended by the Waste (England and Wales) (Amendment) Regulations 2012). Consequently, from 1st January 2015, waste collection authorities must collect waste paper, metal, plastic and glass separately. It also imposes a duty on waste collection authorities, from that same date, when making arrangements for the collection of such waste, to ensure that those arrangements are by way of separate collection.

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

9.4. In summary, the Council must, in the exercise of its functions, have due regard to the need to:
   • eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
   • advance equality of opportunity between people who share a protected characteristic and those who do not.
   • foster good relations between people who share a protected characteristic and those who do not.

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

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

9.7. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
   1. The essential guide to the public sector equality duty
   2. Meeting the equality duty in policy and decision-making
   3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

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

10. Equalities Implications

10.1. The Equalities implications will be addressed as part of the consultation programme and any service options chosen will have an Equalities Impact Assessment conducted.

11. Environmental Implications

11.1. There are no direct environmental implications in this report. Environmental considerations will be taken into account in looking at any potential service changes.

12. Crime & Disorder Implications

12.1. There are no direct crime and disorder implications.

13. Conclusion

13.1. Waste management is a large service area that affects all Lewisham residents. Given the legislative and economic pressures that are facing the Council, waste services are currently being reviewed to be more efficient and effective, at the same time as identifying savings moving forward. Ensuring we make the correct strategic choices that fit with the needs of our residents will ensure we deliver this aim, and this proposed consultation approach and timeline should help deliver this.

14. Background Papers and Further Information

14.1. There are no background papers to this report.

14.2. For further information relating to the report, please contact Sam Kirk, Strategic Waste & Environment Manager on 020 8314 2076 or email sam.kirk@lewisham.gov.uk.
Chief Officer Confirmation of Report Submission
Cabinet Member Confirmation of Briefing
Report for: Mayor
Mayor and Cabinet
Mayor and Cabinet (Contracts)
Executive Director
Information Part 1 X Part 2 Key Decision

Date of Meeting 15th July 2015

Title of Report Governing Bodies Reconstitution
St Mary Magdalen’s Catholic Primary School

Originator of Report Sara Williams/Chris Ashton Ext. 46142

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

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Signed: [Signature] Executive Member

Date: 6th July 2015

Signed: [Signature] Executive

Date: 6th July 2015

Controlled Record by Committee Support

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1. Summary

1.1 In May 2014, amendments to the School Governance (Constitution) (England) Regulations 2012 and the School Governance (Federations) (England) Regulations 2012 were made and laid before Parliament. The Department for Education (DfE) also published statutory guidance on the constitution of maintained schools which governing bodies and Local Authorities must have regard to. The Guidance has now been replaced by statutory guidance issued in March 2015.

1.2 The amendments require all governing bodies of maintained schools to be constituted under the 2012 Constitution Regulations or the 2012 Federation Regulations, as appropriate, by 1 September 2015.

1.3 This report sets out a variation to the Instrument of Government for St. Mary Magdalen’s Catholic Primary School, whose Governing Body is required to reconstitute under the School Governance (Constitution) (England) Regulations 2012 as amended by The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014.

1.4 Officers have been working closely with all schools to manage the transition effectively within the timeframes. St. Mary Magdalen’s Catholic Primary School is the final school to reconstitute.

2. Purpose

2.1 To seek agreement to the variation of the Instrument of Government for the school listed below.
3. **Recommendations**

The Mayor is recommended to:

3.1 Approve that the Instrument of Government for the school identified below be made by Local Authority order dated 15 July 2015.

   St. Mary Magdalen’s Catholic Primary

3.2 Appendix 1 details the Instrument of Government the Local Authority is proposing to make by order. The Instrument of Government has also been agreed by the Southwark Diocesan Board of Education, Trustees, Foundation Governors and the Local Authority.

4. **Policy Context**

4.1 Each school has to have an Instrument of Government. The Local Authority must satisfy itself that the Instruments of Government for schools conform to the legislation. The Local Authority must also agree its content.

4.2 Lewisham’s Children & Young People’s Plan sets out our vision for improving outcomes for all children. The main purpose of a governing body is to account for the achievement of children and young people in their schools.

4.3 The appointment of governors supports the broad priorities within Lewisham’s Sustainable Community strategy, in particular those of being “ambitious and achieving” and “empowered and responsible”. Governors help inspire our young people to achieve their full potential and they also promote volunteering which allows them to be involved in their local area.

4.4 Two specific corporate priorities that are relevant pertain to “community leadership and empowerment” and “young people’s achievement and involvement”.

5. **Background**

5.1 In May 2014, amendments to the School Governance (Constitution) (England) Regulations 2012 and the School Governance (Federations) (England) Regulations 2012 were made and laid before Parliament. The Department for Education (DfE) also published statutory guidance on the constitution of maintained schools which governing bodies and Local Authorities must have regard to. The most recent version of this Guidance was issued in March 2015.

5.2 The amendments require all governing bodies of maintained schools who have not already reconstituted to be constituted under the 2012 Constitution Regulations or the 2012 Federation Regulations, as appropriate, by 1 September 2015.

5.3 This report sets out a variation to the Instrument of Government for a school whose Governing Body is required to reconstitute under the School Governance (Constitution) (England) Regulations 2012 as amended by The

5.4 At a governing body meeting, the governing body of St. Mary Magdalen’s Catholic Primary School made a decision to reconstitute the governing body.

5.5 The governing body must be constituted in accordance with regulations made by virtue of section 19 of the Education Act 2002 namely The School Governance (Constitution) (England) Regulations 2012, as amended by The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014.

5.6 The total membership of the governing body of a maintained school must be no fewer than seven governors.

5.7 Appendix 1 details the Instrument of Government the Local Authority is proposing to make by order. The Instrument of Government has also been agreed by the Southwark Diocesan Board of Education, Trustees, Foundation Governors and the Local Authority.

6. Financial implications

6.1 There are no financial implications arising from this report.

7. Legal implications

7.1.1 Section 20 of the Education Act 2002 requires all maintained schools to have an Instrument of Government which determines the constitution of the school and other matters relating to the school.

7.1.2 Each school must have an Instrument of Government detailing the name of the school, the type of school and the membership of the governing body. The category of governor and the number in each category is specified in the Regulations.

7.1.3 The Instrument of Government proposed for the governing body of St. Mary Magdalen’s Catholic Primary School conforms to The School Governance (Constitution) (England) Regulations 2012.

7.2 Equalities Legislation

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

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

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

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

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

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

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

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

8. Crime and Disorder Implications

8.1 There are no specific crime and disorder implications.

9. Equalities Implications

9.1 Governors will have enough flexibility in their choice of constitutional models to enable them to address issues of representation of stakeholder groups and to ensure that governing bodies reflect the communities they serve.
10. **Environmental Implications**

10.1 There are no specific environmental implications.

### Background Documents

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<th>Short Title of Document</th>
<th>Date</th>
<th>File Location</th>
<th>Contact Officer</th>
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If there are any queries arising from this report, please contact Suhaib Saeed, Strategic Lead Governors’ Services and School Leadership, 3rd Floor, Laurence House, telephone 020 8314 7670.
1. The name of the school is **St. Mary Magdalen’s Catholic Primary School**.

2. The school was founded by and is part of the Catholic Church. The school is to be conducted as a Catholic School in accordance with the Canon Law and teachings of the Roman Catholic Church and in accordance with the Trust Deed of the Archdiocese of Southwark and in particular:

   a) religious education is to be in accordance with the teachings, doctrines, discipline and general and particular norms of the Catholic Church;

   b) religious worship is to be in accordance with the rites, practices, discipline and liturgical norms of the Catholic Church;

   and at all times the school is to serve as a witness to the Catholic faith in Our Lord Jesus Christ.

3. The school is a Voluntary Aided school.

4. The name of the governing body is “The Governing Body of St. Mary Magdalen’s Catholic Primary School”.

5. The governing body shall consist of:

   a. Two Parent Governors;
   b. The Headteacher;
   c. One Staff Governor;
   d. One Local Authority Governor;
   e. Nine Foundation Governors;
   f. Two Co-opted Governors.

6. The total number of governors shall be sixteen.

7. The term of office for Foundation Governors is four years.
8. Foundation Governors are appointed by the Archbishop of Southwark (or any other person exercising Ordinary jurisdiction on his behalf) through the Director of Education of the Archdiocese of Southwark Education Commission.

9. The Archbishop of Southwark (or any other person exercising Ordinary jurisdiction on his behalf) through the Director of Education of the Archdiocese of Southwark Education Commission, may remove Foundation Governors at any time during their period of office.

10. Date Instrument drafted by the Governing Body : 29th September 2014

11. Date draft Instrument approved by Foundation Governors : 29th September 2014

12. Date draft Instrument approved by Trustees : 18th April 2015

13. This Instrument of Government comes into effect on : 1st September 2015

14. This Instrument was made by order of London Borough of Lewisham Local Authority on 15th July 2015.

The Local Authority must supply a copy of the Instrument to every member of the Governing Body (and the headteacher if not a governor), the Trustees of the Archdiocese of Southwark and to the Archbishop through the office of the Director of Education of the Education Commission.
Chief Officer Confirmation of Report Submission
Cabinet Member Confirmation of Briefing

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

Information □ Part 1 [x] Part 2 □ Key Decision □

Date of Meeting    15th July 2015

Title of Report    Local Authority Governor Nomination

Originator of Report    Sara Williams/Chris Ashton Ext. 46142

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

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Signed: [Signature]       Executive Member

Date: 6th July 2015

Signed: [Signature]       Executive

Date: 6th July 2015

Control Record by Committee Support

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1. Summary

1.1 In May 2014, amendments to the School Governance (Constitution) (England) Regulations 2012 were made and laid before Parliament. The Department for Education (DfE) also published statutory guidance on the constitution of maintained schools which governing bodies and Local Authorities must have regard to. The most recent version of this Guidance was issued in March 2015.

1.2 The amendments require all governing bodies of maintained schools to be constituted under the 2012 Constitution Regulations by 1 September 2015.

1.3 The Constitution Regulations 2012 are the ones that determine the size and membership of governing bodies. Previously the Local Authority was able to appoint Local Authority governors to governing bodies, however amendments to the Regulations now permit a Local Authority only to nominate such a person, it will be a matter for the governing to appoint. For the Local Authority governor position, the Local Authority would nominate a governor for "appointment" by the governing body.

1.4 This report is to request the nomination of a Local Authority governor for a school with a Local Authority governor vacancy.

2. Purpose

2.1 To consider and approve the nomination of the Local Authority governor detailed in paragraph 6 below.
3. **Recommendation/s**

The Mayor is recommended to:

3.1 agree to nominate the person set out in paragraph 6 as a Local Authority governor;

3.2 note the information concerning the recommended nominated governor in Appendix 1.

4. **Policy Context**

4.1 Lewisham’s Children & Young People’s Plan sets out our vision for improving outcomes for all children. The main purpose of a governing body is to account for the achievement of children and young people in their schools.

4.2 The appointment of governors supports the broad priorities within Lewisham’s Sustainable Community strategy, in particular those of being “ambitious and achieving” and “empowered and responsible”. Governors help inspire our young people to achieve their full potential and they also promote volunteering which allows them to be involved in their local area.

4.3 Two specific corporate priorities that are relevant pertain to “community leadership and empowerment” and “young people’s achievement and involvement”.

5. **Background**

5.1 Under Section 19 of the Education Act 2002 and School Governance (Constitution) (England) Regulations 2007, every governing body is required to have at least one representative of the Local Authority as part of its membership. Governing bodies reconstituted under The School Governance (Constitution) (England) Regulations 2012 only allows for one Local Authority governor. Free schools and Academies are exempt from this requirement.

5.2 The Constitution Regulations 2012 highlight the importance of governors having the appropriate skills to contribute to the effective governance and success of the school.

5.3 The suggested nominee has the requisite skills and experience required to be effective in their role as a Local Authority nominated governor.

5.4 Those governing bodies who have already reconstituted do not need to go through the reconstitution process but need to be mindful of the new skills based criteria when filling ‘appointed’ governor places.
5.5 A vacancy has arisen on the governing body of the school listed in paragraph 6 and a nomination is required. Appointments to school governing bodies are usually for a four-year term, unless stipulated otherwise in the Instrument of Government. The person listed in paragraph 6, would serve the normal 4 years if appointed. Appendix 1 highlights the skills and experience that the individual possesses which will enable them to be effective members of a governing body. Both the Chair of governors and Headteacher of the school support the nomination of the candidate.

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

<table>
<thead>
<tr>
<th>Name</th>
<th>School</th>
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<tr>
<td>Stephen Kenny</td>
<td>Good Shepherd Catholic Primary</td>
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7. Financial implications

7.1 There are no financial implications arising from this report.

8. Legal implications

8.1 Sections 19 and 24 of the Education Act 2002 and School Governance (Constitution) (England) Regulations 2012 require every governing body to have at least one representative of the Local Authority as part of its membership. Governing bodies reconstituting under The School Governance (Constitution) (England) Regulations 2012 only allows for one Local Authority governor. Academies are exempt from this requirement.

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

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

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.
8.4 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

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

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

9  Crime and Disorder Implications

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

10. Equalities Implications

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

11. Environmental Implications

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

12. Conclusion

12.1 The individual detailed in Appendix 1 views being a governor as a way of utilising their skills and experience to make a difference to the lives of children and young people in Lewisham schools. Section 19 of the Education Act 2002 and School Governance (Constitution) (England) Regulations 2007 made under it require every governing body to have at least one representative of the Local Authority as part of its membership. Governing bodies reconstituting under The School Governance (Constitution) (England) Regulations 2012 only require one Local Authority governor. Academies are exempt from this requirement. A vacancy has arisen on the governing body of the school listed and a nomination is required.

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

Background Documents

There are no background papers.
If there are any queries arising from this report, please contact Suhaib Saeed, Strategic Lead Governors’ Services and School Leadership, Governors’ Services, 3rd Floor, Laurence House, telephone 020 8314 7670
<table>
<thead>
<tr>
<th>Name</th>
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<th>Occupation</th>
<th>Residential Area</th>
<th>Précis of Suitability and Skills to be considered as a school governor</th>
<th>Governor Monitoring Information</th>
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</table>
| Stephen Kenny   | Good Shepherd Catholic Primary  | Heritage Advisor | SE12             | Stephen is Chair of Grove Park Community group, Chair of Grove Park Neighbourhood Forum and co-founder of the Baring Trust.  

Stephen brings a lifetime of skills built whilst working in the Arts and creative industries at home and overseas.  

Business skills, fund raising skills and people skills have been key to his recent community work within the Grove Park and Downham area.                                                                                                                                                                                                 | Male                           |
|                 |                                 |                  |                  | Mixed White and Asian                                                                                                                                                                                                                                                     |                                |
Chief Officer Confirmation of Report Submission
Cabinet Member Confirmation of Briefing
Report for:  Mayor
            Mayor and Cabinet
            Mayor and Cabinet (Contracts)
            Executive Director
Information  Part 1  Part 2  Key Decision

Date of Meeting  15th July 2015

Title of Report  Sheltered Housing Investment and Improvement Programme

Originator of Report  Genevieve Macklin  Ext. 46057

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

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Signed:  _______________________________  Executive Member
Date:  ______________  7th July 2015

Signed:  _______________________________  Director/Head of Service
Date:  ______________  6th July 2015

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1 Executive Summary

1.1 This report seeks Mayor and Cabinet approval for officers to commence a programme of consultation with Council Sheltered Housing tenants regarding the introduction of an enhanced housing management service, potentially to include the re-introduction of warden-type scheme managers, for the Council’s 18 sheltered housing schemes.

1.2 The purpose of this proposal is to enable a new service model to be introduced that has the potential to improve services for tenants whilst protecting the service for the long term in the light of the on-going revenue budget pressures the Council faces. This change would achieve a saving of £350,000 in line with proposals previously developed as part of the Future Lewisham Programme, and agreed by Mayor and Cabinet.

1.3 The report outlines three potential alternative models, which would all see the introduction of an enhanced housing management service model which would be paid for by tenant service charges, and could be covered by Housing Benefit where the tenant is eligible. Officers recommend that the Council now consults with sheltered housing tenants about these three options to enable final decision making to be undertaken by Mayor and Cabinet as part of the budget setting process later this year.

1.4 Officers aim to visit all eighteen sheltered housing schemes by September 30, 2015 to ensure that all tenants are given the opportunity to express their views and to state their preferred option. The most popular option will be implemented by April 2016. It is envisaged that responsibility for the management of the service will be formally transferred to Lewisham Homes from this date, following a further report to Mayor and Cabinet later this year.

1.5 The report also sets out a Sheltered Housing investment plan to be delivered by Lewisham Homes to ensure that all eighteen schemes are refurbished/repaired and maintained to the Council’s decent homes
standard to enable Sheltered tenants to continue to live as independently as possible, in their own homes, for as long as possible.

2 Purpose of the report

2.1 To seek Mayor and Cabinet approval to commence consultation with Sheltered Housing tenants regarding the introduction of an enhanced housing management service funded by an HB-eligible service charge that will enable the Council to deliver £350,000 revenue savings, identified by the Future Lewisham Programme, whilst maintaining a sheltered housing service which encourages residents to live independently.

2.2 To note that the three proposed options all entail a re-orientation of functions away from personal support to a proactive housing management approach which focuses more upon supporting tenants to manage their individual tenancies and repairs and improve the upkeep and use of communal facilities, thus enhancing the living environment and helping to reduce social isolation.

2.3 To also set out proposals for capital investment in the physical fabric of the Council’s 18 Sheltered Housing schemes, ensuring that as a minimum all 18 meet the Decent Homes standard and, additionally, to test a new higher standard for investment in six of those 18 schemes to ensure that they are fit for purpose, over the long term, for supporting the Council’s older residents to live safely and independently at home for as long as possible.

3 Recommendations

It is recommended that the Mayor:

3.1 Notes the rationale for considering a change to the service delivery model in the Council’s sheltered housing stock, and the three potential models for a new model which are set out at section 5;

3.2 Notes that the proposals include the provision of a service charge assistance fund, to assist tenants with the financial transition;

3.3 Notes that, if finally approved, these proposals would all see a management and operational transfer of the service from the Council to Lewisham Homes;

3.4 Having noted those points, agrees that Officers can immediately commence a comprehensive consultation exercise, in the manner set out in section 6 of this report, with all tenants currently residing in sheltered housing and their representatives, regarding those three options;
3.5 To note that the outcome of this consultation will be brought before Mayor and Cabinet again for final decision making before any change will be implemented.

3.6 To note the plans for capital investment within the 18 sheltered housing schemes, which will come forward separately to the consultation relating to the service model, and which will see all 18 schemes brought to the decent homes standard and in the following six schemes a new investment standard will be trialled.

- Commodore Court
- Fairfields
- The White House
- The Vineries
- Lawrie Park Road
- Talbot Court

4 Policy context

4.1 The contents of this report are consistent with the Council’s policy framework. It supports the achievements of the Sustainable Community Strategy policy objectives:

- Ambitious and achieving: where people are inspired and supported to fulfil their potential.
- Empowered and responsible: where people can be actively involved in their local area and contribute to tolerant, caring and supportive local communities.
- Healthy, active and enjoyable: where people can actively participate in maintaining and improving their health and well-being, supported by high quality health and care services, leisure, culture and recreational activities.

4.2 The proposed recommendations are also in line with the Council policy priorities:

- Strengthening the local economy – gaining resources to regenerate key localities, strengthen employment skills and promote public transport.
- Clean, green and liveable – improving environmental management, the cleanliness and care for roads and pavements and promoting a sustainable environment.

5 Background and proposal

5.1 In July 2012 the Mayor received a report outlining the severe housing challenges in Lewisham and London more generally and as a result agreed to launch the “Housing Matters” programme. This consisted of
three interlinked streams of work designed to address those challenges, which were to review the options for the ownership and management of housing stock, to initiate a new build housing programme, and finally to review the Council’s policy for and approach to the delivery of housing specifically for its older residents.

5.2 This report focuses on the last of these three strands, on which significant progress has been made since the programme was launched. In October of 2015 a new extra care facility – Conrad Court - opened as part of the Marine Wharf development in Deptford, providing 78 new homes that are especially adapted to the needs of older residents, which meet all modern standards in relation to design, provide much greater flexibility for residents to be supported and cared for in their own homes for much longer, and thereby enable residents to maintain their independence at home for longer. In addition two further extra care schemes, both of which will meet these same high standards, are currently in development and are expected to be launched in 2017. Between them these will provide a further 111 new homes meeting this new modern standard, meaning a total new provision of nearly 200 new modern homes for older residents will be provided at that point.

5.3 In November 2014 Mayor and Cabinet agreed that the two Council extra care schemes, at Kenton Court and at Somerville, should be closed as they did not meet a modern standard of accommodation for older residents, and could not be adapted to do so. This process is on-going, with the tenants of both being supported into alternative accommodation.

5.4 This report now continues the theme of investing in specialist housing and focusses specifically upon the 18 sheltered housing schemes that the Council owns and which are managed by Lewisham Homes. These schemes offer age-specific housing for older Council tenants who choose to live in that setting.

5.5 The Council’s sheltered housing service provides support to some of the sheltered housing tenants during normal working hours via a floating support model. These tenants have been assessed as requiring this service, which is funded by the Council. The service is provided by a team of five officers who provide visiting support to the most vulnerable tenants, as well as drop in surgeries at the schemes to enable less vulnerable tenants to access the service when they are in need of support and assistance. The service is supplemented both during office hours and out of hours by the Lewisham Linkline service through an emergency warden call system whereby, in the event of an emergency, tenants can raise an alarm and a Linkline Officer will attend the premises to provide assistance.

5.6 In a number of boroughs, plans have been successfully implemented to create an enhanced housing management model, whereby most of the tasks that are undertaken through a floating support model can be undertaken by scheme housing managers. This arrangement has been
implemented successfully in, for instance, Hammersmith and Fulham, Southwark and Bromley. Under this arrangement the costs of housing management are charged as a service charge and can be met by housing benefits for any tenants in receipt of those.

5.7 Officers have been developing options for implementing a similar operating model across the 18 Council sheltered housing schemes. This follows on from the need to achieve revenue savings within supported housing and the saving plans that were agreed first by the Lewisham Future Programme Board and subsequently by the Mayor as part of the budget savings round agreed for 2015/16.

5.8 The basic premise of this approach, financially, is that the service is transferred from a care provider to a housing manager – in this case from the Council’s adult social care team to Lewisham Homes – that the cost of provision is met as a service charge and so the cost of the existing care provision – of approximately £350,000 per year, can therefore contribute to the revenue savings the Council is required to make.

5.9 Officers have developed three potential service delivery models, and associated charging levels, to enable a consultation with all sheltered about the proposed introduction of a service charging model, and to gauge support for the various levels of support that might be provided, from very little up to the introduction of scheme managers who might carry out some of the functions of the wardens who used to work out of sheltered housing schemes, as well as tasks such as security, dealing with anti-social behaviour issues, monitoring visitors to the schemes, managing CCTV, and dealing with the general upkeep of the schemes and the reporting of individual and communal repairs. These three models are set out in the next section.

5.10 Mayor and Cabinet should note that in the main the cost implication of any change such as this will be met by housing benefit. In recognition that, despite the eligibility for Housing Benefit, such an increase in charges may still cause financial hardship to a number of clients, it is proposed to establish a transitional support fund. The fund would be made available to any tenant who experiences difficulties as a result of these changes.

6 Proposed service models for consultation, and approach to consultation

6.1 In order to take these proposals forward it is recommended that officers immediately commence a programme of consultation across all 18 schemes. This would involve a drop-in session to which all tenants will have been invited in advance. Council housing officers will attend alongside representatives of the existing floating support team and of Lewisham Homes. At these sessions the rationale for change will be
explained and the three options in the table on the following page will be described.

<table>
<thead>
<tr>
<th>Option</th>
<th>Summary</th>
<th>Weekly service charge to tenant (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current service only</td>
<td>Provide sufficient housing management staff sufficient to replicate the existing service only</td>
<td>14.79</td>
</tr>
<tr>
<td>Minimal service expansion</td>
<td>Increase the existing support to provide scheme managers/wardens where potentially a manager is shared across two schemes</td>
<td>21.00</td>
</tr>
<tr>
<td>Full enhanced management service</td>
<td>Increase the existing support as above, but also to provide an enhanced repairs and maintenance service for low level repairs and an emergency response service</td>
<td>26.28</td>
</tr>
</tbody>
</table>

6.2 The consultation with residents at this early stage will provide tenants with the opportunity to influence the level and type of service that they would like to see, based on high level estimates of service models and costs as set out above. Based on the feedback from this consultation, which will include the support or otherwise for the changes in principle and then preferences around the preferred level of service, officers will be able to tailor a final solution and bring that back to Mayor and Cabinet for final decision making.

6.3 Mayor and Cabinet is also asked to note that officers are also working with all Registered Providers in the borough in order to support them to develop similar integrated housing management and support solutions rather than relying on council funded services.

7 Proposed capital investment programme

7.1 Separately to the plans for the revenue service for the schemes, officers have been reviewing options for capital investment into the physical fabric of the buildings, so that they might be brought, where practicable, as close to the standard that is being achieved in the new extra care schemes as possible.

7.2 As such, and to coincide with the period of engagement that will now follow with sheltered housing tenants, a new standard will be piloted in six of the 18 schemes. This standard will include, as a minimum:

- Much greater individual control over heating systems - where schemes have communal boilers these will be upgraded to install time and temperature controls and, where schemes have electric
storage heaters as the main heating source, these will be replaced with communal time and temperature controlled heating;

- The installation of energy efficiency measures to improve the efficiency of buildings and reduce tenants' bills;
- The development of suitable and appropriate communal facilities including consistency in decoration and furnishings;
- Enhanced weather protection to the main entrances and appropriate refuse arrangements
- Provision of adequate storage facilities for mobility aids, where possible.

7.3 The six of the 18 schemes in which this new standard will be trialled – which are set out below – the consultation exercise will be tailored to enable tenants to review this standard and consider additional or other changes at their request. The six schemes for the pilot of this approach are:

- Commodore Court
- Fairfields
- The White House
- The Vineries
- Lawrie Park Road
- Talbot Court

7.4 On all of the remaining 12 schemes, decent homes works will commence this year to ensure that, as a minimum, that level of investment standard is met. Over the coming years, and as the experience of the pilot can be evaluated, the new standard will be rolled out further across some or all of the remaining 12 schemes. Officer will shortly commence feasibility reviews to assess the extent to which the standard can be met across the remaining schemes.

8 Financial implications

8.1 There are no direct financial impacts arising from this report which seeks permission to consult residents on a new model of providing services to residents of the Council’s sheltered housing scheme.

8.2 However, there will be both TUPE and housing management cost implications depending which of the three options are chosen to replace the current services provided by community services in order to achieve saving proposals put forward as part of the councils Future Lewisham Programme.
8.3 The proposals are to discontinue with the current GF funded service and introduce an enhanced housing management service into the HRA, which will be paid for via a service charge to residents who access the service.

8.4 This service will be eligible for Housing Benefit. The current principles applied to the introduction of services charges within the HRA are that they are set to recover full costs, and make neither a surplus nor deficit.

8.5 This is to ensure that there is no adverse financial impact on the HRA which other tenants, who do not use the service, are not liable to cover.

8.6 The current options demonstrate both the current level of service cost and two other service levels with enhanced levels of service. Depending on the option chosen, the service charge level is likely to be £14.79, £21.00 or £26.28 per week.

8.7 For those tenants who currently receive benefits, the cost is likely to be covered by HB in full. Tenants who are not in receipt of benefits, or self-payers, will normally have to pay this additional charge in full.

8.8 A hardship fund would generally be aimed at anyone who has to pay for the service either in part or in full if it is not covered by Housing Benefit, and who may experience difficulty in paying the new charge. This could be funded for a period of up to two years via resources yet to be identified from the HRA, to be administered by Lewisham Homes from, April 2016. This is likely to cost between £100k - £177k depending on the option chosen.

8.9 The phasing-in of the introduction of a service charge would affect all tenants irrespective of status. The service charge would be introduced incrementally each year until the full charge was implemented in the target year. Under this option no hardship fund would be available for residents who are not in receipt of benefits.

8.10 The cost to the HRA of a phased implementation of a service charge would need to be assessed against the number of years upon which the implementation was based. However, it is likely to be a more costly option than the establishment of a hardship fund as it would affect all residents rather than just those who are not in receipt of HB. HRA resources have yet to be identified to cover any potential this shortfall in service charge income.

9 Legal Implications

9.1 The Authority has statutory power to make reasonable charges for relevant services under sections 11A and 24 of the Housing Act 1985, as amended. ("HA").
9.2. Section 11A of the HA states that

(1) "A local housing authority may provide in connection with the provision of housing accommodation by them ... such welfare services, that is to say, services for promoting the welfare of the persons for whom the accommodation is so provided, as accord with the needs of those persons.

(2) The authority may make reasonable charges for welfare services provided by virtue of this section.

(3) In this section "welfare services" does not include the repair, maintenance, supervision or management of houses or other property."

Under section 24(1) of the HA, local housing authorities have the power to “make such reasonable charges as they may determine for the tenancy or occupation of their houses” and “shall from time to time review rents and make such changes, either of rents generally or of particular rents, as circumstances may require”.

9.3 S. 103 HA requires the Council to serve a notice of variation on its tenants if it wishes to vary the terms of tenancies, including any increase or decrease in rent and other charges. The notice of variation must be served at least four weeks before it is to take effect.

9.4 Pursuant to s. 105 HA, the Council is under a duty to consult secure tenants likely to be affected substantially by a matter of housing management. ‘Housing management’ includes matters which relate to the provision of services or amenities in connection with the dwellings. A change in the provision of sheltered accommodation directly from the Council to Lewisham Homes, may substantially affect tenants occupying council sheltered accommodation and therefore engage the statutory duty to consult on that basis.

9.5 Consultation must be undertaken when proposals are still at a formative stage. This report confirms that consultation is planned with those tenants likely to be affected by the proposals.

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

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

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.
9.8 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

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


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

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

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


10 Crime and Disorder Implications

10.1 There are no crime and disorder implications arising directly from this report.

11 Equalities Implications

11.1 The recommendations in this report are intended to enable and
secure an effective enhanced housing management support service specifically for older tenants in sheltered housing. In doing so it will have a positive impact in relation to the age protected characteristic. It is also proposed to implement an interim support fund to mitigate the financial risks for tenants as a result of these implications. However, Officers will undertake an equalities analysis assessment once approval for this exercise is agreed. The results of which will be presented in a further report to Mayor and Cabinet following the outcome of the consultation.

12 Environmental implications

12.1 The report includes proposals to improve the energy efficiency of the Council’s sheltered stock, which will have environmental benefits generally and will also help to reduce fuel bills for tenants.

13 Background documents and originator

13.1 The following sets out the background documentation that is relevant to this report:

<table>
<thead>
<tr>
<th>Short Title of Document</th>
<th>Date</th>
<th>Location</th>
<th>Contact</th>
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<tr>
<td>Future of Housing</td>
<td>18 January 2012</td>
<td>Available at this link</td>
<td>Jeff Endean 020 8314 6213</td>
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<tr>
<td>“Housing Matters”: New investment and delivery approaches</td>
<td>11 July 2012</td>
<td>Available at this link</td>
<td>Jeff Endean 020 8314 6213</td>
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<tr>
<td>Housing Matters</td>
<td>16 January 2013</td>
<td>Available at this link</td>
<td>Jeff Endean 020 8314 6213</td>
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<tr>
<td>Housing Matters Programme Update</td>
<td>4 December 2013</td>
<td>Available at this link</td>
<td>Jeff Endean 020 8314 6213</td>
</tr>
<tr>
<td>The Council’s Extra Care Service at Kenton Court and Somerville</td>
<td>25 June 2014</td>
<td>Available at this link</td>
<td>Jeff Endean 020 8314 6213</td>
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<tr>
<td>The Council’s Extra Care Service at Kenton Court and Somerville</td>
<td>12 November 2014</td>
<td>Available at this link</td>
<td>Jeff Endean 020 8314 6213</td>
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13.2 If you would like any further information on this report please contact Jeff Endean on 020 8314 6213.
At the time of submission for the Agenda, I confirm that the report has:

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<thead>
<tr>
<th>Category</th>
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<tr>
<td>Legal Comments from the Head of Law</td>
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<td>X</td>
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<tr>
<td>Crime &amp; Disorder Implications</td>
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<td>X</td>
</tr>
<tr>
<td>Environmental Implications</td>
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<tr>
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<td>Reason for Urgency (as appropriate)</td>
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Signed: ___________________________ Executive Member

Date:  _______7th July 2015__________

Signed: ___________________________ Director/Head of Service

Date  _______6th July 2015 ________

Control Record by Committee Support

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<tr>
<td>Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)</td>
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1. Purpose

1.1 In December 2014 and March 2015 Housing Select Committee received in depth information and reports on the private rented sector. The Committee explored licensing schemes that have been and are being introduced in other London boroughs. It also considered the case for introducing an “additional” licensing scheme in Lewisham in order to improve conditions in this sector and in particular to build on the work of the Rogue Landlord Team to tackle the very worst conditions.

1.2 Having considered a range of licensing schemes and options, Lewisham officers were asked by the Housing Select Committee to prepare a business case with detailed costings for introducing discretionary licensing of private rented flats above commercial premises (primarily over shops) across the borough. The results were presented to Housing Select Committee at its meeting on 19 May 2015.

1.3 This report presents the rationale and business case for the designation of an “additional” licensing scheme within the area of the Lewisham housing authority for consideration by the Mayor.

2. Recommendation

The Mayor is recommended to:

2.1 Note relevant evidence gathered for Housing Select Committee which suggests the worst private rented sector housing in the borough is located in flats above commercial premises, particularly concentrated in secondary and tertiary shopping streets across the borough;

2.2 Note that, if it is decided to proceed with an additional licensing scheme for flats above commercial premises, there will be costs to the council of between £350k and £480k per year for a period of 5 years, i.e. a total of up to £2.4m over 5 years; and

2.3 To resolve that consideration of “additional” licensing in the area of the London Borough of Lewisham be approved and that the required public consultation be commenced by officers;

2.4 To resolve that officers develop the public consultation document containing the detailed proposals and terms of the scheme and report back on the results of the consultation to Mayor & Cabinet later this year
3. Background

3.1 Housing Select Committee considered the legal and local housing strategy context for licensing private sector landlords in December 2014 and March 2015 and explored three options:

- Whole borough selective (including additional) covering all of the borough’s private rented stock an estimated 33,000 properties
- Localised additional HMOs licensing
- Localised additional licensing of private rented flats and HMOs over commercial premises estimated at 4,223 lettings in 1,813 addresses

3.2 There was a very clear pattern of concentration of the poorest standards, conditions, hazards and services being located along high roads of 6 secondary shopping streets (Deptford, Lee, Hither Green, Brownhill Road, Sydenham and Brockley) see map at appendix 5.

3.3 There are many more small HMOs than there are mandatory HMOs and therefore the priority is now for licensing of smaller HMOs where conditions are worse. The worst conditions are found in private rented flats and HMOs over commercial premises in our secondary and tertiary shopping streets; these are seldom licensable under the mandatory scheme, so regulation is not covering the worst conditions in the borough.

3.4 The key findings considered by HSC were:

- There is some evidence to say that large HMOs provide more satisfactory housing than small HMOs,
- The only evidence of spatial concentration is the link to secondary shopping streets where there are flats over shops
- There is no evidence for any link between the poorest private rented housing and anti-social behaviour

3.5 Based on the detail behind these findings, Housing Select Committee concluded that an “additional” licensing scheme for private rented accommodation over commercial premises represented the best fit with the local housing strategy and accepted there is strong evidence that increased regulation of this part of the private rented sector is required.

3.6 In May 2015 the Committee further considered the business case for discretionary licensing of the private rented sector, under the Housing Act 2004, Parts 2 and 3. This report sets out the business case.

3.7 Discretionary Licensing enables local housing authorities to extend the regulation of management of private rented housing stock in designated areas. The business case for discretionary licensing must demonstrate that:

- The scheme will help deliver the housing authority’s strategic private sector housing policies;
- Quantitative evidence of problems created by poor private sector housing management;
- Evidence that licensing will sustainably assist with addressing the problem;
- Analysis to show that there is no alternative solution to address the problem;
- The scheme will operate for no more than five years and must be kept under review; if the exercise has achieved its objectives, it should be discontinued.
4. Licence fees and enforcement costs

**Licensing**

4.1 The Council are entitled to recover all costs relating to the operating of a licensing scheme by way of a licensing fee but cannot recover any set-up costs relating to the scheme.

4.2 Officers have modelled a number of scenarios based on varying numbers of properties and officer capacity to visit and process licenses. This has provided indicative information on the level of license fee needed to finance the scheme, and the cost to the general fund of essential programmes that are not legally license fee recoverable. This information has been used as the basis of the business case and will inform any consultation the council decides to undertake with landlords and agents.

4.3 The tables below give examples of projected costs and income over a 5 year period. In each scenario it can be seen that there are peaks and troughs of expenditure and income but that both schemes broadly cover their costs over the period, before taking into account set up costs.

<table>
<thead>
<tr>
<th>Table 1 – Fee @ £500 Percentage of lets covered 97.5%</th>
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<tbody>
<tr>
<td>Licensing Recoverable costs</td>
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<tr>
<td>Staffing costs</td>
</tr>
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<td>Other costs</td>
</tr>
<tr>
<td>Total expenditure</td>
</tr>
<tr>
<td>License fee income</td>
</tr>
<tr>
<td>Net licensing cost (surplus)</td>
</tr>
<tr>
<td>Set up costs (Irrecoverable)</td>
</tr>
<tr>
<td>Net cost to Council</td>
</tr>
</tbody>
</table>
Table 2 – Fee @ £550 Percentage of lets covered 85%

<table>
<thead>
<tr>
<th>Licensing Recoverable costs</th>
<th>1 £k</th>
<th>2 £k</th>
<th>3 £k</th>
<th>4 £k</th>
<th>5 £k</th>
<th>Total £k</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staffing costs</td>
<td>376</td>
<td>262</td>
<td>206</td>
<td>147</td>
<td>151</td>
<td>1,142</td>
</tr>
<tr>
<td>Other costs</td>
<td>159</td>
<td>127</td>
<td>112</td>
<td>95</td>
<td>98</td>
<td>591</td>
</tr>
<tr>
<td><strong>Total expenditure</strong></td>
<td>535</td>
<td>389</td>
<td>318</td>
<td>242</td>
<td>249</td>
<td>1,733</td>
</tr>
<tr>
<td>License fee income</td>
<td>-716</td>
<td>-406</td>
<td>-281</td>
<td>-144</td>
<td>-151</td>
<td>-1,698</td>
</tr>
<tr>
<td><strong>Net licensing cost (surplus)</strong></td>
<td>-181</td>
<td>-17</td>
<td>39</td>
<td>98</td>
<td>98</td>
<td>36</td>
</tr>
<tr>
<td>Set up costs (Irrecoverable)</td>
<td>305</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>305</td>
</tr>
<tr>
<td><strong>Net cost to Council</strong></td>
<td>124</td>
<td>-17</td>
<td>38</td>
<td>98</td>
<td>98</td>
<td>341</td>
</tr>
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</table>

4.4 The modelling suggests that a fee of between £500 and £550 would be required to cover costs. A illustration of what this might mean for HMO of carrying sizes is set out in appendix 1.

4.5 The is higher than the current fee for the mandatory scheme but is comparable with schemes run by other boroughs as can be seen in appendix 2.

4.6 The Mandatory HMO scheme which has been in place since 2006. The licence fee under that scheme was last reviewed in 2012. A review of the fee charged has reached the conclusion that the it does not fully recover the costs of the managing the scheme. This will be rectified by setting the fee at the same level as the additional licensing scheme.

4.7 The recommendation is therefore to raise the mandatory license fee to cover the Council’s costs of administering the scheme and bring it in line with other London boroughs will be referred to the Supplementary Licensing Committee. There will also be a recommendation to match the fee proposed for the “additional” scheme if a decision is taken by M&C in December 2015 for the scheme to proceed, so the two schemes operate on a level playing field.

4.8 There is no specific statutory requirement to consult on the level at which the Mandatory license fee is set. However it is proposed that existing license fee holders be formally consulted and their views considered prior to taking a final decision.

**Enforcement**

4.9 The cost of enforcement against any unlicensed landlords cannot be financed from license fee income. (Hemming v Westminster Council (Supreme Court 29th April 2015 – although the case involved licensing of sex establishments, the principles here are
The financial modelling have undertaken is consistent with case law to date on setting license fees.

4.10 Based on the criteria used in Tables 1 and 2, the table below shows the estimated cost to the Council of enforcement action arising from the scheme:

<table>
<thead>
<tr>
<th>Year</th>
<th>1 £k</th>
<th>2 £k</th>
<th>3 £k</th>
<th>4 £k</th>
<th>5 £k</th>
<th>Total £k</th>
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</thead>
<tbody>
<tr>
<td>Staffing Costs</td>
<td>107</td>
<td>501</td>
<td>713</td>
<td>69</td>
<td>71</td>
<td>1,461</td>
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<tr>
<td>Other Costs</td>
<td>38</td>
<td>224</td>
<td>324</td>
<td>19</td>
<td>20</td>
<td>625</td>
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<tr>
<td>Total Enforcement costs</td>
<td>147</td>
<td>726</td>
<td>1,038</td>
<td>89</td>
<td>91</td>
<td>2,091</td>
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</table>

5. Consultation

5.1 Consultation and consideration of the results of it in framing proposals are a legal requirement. (s. 56(3) Housing Act 2004.) "Before making a designation, the authority must (a) take reasonable steps to consult persons who are likely to be affected by the designation; and (b) consider any representations made in accordance with the consultation and not withdrawn."

On 30th March 2010, the Secretary of State issued a general approval (for this type of licensing designation, amongst others) to all local housing authorities in England, conditional upon the consultation under s.56(3) for “additional” licensing schemes to last for not less than 10 weeks. The outcome of the Judicial Review of Enfield’s discretionary licensing scheme proposals underscores the fact that the minimum consultation period (of 10 weeks) in fact may require more extended and extensive consultation. (R v LB Enfield (2014) EWHC 4173 (Admin) including with stakeholders in neighbouring boroughs. Croydon has recently extended their consultation by a further ten weeks in order to include nine neighbouring boroughs.

5.2 The cost of public consultation can vary depending on whether Councils commission independent consultancy firms.

5.3 Local authorities elsewhere have committed substantial budgets to external consultants to undertake statutory consultation, particularly where whole borough selective licensing schemes have been introduced. The proposed ‘additional’ licensing scheme is much less extensive and affects only a discrete segment of the private rented sector in Lewisham. A consultation exercise is being worked up to an indicative budget of £25k.

5.4 This proposed scheme will be run in-house, maximising the use of existing forums and channels and using our interactive ‘Survey Monkey’ facility. Costs will be incurred in placing advertisements in local media, producing printed material and postage (including business return envelopes) for those respondents who do not want to respond online. It is proposed to limit consultation on this scheme to:

- Publication of this report with all appendices on the Lewisham web-site and at Council offices, libraries and leisure centres
- On-line survey promoted to landlords and tenants of flats over shops
- Campaign in the local media to publicise the consultation exercise
- Leaflet drop to all shops and commercial premises in the borough with a hard copy of the survey questionnaire, pointing respondents at the on line report
presentation to an event for our 1000+ database of private sector landlords inviting their feedback on proposals for the pilot

6. Financial Implications

6.1 The estimated financial impact of the proposed scheme is in the region of £2.4m over 5 years. This is made up of £0.3m set up costs for the additional licensing scheme and £2.1m for subsequent enforcement action, as illustrated in section 4. Neither set of costs are recoverable through the licence fee whereas the cost of the operation of the licensing scheme is fully recoverable.

6.2 This report seeks Mayor and Cabinet approval to consult on the implementation of the scheme. The financial implications of agreeing to the recommendations is limited to the costs of consultations, currently estimated to be £25k. This can be met from existing resources within the Customer Services directorate budget.

6.3 If, after consultation, it is agreed to implement the scheme it should be noted that no specific budget provision currently exists. Funding for the scheme will need to be met from growth, which reduces resources for other services, or by cutting budgets for existing services.

7. Legal Implications

7.1 Section 56 (1) of the Housing Act 2004 ("HA 2004") provides that a "a local housing authority may designate either (a) the area of their district, or (b) an area in their district, as subject to additional licensing in relation to a description of HMO's specified in the designation, if the requirements of this section are met."

7.2 The requirements are as follows:-

- "The authority must consider that a significant proportion of the HMO's of that description [namely, 'Private Rented Sector Flats over Commercial Premises'] in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMO's or for members of the public. (s. 56(2))"

- "In forming an opinion...[for the purposes of s. 56(2), the authority must have regard to any information regarding the extent to which any codes of practice approved under s. 233 have been complied with by persons managing HMO's in the area in question."

- "Before making a designation the authority must (a) take reasonable steps to consult persons who are likely to be affected by the designation; and (b) consider any representations made in accordance with the consultation and not withdrawn." (See further consideration of this aspect within paragraph 5.1 above.)

7.3 When exercising their power to make a designation under s. 56 HA 2004, "the authority must ensure that any exercise of the power is consistent with the authority's overall housing strategy." (s. 57(2)) "The authority must also seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector, both (a) as regards combining licensing under ...[Part 2 HA 2004] with other courses of action available to them, and (b) as regards combining such licensing with measures taken by other persons." (s. 57(3))
7.4 “The authority must not make a particular designation under section 56 unless (a) they have considered whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of dealing with the problem or problems in question, and (b) they consider that making the designation will significantly assist them to deal with the problem or problems (whether or not they take any other course of action as well).”

7.5 Designation of an area for “additional” licensing, falls within a description of designations in relation to which the Secretary of State on 30th March 2010 has issued a general approval to all local housing authorities in England. That general approval is however conditional upon the consultation carried out under s.56(3) lasting for not less than 10 weeks. (Refer also to paragraph 5.1 above for more details.)

7.6 “By virtue of a general approval, a designation does not need to be confirmed before it comes into force, designation comes into force on the date specified for this purpose in the designation. (s. 58(6)) “That date must be no earlier than three months after the date on which the designation is made”. (s. 58(8). Then, as soon as the designation is “made”, the authority must publish a notice in the prescribed manner, in accordance with the provisions of s. 59.

7.7 Given the context of this, the Council’s statutory obligations pursuant to the 2010 Equality Act are relevant when creating and implementing this policy.

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

7.9 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
• eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
• advance equality of opportunity between people who share a protected characteristic and those who do not.
• foster good relations between people who share a protected characteristic and those who do not.

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

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

7.12 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

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

8. Crime And Disorder Implications

8.1 There are no crime and disorder implications

9. Equalities Implications

9.1 An Equalities Impact assessment will be prepared alongside the development of a detailed scheme.

8. Conclusions

8.1 A viable and costed business case for additional licensing has been worked up. The next steps, if accepted are to work up a detailed scheme and to undertake a consultation with all affected parties. Feedback from the consultation would be considered by the Mayor later this year. If approved, there would be costs to the council of up to £350 – 480k per year for 5 years ie a maximum of £2.4m.

9. Background Documents And Report Author

9.1 There are no background documents to this report.

9.2 If you require any further information about this report, please contact Madeleine Jeffery on 020 8314 9484.
## Appendix 1

**PROPOSED**

Illustration of fee scale for a 5 year license for HMOs of varying sizes on first application – current and proposed

<table>
<thead>
<tr>
<th>No. households</th>
<th>Current full fee</th>
<th>Current discounted fee</th>
<th>Proposed full fee</th>
<th>Proposed discounted fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>£360</td>
<td>£288</td>
<td>£1,000</td>
<td>£800</td>
</tr>
<tr>
<td>3</td>
<td>£540</td>
<td>£432</td>
<td>£1,500</td>
<td>£1,200</td>
</tr>
<tr>
<td>4</td>
<td>£720</td>
<td>£576</td>
<td>£2,000</td>
<td>£1,600</td>
</tr>
<tr>
<td>5</td>
<td>£900</td>
<td>£720</td>
<td>£2,500</td>
<td>£2,000</td>
</tr>
<tr>
<td>6</td>
<td>£1,080</td>
<td>£864</td>
<td>£3,000</td>
<td>£2,400</td>
</tr>
<tr>
<td>7</td>
<td>£1,260</td>
<td>£1,008</td>
<td>£3,500</td>
<td>£2,800</td>
</tr>
<tr>
<td>8</td>
<td>£1,440</td>
<td>£1,152</td>
<td>£4,000</td>
<td>£3,200</td>
</tr>
<tr>
<td>9</td>
<td>£1,620</td>
<td>£1,296</td>
<td>£4,500</td>
<td>£3,600</td>
</tr>
<tr>
<td>10+</td>
<td>£1,800</td>
<td>£1,440</td>
<td>£5,000</td>
<td>£4,000</td>
</tr>
</tbody>
</table>

Registered charities will receive a further 50% discount on the fees listed above.

If you have any queries regarding the calculation of the fee, please do not hesitate to contact:
## Appendix 2

### HMO Licensing Fees for London Boroughs

<table>
<thead>
<tr>
<th>Borough</th>
<th>Cost of HMO Licence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brent</td>
<td>£540</td>
</tr>
<tr>
<td>Ealing</td>
<td>£994 + £30 per habitable room</td>
</tr>
<tr>
<td>Greenwich</td>
<td>£140 per letting</td>
</tr>
<tr>
<td>Hackney</td>
<td>£500 per letting</td>
</tr>
<tr>
<td>Hammersmith and Fulham</td>
<td>£1,060 + £16 per habitable room</td>
</tr>
<tr>
<td>Hounslow</td>
<td>£1,359.98 per building</td>
</tr>
<tr>
<td>Kensington and Chelsea</td>
<td>Up to £1,400 for average sized property</td>
</tr>
<tr>
<td>Lambeth</td>
<td>£250 per room</td>
</tr>
<tr>
<td>Lewisham</td>
<td>£180 per letting</td>
</tr>
<tr>
<td>Newham</td>
<td>£500 per letting</td>
</tr>
<tr>
<td>Redbridge</td>
<td>£670 up to 5 persons, £720 for 6 – 10 persons</td>
</tr>
<tr>
<td>Southwark</td>
<td>£180 per bedroom</td>
</tr>
<tr>
<td>Waltham Forest</td>
<td>£930 per building up to 6 units</td>
</tr>
</tbody>
</table>
Appendix 3

Updated status of what other London Boroughs are doing with discretionary licensing

A variety of schemes have been or are in the process of being introduced in other London local authorities. They are as follows:

(a) Whole borough selective:
   • Barking and Dagenham
   • Newham
   • Waltham Forest
   • Enfield, whose whole borough selective has the go-ahead but following a judicial review the whole borough additional licensing has been found to be unlawful,
   • Croydon

(b) Whole borough additional:
   • Hounslow
   • Camden

(c) Whole borough additional, plus local area limited selective:
   • Brent: 3 ward selective scheme

(d) Local area only:
   • Islington: additional HMO licensing in Caledonian Road and Holloway Road wards
   • Haringey (also Article 4 Directive, removal of permitted development rights for HMO use class in Tottenham)
   • Ealing: additional in Southall Green, Southall Broadway, Greenford Broadway, South Acton, Acton Central and East Acton wards

(e) Schemes in consultation:
   • Southwark: consulting on whole borough additional and a localised scheme for selective licensing in an area of poor quality PRS, associated with ASB.
   • Redbridge; whole borough selective and additional

(f) Boroughs developing their thinking:
   • Hackney
   • Tower Hamlets
   • Lambeth
   • Royal Borough of Greenwich

2.8 A review of what other London boroughs have in place and what is known about those authorities that are developing their thinking indicates that there is no leading discretionary licensing model in London. There are:

• Three whole borough selective/additional schemes are in place with a further three potential schemes under consultation (assuming Enfield proceed with their appeal);
• Two whole borough additional schemes –with localised selective schemes sitting alongside it – could be joined by one more currently in consultation on this model;
• Three other boroughs whose thinking to date is (informally) against whole borough selective/additional licensing;
• Three other authorities have only introduced localised selective schemes.
Chief Officer Confirmation of Report Submission
Cabinet Member Confirmation of Briefing

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

Information Part 1 ✓ Part 2 ❋ Key Decision ❋

Date of Meeting 15th July 2015
Title of Report Financial Forecasts 2015/16
Originator of Report Selwyn Thompson Ext. 46932

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

<table>
<thead>
<tr>
<th>Category</th>
<th>Yes</th>
<th>No</th>
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<tr>
<td>Financial Comments from Exec Director for Resources</td>
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<td></td>
</tr>
<tr>
<td>Legal Comments from the Head of Law</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Crime &amp; Disorder Implications</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Environmental Implications</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Equality Implications/Impact Assessment (as appropriate)</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Confirmed Adherence to Budget &amp; Policy Framework</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Risk Assessment Comments (as appropriate)</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Reason for Urgency (as appropriate)</td>
<td>N/A</td>
<td></td>
</tr>
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</table>

Signed: [Signature] Executive Member

Date: 7th July 2015

Signed: [Signature] Executive Director/Head of Service

Date: [Signature]

Control Record by Committee Support

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<tr>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Listed on Schedule of Business/Forward Plan (if appropriate)</td>
<td></td>
</tr>
<tr>
<td>Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)</td>
<td></td>
</tr>
<tr>
<td>Submitted Report from CO Received by Committee Support</td>
<td></td>
</tr>
<tr>
<td>Scheduled Date for Call-in (if appropriate)</td>
<td></td>
</tr>
<tr>
<td>To be Referred to Full Council</td>
<td></td>
</tr>
</tbody>
</table>
1. EXECUTIVE SUMMARY

1.1 This report sets out the financial forecasts for 2015/16 as at 31 May 2015. The key areas to note are as follows:

i. There is a forecast overspend of £8.6m against the directorates’ net general fund revenue budget. This is set out in more detail in sections five to nine of this report. This compares to a final outturn of £5.2m for 2014/15 which resulted after applying £3.9m of funding for ‘risks and other budget pressures’ against the directorates’ year-end overspend of £9.1m for that year.

ii. For the Dedicated Schools Grant (DSG) there are three schools which are expected to report and apply for a licensed deficit by the year end. This is set out in more detail in section 11 of this report.

iii. The Housing Revenue Account (HRA) is projected to spend to budget. This is after a budgeted surplus is transferred to reserves at the end of the year and is mainly to ensure that there are sufficient resources available to fund the current housing programme over the medium term. This is set out in more detail in section 12 of this report.

iv. As at 31 May 2015, council tax collection is broadly achieving this year’s profile and is at a similar level to this time last year. Business rates collection is 0.5% higher than the same period last year and is 4.3% higher than the required profile collection to achieve the target of 99% for the year. This is set out in more detail in section 13 of this report.

v. For the 2015/16 capital programme, the forecast expenditure for the year is now £154.8m, compared to the figure presented in the Budget Report 2015 of £132.6m. At 31 May 2015, some 7% of the forecast had been spent (£11.4m), which is below the profile figure expected if the programme is to be delivered in full. This is set out in more detail in section 14 of this report. The comparable figure to 31 May last year was 11% of the budget of £136.5m, with the final outturn being 89% of the revised budget of £137.3m.

2. PURPOSE

2.1 The purpose of this report is set out the financial forecasts for 2015/16 as at the end of May 2015, projected to the year end.
3. RECOMMENDATIONS

3.1 The Mayor is recommended to:

3.3.1 Note the current financial forecasts for the year ending 31 March 2015 and the action being taken by the Executive Directors to manage down the forecasted year-end overspend.

3.3.2 Note the updated capital programme budgets which have been set out in section 14 of this report.

4. POLICY CONTEXT

4.1 Reporting financial results in a clear and meaningful format contributes directly to the council’s tenth corporate priority: inspiring efficiency, effectiveness and equity.

5. DIRECTORATE FORECAST OUTFURN

5.1 The forecasts against the directorates’ general fund revenue budgets are shown in Table 1 below. In summary, a forecast year end overspend of £8.6m is being reported as at the end of May 2015. At the same time last year, an overspend of some £11.2m was forecast. Members should note that for 2015/16 there is a sum of £3.2m held corporately for managing ‘risks and other budget pressures’ which emerge during the year. The Executive Director for Resources and Regeneration will give due consideration as to when it might be appropriate to apply this sum to alleviate budget pressures. This consideration will happen towards the end of the financial year, after assessing the progress that has been made to manage down the current forecast overspend.

Table 1 – Overall Directorate position for 2015/16

<table>
<thead>
<tr>
<th>Directorate</th>
<th>Gross budgeted spend</th>
<th>Gross budgeted income</th>
<th>Net budget</th>
<th>Forecast over/ (under) spend May 2015</th>
<th>Final Outturn 2014/15</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£m</td>
<td>£m</td>
<td>£m</td>
<td>£m</td>
<td>£m</td>
</tr>
<tr>
<td>Children &amp; Young People (1)</td>
<td>68.9 (17.8)</td>
<td>51.1</td>
<td>4.7</td>
<td>9.9</td>
<td></td>
</tr>
<tr>
<td>Community Services</td>
<td>170.7 (74.4)</td>
<td>96.3</td>
<td>2.0</td>
<td>(2.3)</td>
<td></td>
</tr>
<tr>
<td>Customer Services (2)</td>
<td>87.6 (48.2)</td>
<td>39.4</td>
<td>3.0</td>
<td>3.6</td>
<td></td>
</tr>
<tr>
<td>Resources &amp; Regeneration</td>
<td>42.0 (13.0)</td>
<td>29.0</td>
<td>1.1</td>
<td>(2.1)</td>
<td></td>
</tr>
<tr>
<td>Directorate Totals</td>
<td>369.2 (153.4)</td>
<td>215.8</td>
<td>8.6</td>
<td>9.1</td>
<td></td>
</tr>
<tr>
<td>Corporate Items</td>
<td>30.4 0.0</td>
<td>30.4</td>
<td>0.0</td>
<td>(3.9)</td>
<td></td>
</tr>
<tr>
<td>Net Revenue Budget</td>
<td>399.6 (153.4)</td>
<td>246.2</td>
<td>8.6</td>
<td>5.2</td>
<td></td>
</tr>
</tbody>
</table>

(1) – gross figures exclude £276m Dedicated Schools’ Grant expenditure and matching grant income
(2) – gross figures exclude approximately £240m of matching income and expenditure for housing benefits.

5.2 The financial forecasts at this stage of the year are usually higher than resulting outturn for various reasons. However, similar to the scale of the variances projected last year, the current overspending projections are significantly greater than those in recent earlier years. This suggests that the council continues to face budget pressures of a different order than normal.
5.3 Directorate Expenditure Panels (DEPs) have been in operation throughout 2014/15, with the Corporate Expenditure Panel (CEP) becoming operational in October 2014. Subject to a review by the Chief Executive and the Executive Director for Resources and Regeneration, the CEP is expected to remain in operation until that review has been concluded. This will ensure that a regular corporate oversight of the council’s financial spending position remains. Although the council ended last year with an overall overspend of £5.2m, these measures ensured that the variance was no worse. Although some of the budget pressures reported throughout the course of the last year have been alleviated with the allocation of corporate funding, a number of pressures have continued into this financial year. Therefore, close scrutiny of the financial position will again be very important.

5.4 Furthermore, delivering a large package of revenue budget savings for 2015/16 is managerially complex and challenging. There is an inherent risk that some savings will be delivered later than planned, which would results in overspends within the year. As a result, officers will take a greater focus on monitoring the progress of savings being implemented.

5.5 The table below sets out the proportion of agreed savings delivered in the year. Any variances are included in the overall forecasts shown in the table above.

### Table 2 – Forecast Savings Delivery

<table>
<thead>
<tr>
<th>Directorate</th>
<th>Savings Agreed for 2015/16</th>
<th>Forecast Delivery</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£m</td>
<td>£m</td>
<td>£m</td>
</tr>
<tr>
<td>Children &amp; Young People</td>
<td>6.8</td>
<td>5.6</td>
<td>1.2</td>
</tr>
<tr>
<td>Community Services</td>
<td>14.6</td>
<td>11.0</td>
<td>3.6</td>
</tr>
<tr>
<td>Customer Services</td>
<td>3.7</td>
<td>3.1</td>
<td>0.6</td>
</tr>
<tr>
<td>Resources &amp; Regeneration</td>
<td>2.2</td>
<td>2.1</td>
<td>0.1</td>
</tr>
<tr>
<td>Corporate</td>
<td>4.6</td>
<td>4.6</td>
<td>0.0</td>
</tr>
<tr>
<td>Corporate Budget Adjustment</td>
<td>(3.2)</td>
<td>0.0</td>
<td>(3.2)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>28.7</strong></td>
<td><strong>26.4</strong></td>
<td><strong>2.3</strong></td>
</tr>
</tbody>
</table>

6 CHILDREN AND YOUNG PEOPLE’S SERVICES

6.1 As at the end of May 2015, the children and young people’s directorate is forecasting an overspend of £4.7m. At the same time last year, the year-end forecast was an overspend of £8.1m, with the actual year-end outturn being an overspend of £9.9m.

### Table 3 – Children & Young People Directorate

<table>
<thead>
<tr>
<th>Service Area</th>
<th>Gross budgeted spend</th>
<th>Gross budgeted income – including grants*</th>
<th>Net budget</th>
<th>Forecast Final Outturn 2015/16</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£m</td>
<td>£m</td>
<td>£m</td>
<td>£m</td>
<td>£m</td>
</tr>
<tr>
<td>Children’s Social Care Services</td>
<td>40.0</td>
<td>(1.1)</td>
<td>38.9</td>
<td>41.9</td>
<td>3.0</td>
</tr>
<tr>
<td>No Recourse to Public Funds</td>
<td>3.6</td>
<td>0.0</td>
<td>3.6</td>
<td>4.6</td>
<td>1.0</td>
</tr>
</tbody>
</table>
6.2 The most significant cost pressures for the directorate fall within the children’s social care and no recourse to public funds service areas and together amount to £4m. The key issues pertaining to the pressures have been set out in the following paragraphs.

6.2.1 For clients with no recourse to public funds, there is cost pressure of £1m. There are currently 236 clients with no recourse to public funds against a peak of 286 in June 2014. The estimated cost to the end of year of the current clients is £4.6m.

6.2.2 The pilot team has been working with the Home Office to get code 1a (entitlement to mainstream benefits) granted for cases the council is supporting. In total, 102 cases have now been granted this status change. The full year impact, once all of these cases have been transitioned is £2.5m per annum. It is anticipated that it takes an average of four to five months to ensure that a comprehensive resettlement process is completed. This will also reduce the likelihood of representations back to the council’s housing needs service. Within the forecast, there is a saving of £1m which has been built into the figures. Once the full year impact of this is seen in 2016/17, it is expected that spend will be within the current budget level of £3.6m.

6.2.3 Over the course of the year, there will be some new clients who present themselves to the council. Some will result in costs, but it is anticipated there will be a reduction in spend as support is ceased to other non code 1a clients. Officers are undertaking further work on the likely profile of new clients and clients which the council cease to support. Therefore, the forecast will be adjusted appropriately over the coming months.

6.2.4 The placement budget for looked after children is currently forecast to overspend by £1.7m with the current number of looked after children totalling 472. Total revenue budget savings on the placement budget of £1.5m were agreed by the Mayor for 2015/16. The work to implement these savings has been delayed due to staff changes. It is expected that some savings will be generated, but only toward the end of the financial year, with the full year effect likely to come through in 2016/17. The shortfall for 2015/16 is estimated to be in the region of about £1.2m and this is included in the above overspend figure.

i. Children leaving care is currently forecast to overspend by £1m. The numbers of clients now total 84, whereas the average for last year was 74.

ii. There is an additional pressure on the Section 17 unrelated to no recourse to public funds of £0.3m.

6.3 The only other budget pressure in the rest of the directorate is on schools’ transport within the partnerships and targeted services area. The final outturn on schools’ transport at end of 2014/15 was an overspend of £1.1m. This has been subsequently reduced to £0.7m and there has been progress on the increased use...
of independent travel and direct payments. Officers have commenced the work on devolving transport to schools.

6.4 The key unit costs and activity levels within children’s social care are summarised in the following table.

Table 4 – Fostering Client Numbers

<table>
<thead>
<tr>
<th>Placement type</th>
<th>Average weekly unit costs</th>
<th>Client numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local authority fostering</td>
<td>409</td>
<td>365</td>
</tr>
<tr>
<td>Agency fostering</td>
<td>908</td>
<td>867</td>
</tr>
<tr>
<td>Residential homes</td>
<td>3,486</td>
<td>3,127</td>
</tr>
</tbody>
</table>

6.5 The unit cost information set out in the table above demonstrates the importance of the directorate’s strategy for shifting the balance of provision towards fostering, as well as reducing costs. As an example, every client moving from agency to local authority fostering results in a saving of around £26k per annum and around £134k for every movement from a residential placement to agency fostering.

7 COMMUNITY SERVICES

7.1 As at the end of May 2015, the community services directorate is forecasting an overspend of £2.0m. At the same time last year, the year-end forecast was an overspend of £1.1m, with the actual year-end outturn being an underspend of £2.3m.

Table 4 – Community Services

<table>
<thead>
<tr>
<th>Service Area</th>
<th>Gross budgeted expenditure</th>
<th>Gross budgeted income</th>
<th>Net budget</th>
<th>Forecast over/ (under) spend</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£m</td>
<td>£m</td>
<td>£m</td>
<td>£m</td>
</tr>
<tr>
<td>Adult Services Division</td>
<td>116.6</td>
<td>(43.5)</td>
<td>73.1</td>
<td>1.9</td>
</tr>
<tr>
<td>Cultural and Community Development</td>
<td>20.1</td>
<td>(7.1)</td>
<td>13.0</td>
<td>0.3</td>
</tr>
<tr>
<td>Public Health</td>
<td>12.3</td>
<td>(15.0)</td>
<td>(2.7)</td>
<td>0.0</td>
</tr>
<tr>
<td>Crime Reduction &amp; Supporting People</td>
<td>19.8</td>
<td>(8.7)</td>
<td>11.1</td>
<td>0.4</td>
</tr>
<tr>
<td>Strategy &amp; Performance</td>
<td>1.9</td>
<td>(0.1)</td>
<td>1.8</td>
<td>0.0</td>
</tr>
<tr>
<td>Community Reserves – transfers from reserves</td>
<td>1.9</td>
<td>(0.1)</td>
<td>1.8</td>
<td>(0.6)</td>
</tr>
<tr>
<td>Total</td>
<td>170.7</td>
<td>(74.4)</td>
<td>96.3</td>
<td>2.0</td>
</tr>
</tbody>
</table>

7.2 These forecasts assume no community services spend on budgets transferred to other directorates as part of reorganisations of business support, strategy and performance. The forecasts include the drawdown of £0.6m from earmarked reserves which had been created at the end of 2014/15 from underspends in that year.
7.3 The adult services division is forecast to overspend by £1.9m. This projection assumes achievement later in the year of revenue budget savings of £1m in addition to savings already achieved and includes use of non-recurrent funding totalling £1.3m. At the end of the last financial year, adult services overspent by £2m.

7.4 There are a number of over and underspends forecast against individual services within adult social care. The key issues for members to note are as follows:

i. The largest overspends are on budgets for packages and placements where current forecasts are for an overspend of up to £3.2m.

ii. Although there are some demographic pressures, these overspends are largely as a result of delayed achievement of savings proposals. Savings totalling £7.5m were agreed for adult social care for 2015/16 and these are in addition to the revenue budget savings of £6.8m agreed for 2014/15. In most cases, these budget savings have been implemented, but the full impact will take some months to come through because it requires a review of individual packages.

iii. In two cases, the implementation is considered complex and is yet to be started.

   A2i Learning disability supported accommodation. This is the subject of a report to Mayor & Cabinet (Contracts) on 15 July 2015

   A3 Re-configuration of day care including transport. This is the subject of a report to Mayor & Cabinet on 15 July 2015.

iv. The following revenue budget savings will not be achieved until 2016/17:

   • Meals - £250k – contract expires in 2016/17
   • Support Services (sheltered housing, linkline etc.) – £250k

v. The impact of delayed achievement has been partially offset in 2015/16 by use of non-recurrent funding received from health of £1.25m. The underlying overspend, excluding this one-off support, is £3.1m.

vi. Overall, underachievement of £2.7m against the savings target is forecasted this year.

vii. The forecast assumes full spend of the Better Care Fund and the specific grants paid in 2015/16 for implementation of the Care Act. In the first two months, spend against each of these has been lower than expected. Any emerging budgetary pressures will be monitored and, if it becomes likely that any of these budgets will be underspent, this will be reported in subsequent financial forecast reports.

viii. As in 2014/15, there is a pressure on budgets for the Deprivation of Liberty Safeguards. The spend of £0.3m is projected on community services budgets in 2015/16. The Department of Health has announced a once-off grant of £145k which leaves a pressure of £0.2m.
ix. The forecasts in this report do not include the effect of transitions from children’s social care.

x. The forecasts assumes that the £2.2m growth allocated for the increase in London living wage, payment of travelling time etc. will be spent in full. If elements are not implemented, the community services budget will be reduced by the appropriate amount for those elements so the variance will not change.

7.5 The cultural and community services division is forecasting an overspend of £0.3m. This compares to an underspend of £1.6m at 2014/15 outturn. However, transfers from earmarked reserves will reduce this overspend down to £0.1m. The voluntary and community sector grants budget is forecasting an overspend of £0.2m. However, this variance will be fully offset by the agreed use of a £0.2m earmarked reserve set aside to cover the cost of additional once off grant allocations for 2015/16. An underspend of £0.1m is expected on the libraries budget which relates to the budget set aside to meet the prudential borrowing costs associated with the capital works at Manor House Library. There will also be a managed underspend of £0.12m on the leisure management lifecycle and dilapidations budget which will offset the overspend resulting from slippage on the implementation of the 2015/16 savings proposals on the Broadway Theatre.

7.6 There is a £0.1m overspend forecast on the Deptford Lounge budget due to a combination of low levels of income generated from third party room hire and the increasing cost of reactive maintenance on the building. The Broadway Theatre budget is forecasted to overspend by £0.17m due to slippage against the delivery of 2014/15 and 2015/16 savings and essential equipment and technical works. This will be reduced, however, by transfers from reserves to fund the equipment and technical works (£0.05m). The remaining financial pressure of £0.12m on the Broadway Theatre will be contained within the overall divisional budget and will be offset by a managed underspend on the leisure management lifecycle and dilapidations budget.

7.7 An underspend of £0.1m on the Local Assemblies Fund devolved budget was carried forward to 2015/16 through an earmarked reserve. Spend of this in 2015/16 will show as an overspend on the service budget, but this will be fully funded by a drawdown from the reserve.

7.8 The Adult Learning Lewisham (formerly Community Education Lewisham) service is almost entirely funded from a combination of grant from the Skills Funding Agency (SFA) and student fee income. The curriculum delivery plan for the 2015/16 academic year will be set in line with available resources and the service is currently expected to spend to budget.

7.9 An overspend of £0.4m is forecast for crime reduction and supporting people. This compares to an underspend of £1.4m in 2014/15. The agreed saving of £0.8m resulting from the review of the crime, enforcement and regulatory services functions will not be delivered in full for 2015/16 as the implementation date for the new service has been delayed until 3 August 2015. Officers are currently projecting an overspend of £0.2m as a result of this delayed implementation date. The full costs of the redundancies arising from the service restructure will be funded centrally following the agreement to transfer £0.2m to reserves from the service underspend in 2014/15.
7.10 At this stage, an overspend of £0.1m is projected on the budget for secure remand placements within the *youth offending service*. This comes as a result of a reduction in the 2015/16 grant paid by the Ministry of Justice to part fund the cost of secure remand placements in young offenders’ institutes. The current overspend of £0.1m represents the loss of grant and currently assumes similar remand activity levels to 2015/16. However, this can be a volatile area of spend which is not entirely controllable in that costs are driven by the number of local young people ordered into secure remand by the courts, the severity of their offences and hence how long they are held pending the court process. Additionally, £0.1m will be spent in 2015/16 to fund the replacement of the current youth offending information system. This is the data management system specific to youth justice providers across England and Wales. This will also represent an overspend against the service budget, but will be funded by a transfer from an earmarked reserve created at the end of 2014/15 for this purpose.

7.11 In the 2015/16 budget process, savings totalling £2.7m were agreed on the budgets for *public health* and funded by public health grant. Eligible spend has been identified elsewhere in the council, so the council can retain the grant. However, budgets have not yet been moved to reflect this. Therefore, as at end of May 2015, the public health division had a net credit budget of £2.7m. Budgets will be reallocated during the first half of the financial year.

7.12 Similarly, savings were agreed on drugs & alcohol budgets funded by public health budgets within *crime reduction & supporting people* and these services currently have budgets with a credit value of £0.5m. These will also be reallocated within the same timescale.

7.13 Not all of the public health savings have yet been achieved with particular problems with renegotiation of contracts with LG Trust. So although at this stage an overspend is indicated, it is expected that these savings will be delivered in full and in part will be supported by use of a £250k carry forward of 2014/15 public health grant.

7.14 The *strategy, improvements and partnerships division* is projecting spend to budget.

8. **CUSTOMER SERVICES**

8.1 As at the end of May 2015, the customer services directorate is forecasting an overspend of £3m. At the same time last year, the year-end forecast was an overspend of £2.2m, with the actual year-end outturn being an overspend of £3.6m.

**Table 5 – Customer Services**

<table>
<thead>
<tr>
<th>Service Area</th>
<th>Gross budgeted spend £m</th>
<th>Gross budgeted income £m</th>
<th>Net budget £m</th>
<th>Forecast over/(under) spend £m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategic Housing</td>
<td>13.9</td>
<td>(10.0)</td>
<td>3.9</td>
<td>2.4</td>
</tr>
<tr>
<td>Environment</td>
<td>38.0</td>
<td>(19.2)</td>
<td>18.8</td>
<td>0.1</td>
</tr>
<tr>
<td>Public Services *</td>
<td>27.2</td>
<td>(17.6)</td>
<td>9.6</td>
<td>0.5</td>
</tr>
<tr>
<td>Strategy &amp; IMT</td>
<td>8.5</td>
<td>(1.4)</td>
<td>7.1</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>87.6</strong></td>
<td><strong>(48.2)</strong></td>
<td><strong>39.4</strong></td>
<td><strong>3.0</strong></td>
</tr>
</tbody>
</table>
* - excludes £240m of matching income and expenditure in respect of housing benefits

8.2 The strategic housing service is projecting an overspend of £2.4m. This relates solely to nightly paid temporary accommodation, more commonly referred to as bed and breakfast.

8.3 The number of bed and breakfast tenancies as at end of May 2015 was 586. This compares to 382 at the same time in 2014, and is an increase of some 27 on the figure of 559 at the end of 2014/15. Numbers have reached a relative level of stability compared to the sharp increases experienced during the last financial year, which saw numbers peak at 616 in February 2015.

8.4 In recent months, a review of practices and a staffing reorganisation have led to a more rigorous approach to both prevention methods and decision making in respect of accepting a homelessness duty. As this settles down, numbers are expected to reduce, assuming that numbers of applications remain at their current levels.

8.5 Officers are also focusing on income collection, either by ensuring those that are entitled to benefits have claimed them or by improving rent collection from those that are not entitled. If successful, this will lead to a reduction in the bad debt provision required and a subsequent reduction in the forecasted overspend.

8.6 In an effort to control accommodation costs, the council is participating in a pan London scheme intended to restrict the ability of providers to charge excessive rates to boroughs procuring accommodation across London. The impact this scheme is having will be reported through to members as part of the financial forecast report in due course.

8.7 Significant investment has also been made in procuring additional temporary accommodation units. The majority of these will not become available until early 2016, so will impact mainly on the 2016/17 position.

8.8 The Environment division is forecasting an overspend of £0.1m. This relates to the savings proposal to increase community and voluntary sector engagement in the maintenance of small parks. When approving the proposal, members requested that additional consultation with park stakeholders should take place. This has resulted in a later than planned implementation date.

8.9 The division is also showing a £0.1m overspend in street management. Changes in contractual arrangements with JC Decaux have resulted in an increase in the cost of providing automated public conveniences. As the contract has produced savings elsewhere within the council, a request will be submitted for this overspend to be covered by corporate resources.

8.10 The public services division is forecasting an overspend of £0.5m arising from delays in the implementation of the new business support service, agreed as part of the 2015/16 budget savings process. The service is now expected to be established and operational from September 2015, the effect of which is that only a half of the proposed saving of £0.9m will be achieved in the current year.

8.11 No variations are being forecast against the budgets for the Strategy and Technology and Change divisions.
9. RESOURCES AND REGENERATION

9.1 As at the end of May 2015, the resources and regeneration directorate is forecasting an underspend of £1.1m. At the same time last year, the year-end forecast was an underspend of £0.2m, with the actual year-end outturn being an underspend of £2.1m.

Table 6 – Resources and Regeneration

<table>
<thead>
<tr>
<th>Service Area</th>
<th>Gross budgeted spend</th>
<th>Gross budgeted income</th>
<th>Net budget</th>
<th>Forecast over/ (under) spend</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£m</td>
<td>£m</td>
<td>£m</td>
<td>£m</td>
</tr>
<tr>
<td>Corporate Resources</td>
<td>5.3</td>
<td>(2.3)</td>
<td>3.0</td>
<td>0</td>
</tr>
<tr>
<td>Corporate Policy &amp; Governance</td>
<td>3.8</td>
<td>0</td>
<td>3.8</td>
<td>(0.5)</td>
</tr>
<tr>
<td>Financial Services</td>
<td>5.3</td>
<td>(1.2)</td>
<td>4.1</td>
<td>(0.3)</td>
</tr>
<tr>
<td>Executive Office</td>
<td>0.2</td>
<td>0</td>
<td>0.2</td>
<td>0</td>
</tr>
<tr>
<td>Human Resources</td>
<td>3.0</td>
<td>(0.3)</td>
<td>2.7</td>
<td>(0.3)</td>
</tr>
<tr>
<td>Law</td>
<td>2.7</td>
<td>(0.4)</td>
<td>2.3</td>
<td>0</td>
</tr>
<tr>
<td>Strategy</td>
<td>2.5</td>
<td>(0.4)</td>
<td>2.1</td>
<td>(0.1)</td>
</tr>
<tr>
<td>Planning</td>
<td>3.2</td>
<td>(1.6)</td>
<td>1.6</td>
<td>(0.1)</td>
</tr>
<tr>
<td>Regeneration &amp; Asset Management</td>
<td>16.0</td>
<td>(6.8)</td>
<td>9.2</td>
<td>0.2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>42.0</strong></td>
<td><strong>(13.0)</strong></td>
<td><strong>29.0</strong></td>
<td><strong>(1.1)</strong></td>
</tr>
</tbody>
</table>

9.2 The corporate resources division is forecasting a nil variance. This division includes the insurance budget which, as highlighted in previous years, may change once the outcome of the annual actuarial valuation is known (towards the end of the year) which recommends any necessary contributions to provisions and reserves.

9.3 The corporate policy & governance division is forecasting an underspend of £0.5m. This is mainly in respect of staffing costs where the outcome of the staffing reorganisation has resulted in a number of vacant posts plus a number of secondments to other areas of the council.

9.4 The financial services division is forecast to underspend by £0.3m. This partly relates to the contingency for the directorate that is held within this division as well as a reduction in staffing costs due to vacant posts.

9.5 The human resources division is forecast to underspend by £0.3m. This is mainly due to vacant posts across the division.

9.6 The legal services division is currently forecasting a nil variance.

9.7 The strategy division is forecasting an underspend of £0.1m. This is mainly due to delayed recruitment of apprentices and a staffing underspend due to vacant posts in the communications unit.

9.8 The planning division is forecasting an underspend of £0.1m. This is due to a vacant post plus additional income from the design panel.

9.9 The regeneration & asset management division is forecasting an overspend of £0.2m. There are a number of under and overspends in this area, but a key area of forecast overspend relates to reduced income from road closure permits and
fines from over runs on those permits due to utility companies improving their practices and performance levels. This forecast is based on income levels from the last financial year where this was also the case. Further analysis of this area is underway to monitor income levels and ensure that income generation is being maximised.

10 CORPORATE PROVISIONS AND TREASURY MANAGEMENT

10.1 The Corporate financial provisions include working balances, capital expenditure charged to the revenue account (CERA), and interest on revenue balances. These provisions are not expected to overspend although, with the impact of continued reductions in service budgets, there is ever greater pressure on working balances. Certainty on their outturn only becomes clear towards the end of the financial year.

10.2 With continued concerns about the stability of the banking sector, the council's treasury management strategy continues to be focused on avoiding risk, wherever possible. With investment returns still at historically low levels, albeit with indications of modest rate rises possible by the end of the calendar year, there is little opportunity to seek higher returns. However, the council continues to keep its strategy under review and assess alternative investment strategies to find the appropriate balance in the trade off between return and risk. Members should note that similar to last year, a sum of £3.2m is being held corporately to help manage 'risks and other pressures' during 2015/16.

11 DEDICATED SCHOOLS’ GRANT

11.1 The total year end balances in schools was £13.9m. The balance at the end of the previous year, 31 March 2014, stood at £15.9m. This therefore represents a fall of some £2m. This is the first time since 2011 that there has been a fall in school balances. This theme is replicated across London, of the 16 authorities surveyed 10 have seen their school balances fall.

11.2 The trend in carry forwards in Lewisham is set out in the following chart.

![School Carry Forwards Chart]

11.3 The average percentage carry forward balance for primary schools is 7% and 1% for secondary schools. For schools overall, the percentage carry forward is 6%.
11.4 The cumulative carry forward balance in the primary sector is at the same level as last year, the fall in balances having occurred in the secondary sector. This has mostly been the result of two secondary schools having deficits emerge this year. The two schools are Deptford Green and Sedgehill. There is one primary school which is All Saints.

11.5 A total of 29 schools applied to exceed the capping limit before the end of the year, where last year, the number was 26 schools which applied. Although the number of schools has increased, the total cumulative excess balances in schools have fallen from £4.7m to £3.6m. All the excess balances relate to planned capital works being delayed or funding given to schools to help develop partnerships.

11.6 The Schools Forum agreed that they did not want to cap any school that had an excess carry forward.

11.7 Under the scheme of delegation schools are required under to submit their budget plans by 31 May each year. At the time of writing this report, there are 16 schools that have not yet made their submission. These schools have been sent a reminder. Dialogue with schools indicates that they are experiencing greater difficulties in balancing their budgets this year. Of the school returns received, 80% are predicting a fall in their balances in 2015/16.

11.8 The current level of the DSG has been set out in Table 7 below:

**Table 7 – Dedicated Schools Grant**

<table>
<thead>
<tr>
<th>DSG Area</th>
<th>Before Academy Recoupment</th>
<th>After Academy Recoupment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£m</td>
<td>£m</td>
</tr>
<tr>
<td>Schools block</td>
<td>214.607</td>
<td>188.140</td>
</tr>
<tr>
<td>Early years block</td>
<td>17.287</td>
<td>17.287</td>
</tr>
<tr>
<td>High needs block</td>
<td>43.681</td>
<td>42.723</td>
</tr>
<tr>
<td>Total additions for non-block funding</td>
<td>0.052</td>
<td>0.052</td>
</tr>
<tr>
<td><strong>Total DSG allocation</strong></td>
<td><strong>275.627</strong></td>
<td><strong>248.202</strong></td>
</tr>
</tbody>
</table>

Note: The above table excludes the Pupil Premium (£18m), Post 16 funding (£7m), and Universal Free School Meals Grant (£2m). The announcement of the 2 Year old grant is still awaited.

12. **HOUSING REVENUE ACCOUNT**

12.1 The table below sets out the current budget for the Housing Revenue Account (HRA) in 2015/16.

**Table 8 – Housing Revenue Account**

<table>
<thead>
<tr>
<th></th>
<th>Expenditure Budget</th>
<th>Income Budget</th>
<th>2015/16 budget</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£m</td>
<td>£m</td>
<td>£m</td>
<td>£m</td>
</tr>
<tr>
<td>Customer Services - Housing</td>
<td>12.4</td>
<td>(3.0)</td>
<td>9.4</td>
<td>0</td>
</tr>
<tr>
<td>Lewisham Homes &amp; R&amp;M</td>
<td>35.7</td>
<td>0</td>
<td>35.7</td>
<td>0</td>
</tr>
<tr>
<td>Resources</td>
<td>2.1</td>
<td>0</td>
<td>2.1</td>
<td>0</td>
</tr>
<tr>
<td>Centrally Managed Budgets</td>
<td>56.8</td>
<td>(104.0)</td>
<td>(47.2)</td>
<td>0</td>
</tr>
</tbody>
</table>
12.2 Lewisham Homes manages certain budgets on behalf of the council in addition to those formally delegated to them. Following two years of significant underspending, the repairs and maintenance budget is expected to underspend again this year. This is part reflects the continued investment in the decent homes programme, which has tended to reduce demand for day to day repairs and maintenance as properties are brought up to standard. A review of asset management spending requirements has been undertaken and officers are currently considering the outcome. It is envisaged that any underspend in repairs and maintenance will be reinvested in revised asset management priorities arising from the review.

12.3 Overall, the HRA is expected to make a surplus on its activities during 2015/16. It will continue to build upon its reserves on an annual basis and this is mainly to ensure that there are sufficient resources available to fund the current 30 year business plan which seeks to continue to invest in decent homes and to significantly increase the supply of housing in the borough over the medium to long term.

12.4 After transfers to reserves, the HRA is expected to report a balanced budget position.

13. COLLECTION FUND

13.1 As at 31 May 2015, £21m of council tax had been collected, 19.3% of the total amount due for the year of £108.5m. This is marginally below the profiled collection rate of 19.4% if the overall target for the year of 96% is to be met. At the same time last year, the collection rate to date was 19.5%, which is 0.2% higher than this year.

13.2 Business rates collection is at 30.6%, an increase of 0.5% compared to the same period last year and 4.3% higher than the 26.3% profiled collection rate if the overall target rate for the year of 99% is to be achieved.

14. CAPITAL EXPENDITURE

14.1 The overall spend to 31 May is £11.4m, which is 7% of the revised budget of £154.8m. The Figures agreed at council when the budget was set have been updated and are proposed for agreement as the revised budget by way of this report. The proposed amendments relate only to the rolling forward of unspent budgets at the end of the last financial year and to update figures for known changes to grants and new projects.

### Table 9 – Capital Programme

<table>
<thead>
<tr>
<th>2015/16 Capital Programme</th>
<th>Original 2015/16 Budget (Per 2015/16 Budget Report)</th>
<th>Revised Budget</th>
<th>Spend to 31 May 2015</th>
<th>Spend to Date (on Revenue Budget)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£m</td>
<td>£m</td>
<td>£m</td>
<td>%</td>
</tr>
<tr>
<td>Community Services</td>
<td>0.4</td>
<td>0.7</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>Resources &amp; Regeneration</td>
<td>9.0</td>
<td>15.7</td>
<td>0.9</td>
<td>6</td>
</tr>
<tr>
<td>Children &amp; Young People</td>
<td>23.5</td>
<td>32.8</td>
<td>7.4</td>
<td>23</td>
</tr>
<tr>
<td>-------------------------</td>
<td>------</td>
<td>------</td>
<td>-----</td>
<td>----</td>
</tr>
<tr>
<td>Customer Services</td>
<td>0.2</td>
<td>0.5</td>
<td>0.0</td>
<td>4</td>
</tr>
<tr>
<td>Housing (General Fund)</td>
<td>29.3</td>
<td>31.9</td>
<td>0.6</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total General Fund</strong></td>
<td><strong>62.4</strong></td>
<td><strong>81.6</strong></td>
<td><strong>8.9</strong></td>
<td><strong>11</strong></td>
</tr>
<tr>
<td>HRA – Council</td>
<td>22.3</td>
<td>25.3</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>HRA - Lewisham Homes</td>
<td>47.9</td>
<td>47.9</td>
<td>2.6</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total HRA</strong></td>
<td><strong>70.2</strong></td>
<td><strong>73.2</strong></td>
<td><strong>2.6</strong></td>
<td><strong>4</strong></td>
</tr>
<tr>
<td><strong>Total Expenditure</strong></td>
<td><strong>132.6</strong></td>
<td><strong>154.8</strong></td>
<td><strong>11.4</strong></td>
<td><strong>7</strong></td>
</tr>
</tbody>
</table>

14.2 The table below shows the current position on the major projects in the 2015/16 general fund capital programme (i.e. those over £1m in 2015/16).

**Table 10 – Major Capital Projects**

<table>
<thead>
<tr>
<th>2015/16 Capital Programme</th>
<th>Original 2015/16 Budget (Per 2015/16 Budget Report)</th>
<th>Revised Budget</th>
<th>Spend to 31 May 2015</th>
<th>Spent to Date (Revised Budget)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£m</td>
<td>£m</td>
<td>£m</td>
<td>%</td>
</tr>
<tr>
<td>Housing Regeneration Schemes (Kender, Excalibur, Heathside and Lethbridge)</td>
<td>4.5</td>
<td>6.0</td>
<td>0.3</td>
<td>5</td>
</tr>
<tr>
<td>Primary Places Programme</td>
<td>15.7</td>
<td>17.0</td>
<td>5.7</td>
<td>34</td>
</tr>
<tr>
<td>BSF - Sydenham</td>
<td>4.8</td>
<td>4.9</td>
<td>0.8</td>
<td>16</td>
</tr>
<tr>
<td>BSF – Brent Knoll</td>
<td>0.0</td>
<td>1.7</td>
<td>0.7</td>
<td>41</td>
</tr>
<tr>
<td>Other Schools Capital Works</td>
<td>3.1</td>
<td>7.9</td>
<td>0.6</td>
<td>8</td>
</tr>
<tr>
<td>Disabled Facilities / Private Sector Grants</td>
<td>1.3</td>
<td>1.3</td>
<td>0.1</td>
<td>8</td>
</tr>
<tr>
<td>Asset Management Programme</td>
<td>2.5</td>
<td>2.7</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>Acquisition – Hostels Programme</td>
<td>2.8</td>
<td>3.6</td>
<td>0.1</td>
<td>3</td>
</tr>
<tr>
<td>Highways and Bridges (TfL)</td>
<td>2.0</td>
<td>3.0</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>Highways and Bridges (LBL)</td>
<td>3.5</td>
<td>3.8</td>
<td>0.4</td>
<td>11</td>
</tr>
<tr>
<td>Other Schemes less than £1m</td>
<td>22.2</td>
<td>29.7</td>
<td>0.2</td>
<td>1</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>62.4</strong></td>
<td><strong>81.6</strong></td>
<td><strong>8.9</strong></td>
<td><strong>11</strong></td>
</tr>
</tbody>
</table>

14.3 The main sources of financing the programme are grants and contributions, and capital receipts from the sale of property assets.

15 **FINANCIAL IMPLICATIONS**

15.1 This report concerns the financial forecasts for the 2015/16 financial year. However, there are no direct financial implications in noting these.
16 **LEGAL IMPLICATIONS**

16.1 The Council must act prudently in relation to the stewardship of Council taxpayers’ funds. The Council must set and maintain a balanced budget.

17 **CRIME AND DISORDER ACT IMPLICATIONS**

17.1 There are no crime and disorder implications relevant to this report.

18 **EQUALITIES IMPLICATIONS**

18.1 There are no equalities implications relevant to this report.

19 **ENVIRONMENTAL IMPLICATIONS**

19.1 There are no environmental implications relevant to this report.

20 **CONCLUSION**

20.1 The council has continued to apply sound financial controls. However, the short and medium-term outlook remains difficult and continued strong management and fiscal discipline will be required to enable the council to meet its financial targets for 2015/16 and beyond.

**BACKGROUND PAPERS AND APPENDICES**

<table>
<thead>
<tr>
<th>Short Title of Report</th>
<th>Date</th>
<th>Location</th>
<th>Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015/16 Budget</td>
<td>25th February 2015 (Council)</td>
<td>3rd Floor Laurence House</td>
<td>Shola Ojo</td>
</tr>
</tbody>
</table>

For further information on this report, please contact Selwyn Thompson, Head of Financial Services on 020 8314 6932
Chief Officer Confirmation of Report Submission
Cabinet Member Confirmation of Briefing
Report for: Mayor
Mayor and Cabinet
Mayor and Cabinet (Contracts)
Executive Director

Information □ Part 1 □ Part 2 □ Key Decision □

Date of Meeting 15 July 2015

Title of Report 2016/17 to 2019/20 Medium Term Financial Strategy

Originator of Report David Austin

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

<table>
<thead>
<tr>
<th>Category</th>
<th>Yes</th>
<th>No</th>
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<tr>
<td>Financial Comments from Exec Director for Resources</td>
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<td></td>
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<tr>
<td>Legal Comments from the Head of Law</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Crime &amp; Disorder Implications</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Environmental Implications</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Equality Implications/Impact Assessment (as appropriate)</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Confirmed Adherence to Budget &amp; Policy Framework</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Risk Assessment Comments (as appropriate)</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Reason for Urgency (as appropriate)</td>
<td>x</td>
<td></td>
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</tbody>
</table>

Signed: [Signature] Executive Member

Date: ____________

Signed: [Signature] Director/Head of Service

Date 9/7/2015

Control Record by Committee Support

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Listed on Schedule of Business/Forward Plan (if appropriate)</td>
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</tr>
<tr>
<td>Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)</td>
<td></td>
</tr>
<tr>
<td>Submitted Report from CO Received by Committee Support</td>
<td></td>
</tr>
<tr>
<td>Scheduled Date for Call-in (if appropriate)</td>
<td></td>
</tr>
<tr>
<td>To be Referred to Full Council</td>
<td></td>
</tr>
</tbody>
</table>
## REASONS FOR LATENESS AND URGENCY

This report was not available for the original dispatch because the Chancellor of the Exchequer announced the summer budget on the 8 July, and information from that budget has informed parts of this report. The report is urgent and cannot wait until the next meeting of the Mayor & Cabinet on 9 September 2015 as this is too far into the financial year for the Mayor to consider the Council’s predicted forecast position to inform plans for making savings.

Where a report is received less than five clear days before the date of the meeting at which the matter is being considered, then under the Local Government Act 1972, Section 100(b)(4), the Chair of the Committee can take the matter as a matter of urgency if he is satisfied that there are special circumstances requiring it to be treated as a matter of urgency. These special circumstances have to be specified in the minutes of the meeting.

### 1. EXECUTIVE SUMMARY

1.1. The Medium Term Financial Strategy (MTFS) for 2016/17 to 2019/20 sets out the Council’s medium term financial plan over the next 4 years. It includes a review of the Council’s overall financial position bringing together the outturn for 2014/15, the forecast for the current financial year of 2015/16, and considers prospects for 2016/17 and future years.

1.2. The strategy forecasts a further reduction in resources of a minimum of £30.4m (12.3%) between 2015/16 and 2019/20. At the same time spending projections, including national insurance changes, pay and prices and provision for budget pressures related to an increasing population and changing demographic needs, estimate that minimum additional spending of £52.7m (21.4%) will be required to meet those needs.

1.3. The Chancellor announced his Summer Budget 2015 on the 8 July. This indicated that certain assumptions in the budget overview and related savings in this report (originally based on the March 2015 budget) may now change. In particular, that there will be £2.6 billion of in-year departmental savings, £20 billion of departmental savings will be required over the period, and that these savings for 2016/17 onwards will now be phased more evenly over the period to 2019/10 to return an overall budget surplus one year later than previously.
forecast. The detail of how these savings will impact local government specifically will not be set out until the Comprehensive Spending Review (CSR) 2015 in the Autumn (date to be confirmed).

1.4. The Council estimates the level of savings required for the four year period 2016/17 to 2019/20 at £83.1m. Of this £11.1m of savings were agreed in the 2015/16 budget. The budget model therefore estimates the remaining savings requirement over the next four years to be £72.0m.

1.5. The Lewisham Future Programme continues to work to address the budget gap. This report sets out the main areas covered by the Lewisham Future Programme. The immediate target is now to deliver up to £35m of savings to bridge the budget gap for 2016/17.

2. PURPOSE

2.1. The main purpose of this report is to set out the medium term financial position for the Council over the next four years and the assumptions on which this is based. It also provides an overview of the current financial situation and provides an update on the delivery of the savings programme for 2016/17.

2.2. The MTFS covers the following areas:

- It sets out the expected resource envelope that the Council’s General Fund must operate within in 2016/17, attempts to project funding in future years, and identifies the main factors that might affect this.

- It sets out service and other spending projections (e.g. Housing Revenue Account, Capital Programme, Dedicated Schools Grant) and the main factors that may affect these.

- It projects the General Fund budget gap which is the difference between the resource envelope and spending projections. This includes some sensitivity analysis for a best, base and worst projection for each year, depending on the assumptions made, the base representing the most likely outcome.

- It sets out the measures the Council needs to take to address the budget gap through the Lewisham Future Programme.

3. RECOMMENDATIONS

3.1. The Mayor is recommended to note the 2016/17 to 2019/20 Medium Term Financial Strategy and request that a further update is brought back as part of the savings and budget setting process to reflect any changes arising from the CSR 2015 expected in the Autumn.

4. STRUCTURE OF THE REPORT

4.1. The Report is structured as follows:

1. Executive Summary
2. Purpose
3. Recommendations
4. Structure of the report

STRATEGIC REVIEW
5. Introduction
6. Local Policy Context
7. National Policy Context
8. Budget Update

MEDIUM TERM FINANCIAL STRATEGY
9. Introduction
10. Resource Envelope
11. Revenue Expenditure Assumptions
12. General Fund Budget Gap
13. Addressing the Budget Gap
14. Housing Revenue Account
15. Dedicated Schools Grant
16. Capital Programme
17. Risk Management

SUMMARY AND IMPLICATIONS
18. Conclusion
19. Financial Implications
20. Legal Implications
21. Equalities Implications
22. Environmental Implications
23. Crime & Disorder Implications
24. Background Papers
25. Appendices

STRATEGIC REVIEW
5. INTRODUCTION

5.1. The MTFS represents the start of the Council’s formal budget process, which concludes with the setting of the overall Budget each year. The Budget Report for 2016/17 will be presented to Mayor & Cabinet in January 2016 and full Council in February 2016.

5.2. This report sets out the scope of the Council’s financial planning which includes: the General Fund; Housing Revenue Account; the Dedicated Schools Grant and the Capital Programme.

5.3. The key objectives of the 2016/17 to 2019/20 Strategy are to:
- plan the Council’s finances over a four year period to take account of local improvement priorities and national priorities;
- ensure that the Council’s corporate priorities continue to drive its financial strategy and resource allocation;
- assist the integration of business and financial planning processes;
- ensure that the plan takes account of: stakeholder and partner consultation; external drivers; capital investment; budget risk assessments; and expected developments in services;
- ensure that the Council’s medium term financial strategy is linked to other internal strategies and plans; and
- ensure that the final agreed budget reflects all these considerations.

5.4. Over the last five years, the Council has undertaken a major budget reduction programme to manage the difficult financial challenge it has been faced with. In the period 2010/11 to 2015/16 the Council has identified savings of £121m. The financial outlook for the Council and the public sector as a whole remains extremely challenging. The Government has re-affirmed the need for significant reductions in public sector expenditure over the medium term. The Council has already seen the effects of these in its revenue budget settlements for the previous and current financial years and in the reduction of capital resources provided to the Council.

5.5. The Local Government Association (LGA) has recently produced a report which predicts harsher cuts to local authority funding over the next four years than was anticipated this time last year. In 2016/17, it is predicting a 12.1% cut to the Settlement Funding Assessment (compared to 8% this time last year).

5.6. The focus of the MTFS is the Council’s General Fund budget. Whilst it is very important, particularly at a time of financial constraint, to identify ways in which all services can be delivered more effectively across traditional organisational and financial boundaries, the nature of the current financial austerity regime is such that most of the budget reductions have to come from Council General Fund services. Having a sound General Fund MTFS, and a strategy for responding to the challenges it presents, is an essential pre-requisite to ensuring effective responses from all of the services the Council directs and influences.
6. LOCAL POLICY CONTEXT

6.1. The Council's strategy and priorities drive the medium term financial planning process, with changes in resource allocation determined in accordance with policies and priorities. *Shaping our future* is Lewisham’s Sustainable Community Strategy. It covers the period for 2008 to 2020 and sets out a vision for Lewisham and the priority outcomes that organisations, communities and individuals can work towards to make this vision a reality. The key priorities are set out at Appendix 1 for reference.

6.2. In taking forward the Council’s Budget Strategy, in engaging our residents, service users and employees, and in deciding on the future shape, scale and quality of services, we will be driven by the Council’s four core values:

- We put service to the public first.
- We respect all people and all communities.
- We invest in employees.
- We are open, honest and fair in all we do.

7. THE NATIONAL POLICY CONTEXT

7.1. The Chancellor of the Exchequer made his 2015 Budget speech on 18 March this year. Following the general election in May a Summer Budget 2015 was presented to parliament on 8 July. This updated the global and UK economic forecasts and indicated some changes to the public sector finances for the period to 2019/20.

7.2. The global economic position continues to be one of growth (3% in 2015) with the UK performing well amongst the larger economies. Nonetheless there remain some key risks and head winds to continued global growth which bear on the UK economy. These include:

- geo-political uncertainties, for example in the Middle East and former Soviet states
- declining growth in the USA and China
- potential vulnerabilities in the Euro Zone and the position in Greece, and
- economic shocks as withdrawal from quantitative easing and return rising interest rates take effect

7.3. The Office for Budget Responsibility (OBR) has revised up reported growth for the UK in 2015 to 3.0% from 2.4% and its forecasts in 2016 to 2.4%. The OBR now forecasts growth of 2.4% in 2017, and the years thereafter. The OBR is anticipating the creation of 1m new jobs to 2019/20. The OBR forecasts real terms growth in average earnings for all years of the forecast. This increased growth helps with the government deficit and borrowing position, reducing the impact for spending reductions or tax rises.

7.4. The Government remains committed to cutting public sector spending by an anticipated £20 billion to 2019/20. It has also reaffirmed its on-going protection
for key spending areas, including health, defence and overseas development. This means spending cuts fall on other un-protected spending areas, including local authorities. Within the local authority sector, the Government has reversed some of the mechanisms in the local government finance system for equalising needs and resources. The consequence has been a much larger reduction in resources for areas of higher deprivation, typically poorer urban areas. It remains to be seen in the CSR 2015 whether this approach to funding reductions in local government is sustained.

7.5. The consequence for Lewisham is plain. The Settlement Funding Assessment (the total amount the government assumes to come from Revenue Support Grant and business rates) fell by 14% in 2015/16 and is set to fall, as estimated by the GLA, by an estimated 12.1% in 2016/17.

7.6. The expected continuing improvement in economic activity will have a beneficial impact on aspects of the Council’s services. It should help drive regeneration within the borough, leading to more businesses and jobs as well as additional housing. The Council will achieve some direct financial benefits from these developments, including additional Council tax, New Homes Bonus and a share of increased business rates. There will also be benefits to Lewisham residents in terms of more jobs and more housing. However, the consequence of other aspects of government policy, such as failure to kerb rising house prices and welfare reform impact on levels of homelessness, will have a significant continuing adverse impact on Lewisham residents and, together with demographic pressures, will lead to increased pressure on services.

7.7. Other economic indicators will have an impact on the Council’s spending. Inflation is expected to remain at around 2% but real wages are increasing. The Summer Budget 2015 assumes public sector wages will be held to annual 1% rises for the four years to 2019/10. In addition, the expected increase in interest rates, with the governor of the Bank of England forecasting interest rates in the region of 2.5% by 2017/8, will affect the authority’s finances. In this case it should be beneficial since interest on the Council’s cash balances will rise while interest on Council debt, which is mainly funded from long term fixed interest loans, should remain largely unaffected.

8. BUDGET UPDATE

2014/15 Financial accounts

8.1. The Council’s draft final accounts for 2014/15 have been prepared and were reviewed by the Audit Panel on 18 June 2015, before being submitted for audit by the Council’s external auditor, Grant Thornton. A separate report on the Council’s final outturn position for revenue and capital budgets was presented to Mayor & Cabinet at the 3rd June 2015 meeting.

8.2. The Council’s final 2014/15 Directorate revenue outturn position was a Directorate overspend of £9.1m, reduced to £5.2m after applying a corporately held provision of £3.9m. The Housing Revenue Account (HRA) and the Dedicated Schools Grant were both spent to budget. Capital expenditure for the
year was £122.6m. This represents 89% of the revised forecasted year-end expenditure budget of £137.3m

2015/16 Budget

8.3. The 2015/16 budget was approved by Council on the 25 February 2015. The overall budget position for the Council is a net General Fund Budget Requirement of £246.224m, as set out in Table1 below.

Table 1 - Overall Budget Position for 2015/16

<table>
<thead>
<tr>
<th>Detail</th>
<th>Expenditure/ (Income) £m</th>
<th>Expenditure/ (Income) £m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Settlement Funding Assessment (SFA) for 2015/16</td>
<td>(160.017)</td>
<td></td>
</tr>
<tr>
<td>Council Tax 2015/16 at 0% increase</td>
<td>(80.084)</td>
<td></td>
</tr>
<tr>
<td>SFA: Adjustment 2015/16*</td>
<td>(1.259)</td>
<td></td>
</tr>
<tr>
<td>Surplus on Collection Fund</td>
<td>(4.864)</td>
<td></td>
</tr>
<tr>
<td><strong>Assumed Budget Requirement for 2015/16</strong></td>
<td></td>
<td>(246.224)</td>
</tr>
<tr>
<td><strong>Total Resources available for 2015/16</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Base Budget for 2014/15</td>
<td>268.062</td>
<td></td>
</tr>
<tr>
<td><strong>Plus:</strong> Reversal of reserves drawn in 14/15 (once off)</td>
<td></td>
<td>3.000</td>
</tr>
<tr>
<td><strong>Plus:</strong> Pay inflation</td>
<td></td>
<td>1.503</td>
</tr>
<tr>
<td><strong>Plus:</strong> Non-pay Inflation</td>
<td></td>
<td>3.417</td>
</tr>
<tr>
<td><strong>Plus:</strong> Grant adjustments for changes 14/15 to 15/16</td>
<td></td>
<td>0.911</td>
</tr>
<tr>
<td><strong>Plus:</strong> Budget pressures to be funded from 15/16 fund</td>
<td></td>
<td>4.280</td>
</tr>
<tr>
<td><strong>Plus:</strong> Risks and other potential budget pressures</td>
<td></td>
<td>3.220</td>
</tr>
<tr>
<td><strong>Less:</strong> Previously agreed savings for 2015/16</td>
<td></td>
<td>(1.480)</td>
</tr>
<tr>
<td><strong>Less:</strong> New savings for 2015/16</td>
<td></td>
<td>(26.729)</td>
</tr>
<tr>
<td><strong>Less:</strong> Use of New Homes Bonus reserve for five yrs.</td>
<td></td>
<td>(5.000)</td>
</tr>
<tr>
<td><strong>Less:</strong> Once off use of provisions and reserves</td>
<td></td>
<td>(4.960)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>246.224</strong></td>
</tr>
</tbody>
</table>

2015/16 General Fund Revenue Budget Monitoring

8.4. Officers continue to undertake regular revenue budget monitoring in 2015/16. The first revenue budget monitoring report will be presented to the Public Accounts Select Committee on 14 July. The report is based on information to the end of May 2015 and forecast a year-end overspend of £8.6m. The main service areas overspending are:

- Clients with No Recourse to Public Funds £1m,
- Childrens Social Care £3m, and
- Adult Services £1.9m.
• Strategic Housing £2.4m

8.5. The Executive Director noted that, in setting the council’s budget for 2015, a sum of £3.2m was set aside and is being held corporately for managing ‘risks and other budget pressures’. This is for items which although difficult to quantify with absolute certainty, could prove significant should they materialise. Amounts required will be confirmed by the year end.

Housing Revenue Account Monitoring

8.6. The forecast position for the Housing Revenue Account is to spend to budget for 2015/16.

Dedicated Schools Grant

8.7. The forecast position for the Dedicated Schools Grant is to spend to budget for 2015/16.

Capital Programme

8.8. The overall spend this financial year to the end of May 2015 is £11.4m. This is 7% of the revised 2015/16 budget.

MEDIUM TERM FINANCIAL STRATEGY (MTFS)

9. INTRODUCTION

9.1. The MTFS takes a forward view of the likely financial position of the Council over the next four years. This strategy does not seek to duplicate or replace any of the Council’s other policies and strategies.

9.2. The financial strategy has produced a model with financial forecasts that aim to deliver the Council’s priorities and identifies the constraints of the significant financial challenges it faces.

9.3. The MTFS projects:

   a. the resource envelope the Council’s General Fund must operate within in future years;

   b. service and other spending pressures and the main factors that may affect these; and

   c. the General Fund budget gap which is the difference between the resource envelope and the spending projections.

9.4. As the level of uncertainty regarding funding is high for all years to 2019/20, the strategy has again modelled three indicative scenarios, the best case, the base case, and the worst case scenarios. The base case is assumed to be the most likely expected to happen. These scenarios are formulated on a number of local
and national assumptions which have been made based on the information available (Please see Appendix 2).

9.5. Pending the CSR 2015, the range for the remaining savings requirement to 2019/20 is from £57m to £105m with the base case assumed at £72m.

10. RESOURCE ENVELOPE

10.1. The resource envelope set out in this section of the report consists of the following elements:

- The ‘Settlement Funding Assessment’ (SFA) which is the total of Revenue Support Grant, business rate top-up, and retained business rate income; and
- Council Tax income.

Settlement Funding Assessment (SFA)

10.2. Local authorities currently receive funding from the government via the Settlement Funding Assessment (SFA). This consists of the local share of business rates, and Revenue Support Grant.

10.3. The Government is yet to announce the provisional figures for 2016/17. The Local Government Association (LGA) has produced a paper on the funding outlook for councils to 2019/20. This suggests a reduction in the SFA of 12.1% in 2016/17, and further reductions of 11.6% in 2017/18, 4.7% in 2018/19, and an increase of 7.1% in 2019/20 based on national government spending projections (March 2015) and the assumption that health, schools’ and overseas development spending would continue to be protected in real terms. Table 2 below sets out the estimated SFA for Lewisham from 2016/17 to 2019/20 based on the LGA’s forecast.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue Support Grant</td>
<td>£'000</td>
<td>£'000</td>
<td>£'000</td>
<td>£'000</td>
<td>£'000</td>
</tr>
<tr>
<td>Business Rate Top-up.</td>
<td>70.5</td>
<td>71.2</td>
<td>71.9</td>
<td>72.6</td>
<td>73.3</td>
</tr>
<tr>
<td>(to reflect Lewisham's low business rate base)</td>
<td>15.8</td>
<td>16.0</td>
<td>16.1</td>
<td>16.3</td>
<td>16.5</td>
</tr>
<tr>
<td>Total SFA</td>
<td>160.0</td>
<td>142.6</td>
<td>126.9</td>
<td>121.0</td>
<td>129.5</td>
</tr>
</tbody>
</table>

10.4. One factor in particular that could mean that the reductions in SFA in Lewisham are greater than the amounts assumed in the LGA publication:
• Since 2010/11, grant reductions have systematically been greater in areas with higher levels of deprivation, typically inner city areas.

10.5. The different modelled scenarios for the total SFA over the next four years is shown in Table 3 below. The assumptions used in each of the projections are stated in Appendix 2.

Table 3: Total SFA Future Year Projections

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Best Case</td>
<td>N/A</td>
<td>149.3</td>
<td>139.7</td>
<td>130.0</td>
<td>120.8</td>
<td>-6.7%</td>
</tr>
<tr>
<td>Base Case</td>
<td>160.0</td>
<td>142.6</td>
<td>126.9</td>
<td>121.0</td>
<td>129.5</td>
<td>-10.9%*</td>
</tr>
<tr>
<td>Worst Case</td>
<td>N/A</td>
<td>139.4</td>
<td>121.3</td>
<td>113.1</td>
<td>107.4</td>
<td>-12.9%</td>
</tr>
</tbody>
</table>

*The 2016/17 base includes £2.2m of Council tax freeze grant and SFA adjustment grant, therefore the % reduction in grant is less than the 12% predicted by the LGA.

Business rate income

10.6. Following changes to the local government finance system which came into effect in 2013/14, the Council retains 30% of the business rate income it receives, with 20% going to the GLA and 50% paid to government. Each year the Council receives an amount (the top-up) from central government. The Council's business rate income is therefore materially impacted by the national tax take and to a lesser degree by growth in business rates locally (see Table 2 above).

10.7. The base case assumption is a conservative 1% rise above inflation in business rate valuations in the borough and nationally. This and other assumptions are stated in Appendix 2.

Council Tax income

10.8. Council Tax income is affected by growth in the number of properties in the borough, the rate of Council Tax collection, and decisions about the level of Council Tax. For the purposes of the MTFS base case, it has been assumed that there will be no increase in Council Tax for 2016/17 and a 1.5% increase from 2017/18 onwards. This reflects the assumption that the Council Tax Freeze Grant will end after 2016/17. The MTFS does include assumptions for growth in the number of properties in the borough and rate of Council Tax collection. These are set out in Appendix 2.
10.9. Forecast Council Tax income from 2016/17 to 2019/20 is set out in Table 4, using the assumptions in Appendix 2.

Table 4: Council Tax Income Future Year Projections

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£m</td>
<td>£m</td>
<td>£m</td>
<td>£m</td>
<td>£m</td>
</tr>
<tr>
<td>Best</td>
<td>N/A</td>
<td>81.7</td>
<td>84.6</td>
<td>87.5</td>
<td>90.5</td>
</tr>
<tr>
<td>Base</td>
<td>80.1</td>
<td>81.3</td>
<td>83.7</td>
<td>86.2</td>
<td>88.8</td>
</tr>
<tr>
<td>Worst</td>
<td>N/A</td>
<td>80.5</td>
<td>81.7</td>
<td>82.9</td>
<td>84.1</td>
</tr>
</tbody>
</table>

11. REVENUE EXPENDITURE ASSUMPTIONS

11.1. In addition to the reduction in the level of resources available over the next four years, the Council faces a number of budget pressures which will add to the overall revenue expenditure. This section of the report considers the effect such pressures will have on the future years’ revenue expenditure.

Pay

11.2. A pay award of 2.2% from 1st January 2015 to 31 March 2016 averaging out to 1% across both financial years, was agreed last year. The base model has assumed that pay awards will remain at 1% in future years in line with the Summer Budget 2015. The assumptions used in the MTFS are stated in Appendix 2.

Employer pension contributions

11.3. As with most Councils, the Lewisham Pension Fund has a significant deficit reflecting the nature of a final salary scheme, the available return on investments, and the increased longevity of staff who have retired. Changes to the scheme affecting the contributions made by employees, the age at which benefits can be taken, and the calculation of the benefits and indexing arrangements have helped to address pressures on the Pension Fund but not eliminated the deficit.

11.4. As a result of the last Valuation of the Pension Fund assets and liabilities at 31st March 2013, an additional £1m per annum needs to be put into the Pension Fund. This is on top of the 21.5% of basic pay that the Council contributes for those staff who are members of the Fund. The next valuation is at 31st March 2016 and has effect from 2017/18. The assumptions used in the projections are stated in Appendix 2.
Employer national insurance contributions

11.5. Changes to the State Pension scheme which take effect from 1 April 2016 will mean that there is a universal pension. Previously staff in the local government pension scheme opted out of the second state pension. The universal pension rules will mean that there will no longer be a lower employer (or employee) national insurance contribution for opted out employees.

11.6. The employer’s national insurance contribution for the 82.5% of staff who are in the Local Government Pension Scheme will therefore increase from 10.4% to 13.8% on earnings between about £8,000 and £40,000 per annum. There will also be a loss of the 3.4% rebate on earnings between about £5,500 and £8,000. This is estimated to cost General Fund services an additional £2.0m per annum from 2016/17.

11.7. The best, base and worst case models all build in the cost of this change. No allowance has been made for the possibility of further changes that the Government might make to employer National Insurance contributions. For example, as a way of responding to funding pressures in health and social care.

General price inflation assumptions

11.8. General price inflation is calculated on non-pay expenditure on General Fund services (excluding internal recharges and housing benefit payments). A proportion of this expenditure is contractual with indices linked to inflation but in many cases the Council is in a position to re-negotiate increases. For the purposes of these projections, it is assumed that all prices go up by inflation, which in 2016/17 has been estimated at 2%. The assumptions used in the projections beyond 2015/16 are in Appendix 2.

General fees and charges assumptions

11.9. The Council’s approach in the past has been to expect fees and charges it makes to rise in line with inflation unless there is a specific decision to increase them by more or less. In some cases, this will be outside the control of the Council (for example, where charge rates are set by statute). However, for the purposes of these projections of spending, it is assumed that on average fees and charges in aggregate will increase by inflation.

Further budget pressures and risks

11.10. Forecasting the impact of demand changes is the most difficult aspect of the MTFS. But the MTFS needs to make allowance for the potential impact of these. The key challenges that impact on the demand for Council services are as follows:

• Population growth – this particularly affects people based services such as adult and children’s social care. But it also affects general demand for universal services such as leisure and cultural services and school places;
• Ageing population – this affects care for the very elderly but also impacts on care for younger adults and children with disabilities who are living longer as a result of improvements in medical care. It also has a direct impact on the funding the Council needs to provide for the London-wide concessionary fares scheme;

• Household growth – this impacts on property based services such as refuse collection and waste disposal;

• Impact of government policy – improvements in economic well-being and reduction in crime should potentially mean less demand for Council services. However, the shortage of housing, the impact of welfare changes, and policy toward people with No Recourse to Public Funds are all having a major impact on social needs within the borough. This is reflected directly through the number of families the Council has to accommodate in bed and breakfast and expenditure incurred on families with No Recourse to Public Funds. It also affects the ability of families to cope with economic and social pressures, with potential consequence for the number of children at risk or who need to be placed in care; and

• Impact of reducing preventative services – reductions in budgets for preventative services such as early years, the youth service and aspects of adult social care provision are likely to affect demand for acute services including children at risk, children involved in crime, adults with drug and alcohol problems, adults in residential accommodation and so on.

11.11. The Council is pro-actively trying to address these demand pressures and seeks to ensure wherever possible that the changes it has to make to services reduce rather than increase demand. These include, for example, measures to support people with a social care need at home, prevent children coming into care, increase the supply of affordable housing, reduce household and commercial waste disposal, as well as rigorous application of criteria for access to services.

11.12. Other pressures, such as the cost of transition of children with disabilities into adult services or when specific grants are withdrawn, are assumed to be managed within service budgets.

11.13. Nevertheless, with significant population growth forecast additional demand in some services is unavoidable. Therefore, the Council annually provides £7.5m for growth from demand and other unavoidable pressures. The model assumes this will continue for future years.

Specific grant assumptions

11.14. The following assumptions have been made in the projections on specific grants which fund services:

• The Public Health grant – this grant is currently £20.1m in 2015/16. Shortly after the May 2015 general election, the Chancellor of the Exchequer announced an in year savings target for non-NHS health budgets of £200m. It is assumed this includes the Public Heath grant, in which case Lewisham’s reduction in funding could be approximately £1.4m. This will be have to be met with an equivalent reduction in expenditure.
- The Better Care Fund – this funding increased to £21.1m (£6.3m in 2014/15) in 2015/16. £3.1m of the increase is for new burdens and is therefore neutral. The balance of growth is intended for social care funding that could reduce health spending, including offsetting budget reductions that would otherwise have had to be made in adult social care. These arrangements have to be jointly agreed with the local Clinical Commissioning Group (CCG).

- Adult Social Care new burdens funding – the government has awarded funding of £1.1m for the additional costs in 2015/16 of implementing the Care Act 2014 (Dilnot) reforms. The changes include a move to national eligibility criteria, new thresholds below which people do not have to pay for care, new maximum lifetime contributions to the cost of care, and the ability to defer payment for care. Some of the changes took effect from April 2015 but the main changes associated with new thresholds and maximum life-time contributions take effect from April 2016. The Care Act could have very large final consequences for the Council but it is not possible at this stage to estimate what these will be or to assess the extent to which the government will fund them. No provision is therefore made for impact of this in the base, medium or worst cases.

- The Council receives a number of other grants but most are relatively small or directly related to specific projects. For example, funding we receive from the London Mayor’s Office for Policing and Crime (MOPAC) to support crime reduction work. Any changes to these other grants will have to be met with an equivalent reduction in service spend to ensure it will have a neutral impact on the budget gap.

Other Income and Expenditure Items

11.15. There are other income and expenditure items in the Council’s budget which are mainly non-service specific. These consist of the following elements:

Capital financing charges

11.16. Capital financing costs includes all revenue costs relating to the Council’s outstanding borrowing which comprises repayment of principal and interest charges. It also includes provision for capital spending which is charged directly to revenue and repayment of historic debt in respect of the former Inner London Education Authority. These costs are offset by principal and interest repayments from the Catford Regeneration Partnership Limited and interest on the Council’s investment balances.

11.17. The main factors that affect the forecasting of capital financing costs are the level of borrowing for capital purposes, the level of the Council’s cash balances, and interest rates. The MTFS assumes that capital spending will be funded either from grant, capital receipts, capital reserves, be charged direct to revenue or borrowing. Projected borrowing over the next five years is approximately £35m.

11.18. It also assumes that cash balances remain at their current level. Changes to interest rates should not affect borrowing costs as the Council borrows long term (typically 30 plus years) at fixed rates. If interest rates rise the Council receives
more interest. However, the projections have not built in any assumptions about changes to interest rates as timing remains uncertain and any rise is likely to be small in the near term. The assumptions used in the projections are stated in Appendix 2.

Levies

11.19. These cover the London Pension Fund Authority, the Environment Agency and Lee Valley. The Council has not yet been provided indicative totals for levies in 2016/17. The assumptions used in the projections are stated in Appendix 2.

Added years pension costs

11.20. In the past, staff who retired early were awarded additional assumed years in the Pension Fund with the additional cost being charged to the General Fund. Although added years stopped being awarded some years ago, the Council has an on-going commitment for those staff who were awarded added years in the past. The assumptions used in the projections are stated in Appendix 2.

Other known future years budget adjustments

11.21. There are two further adjustments that are included within the budget projections for future years, both funded from the £7.5m provision stated in para 11.13 above:

- Concessionary fares – the cost of concessionary fares to the Council changes each year to reflect increases in population entitled to concessionary fares, increases in fares themselves, and changes to the basis for allocation of costs between boroughs. Transport for London has provided projections for boroughs through to 31 March 2015. From 2016/17 onwards, the projections assume an increase of £0.5m each year.

- Highways and footways maintenance – the 2014/15 budget report included a proposal to switch highways and footways maintenance funding from capital to revenue in order to avoid the build up of prudential borrowing charges. To fund this, it was agreed that £350k growth would be provided each year in the revenue budget together with funding that would be released within the capital financing charges budget as a result of prudential borrowing no longer being required.

Education Services Grant

11.22. This is a grant carved out of Revenue Support Grant which is an assessment of the amount the Council needs to fund local authority education functions which it would no longer be responsible for if all schools in its area were Academies or Free Schools. Lewisham’s 2015/16 allocation is £3.9m an £0.8m reduction from 2014/15. The 2016/17 grant has not yet been announced. Although the grant is not ring-fenced, it will reduce if schools opt out of local authority control. The assumptions made on Education Services Grant are listed in Appendix 2.
**New Homes Bonus**

11.23. The New Homes Bonus is a grant paid by central government to local councils for increasing the number of homes in use. The grant is paid each year for six years. It is based on the amount of extra Council Tax revenue raised for new-build homes, conversions, and long-term empty homes brought back into use. There is also an extra payment for providing affordable homes.

11.24. Growth in the number of properties in Lewisham will lead to an increase in the New Homes Bonus although this will be offset from 2017/18 onwards as funding for properties for which New Homes Bonus was allocated in earlier years of the system drop out of the calculation. There is a top-slice of £70m of New Homes Bonus from all London Boroughs to fund Greater London Authority (GLA) led projects in 2015/16. This equates to approximately £2.2m, for Lewisham. Although the government has not said what it will do post 2015/16, it is assumed that this top-slice will remain in place in subsequent years.

11.25. In 2015/16 the Council’s allocation after the top slice is £5.6m. £650k of this has been committed within the revenue budget to additional spending requirements resulting from the provision of new housing. The balance is held in provisions for anticipated growth in Lewisham. The funding will be used to improve the borough’s town centres, increase in the number of jobs in the borough, provide improved transport links to the rest of London and build upon the necessary infrastructure such as schools, health facilities and open spaces.

**Council Tax Freeze Grant**

11.26. The government provided additional grant funding to support Councils that freeze Council Tax in 2015/16. Local authorities received funding equivalent to a 1% increase in Council Tax, Lewisham’s allocation is £0.9m. The amounts received in 2014/15 have been rolled into the RSG. It is assumed that this will continue in 2016/17 only and from 2017/18 onwards, this funding is assumed to transfer to Revenue Support Grant.

**12. GENERAL FUND BUDGET GAP**

12.1. Using the medium term resource envelope and revenue expenditure projections stated above the resulting overall forecast position for the authority is shown in Table 8 below
<table>
<thead>
<tr>
<th></th>
<th>Best Case</th>
<th>Base Case</th>
<th>Worst Case</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£m</td>
<td>£m</td>
<td>£m</td>
</tr>
<tr>
<td>Total Resources</td>
<td>232.3</td>
<td>225.3</td>
<td>218.8</td>
</tr>
<tr>
<td>Total Revenue</td>
<td>(268.5)</td>
<td>(246.5)</td>
<td>(236.8)</td>
</tr>
<tr>
<td>Expenditure</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Approved Savings</td>
<td>6.5</td>
<td>4.7</td>
<td>0</td>
</tr>
<tr>
<td>Annual Savings</td>
<td>22.2</td>
<td>16.5</td>
<td>18.0</td>
</tr>
<tr>
<td>Cumulative Savings</td>
<td>22.2</td>
<td>38.7</td>
<td>56.7</td>
</tr>
</tbody>
</table>

12.2. Taking the base case scenario as the expected position, it shows the annual measures required to bridge the budget gap from 2016/17 to 2019/20 are £34.6m, £22.3m, £14.8m, and £0.3m. A total of £72m over the four years to 2019/20. This is a substantial budget gap for the Council, especially as previous savings made from 2010/11 to 2015/16 have totalled £121m.

12.3. The best case scenario has been modelled to show the effect that positive changes in the assumptions will have on the overall budget gap. Here the cumulative budget gap to 2019/20 reduces by £15m to £57m. This is based on projected higher central government funding and Council Tax levels.

12.4. The worst case scenario is the most unlikely scenario projected. The cumulative budget gap to 2019/20 increases by £33m to £105.1m. This scenario demonstrates the difficulty the Council could potentially face if the very worst happens. Once again it is prudent to show these figures as future funding levels remain unknown.

12.5. The next section of this report looks at how the Council continues to address the gap in order to produce a balance budget.

13. **ADDRESSING THE BUDGET GAP**

**Lewisham Future Programme**

13.1. The Lewisham Future Programme, established in the Autumn of 2013, is the Council’s organisational approach to deliver savings in order to address the budget gap. The Programme focuses on the areas of greatest spend, recognising that in many consecutive years of spending reductions even greater
innovation, focus on the customer, and cross-cutting thinking is required to
deliver savings whilst attempting to minimise the impact on residents and
customers of Lewisham.

The Lewisham Future Programme Board (LFP)
13.2. The Lewisham Future Programme Board was established to transform the way
Council services are delivered by 2020. The Board manages delivery of these
changes and develops options for the Mayor and Council to consider. The Board
is chaired by the Chief Executive and consists of all Executive Directors plus the
Head of Corporate Resources and the Head of Technology and Change.

13.3. Its objective is to oversee a programme of change which will ensure that
Lewisham’s public services continue to be relevant and responsive to the
community, in a way that provides opportunities and meets the Council’s
statutory obligations. It is recognised that the impact of the LFP will be
fundamental and require innovative solutions that re-focus and re-shape services
to meet this objective.

13.4. The role of the Board is in two parts: 1) to develop savings options for Mayor and
Council to consider and then, once consulted upon and agreed, 2) to implement
the changes.

13.5. Work to date has focused on developing options via 18 service and cross-cutting
based reviews, each led by Heads of Service across the organisation. Each
review has been provided an indicative target to help frame the scale of change
needed. These targets are set between 10-40% of the net budget and 5-25% of
the gross budget.

Progress to Date
13.6. The Board continues to assess, challenge and support work strand leads to
bringing forward a range of possible savings options. The focus since the budget
in February 2015 has been on targeting £45m of savings proposals (£30m for
2016/17 and £15m for 2017/18). At the same time implementing the agreed
£30m of savings for 2015/16.

13.7. In addition to work on the individual work strands, engagement remains a critical
part of the transformation programme. There have been regular communications
on the work of the Board and a transformation day for all managers was held in
June with a range of external speakers presenting ideas and challenge.

13.8. The Council holds various revenue reserves for the risk of events that may
disrupt ‘business as usual’ activities. These were used again in setting the
budget for 2015/16 to enable time to develop, consult with stakeholders and
implement the scale of savings required. The level of remaining reserves is
being maintained given the continuing uncertainty prevailing from austerity.

13.9. The Council holds £13m of un-earmarked reserves and corporate provisions for
unforeseen events. A review of the current reserves and provisions was
undertaken as part of the 2015/16 budget setting process. This evaluated how
they might best be used to mitigate the financial risks to the Council as it
transforms and reshapes services. The position will be reviewed as part of the 2016/17 budget and once the impact of the CSR 2015 is known.

Revenue Budget Savings Process

13.10. The next steps are for:

1) the proposals to be presented to members for scrutiny and decision;
2) the LFP to continue informal member level discussions around key service areas; and
3) the Board to continue to develop further savings proposals for 2016/17 and future years.

13.11. The Board has agreed to putting savings forward as they are ready this year, and the provisional timetable for scrutiny and decision making is shown in Table 10 below. These savings decisions and any further savings that may be identified after these rounds will then be collated and included in the usual budget process in February 2016.

Table 10: Budget Timetable – Key Dates

<table>
<thead>
<tr>
<th>Month</th>
<th>Key Stage</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 2015</td>
<td>Select Committees - Revenue Budget Savings report</td>
</tr>
<tr>
<td></td>
<td>PAC and Mayor &amp; Cabinet - Treasury Management Mid Year report</td>
</tr>
<tr>
<td></td>
<td>PAC and Mayor Cabinet - Revenue Budget Savings</td>
</tr>
<tr>
<td>November 2015</td>
<td>Select Committees – 2\textsuperscript{nd} Revenue Budget Savings report</td>
</tr>
<tr>
<td>December 2015</td>
<td>Provisional Local Government Finance Settlement</td>
</tr>
<tr>
<td></td>
<td>Select Committees – 2\textsuperscript{nd} Revenue Budget Savings report</td>
</tr>
<tr>
<td></td>
<td>PAC – 2\textsuperscript{nd} Revenue Budget Savings Report</td>
</tr>
<tr>
<td>January 2016</td>
<td>Final Local Government Finance Settlement</td>
</tr>
<tr>
<td></td>
<td>PAC - the 2016/17 Budget Report</td>
</tr>
<tr>
<td></td>
<td>Mayor &amp; Cabinet – 2\textsuperscript{nd} Revenue Budget Savings Report</td>
</tr>
<tr>
<td>February 2016</td>
<td>National Non Domestic Rates consultation session</td>
</tr>
<tr>
<td></td>
<td>Greater London Authority sets the Budget and Precept for 2016/17</td>
</tr>
<tr>
<td></td>
<td>Notification of Precepts and Levies</td>
</tr>
<tr>
<td></td>
<td>Mayor &amp; Cabinet agrees the Budget &amp; Council Tax 2016/17</td>
</tr>
<tr>
<td></td>
<td>Council approves Budget &amp; Council Tax for 2016/17</td>
</tr>
</tbody>
</table>
14. **HOUSING REVENUE ACCOUNT**

14.1. The Housing Revenue Account (HRA) is a statutory account which sets the Landlord costs and income for the housing stock.

14.2. The HRA now operates with a 30 year business plan which allows the housing strategy to be updated and implements long term planning on resources and asset maintenance.

14.3. The plan contains a long-term assessment of the need for investment in assets, such as Decent Homes and other cyclical maintenance requirements, as well as forecasts on income streams such as rents, in line with rent restructuring.

15. **DEDICATED SCHOOLS GRANT**

15.1. Lewisham was allocated a Dedicated School Grant (DSG) of £275.6m for 2015/16.

15.2. The Government has committed to protect schools budgets in cash terms and to fund increased pupil numbers. The Institute for Fiscal Studies (IFS) has published analysis suggesting that due to pressures on schools this represents a real terms reduction, over the life of this parliament, of between 7% and 12%. The main budget pressure comes from the increase in salaries and wages, national insurance, and pension increases.

15.3. If this happens, then schools would see the following reductions where pupil numbers do not change:

<table>
<thead>
<tr>
<th>School Type</th>
<th>Primary School</th>
<th>Secondary School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size of School</td>
<td>210 pupils</td>
<td>850 pupils</td>
</tr>
<tr>
<td>Typical Budget</td>
<td>£1,130,000</td>
<td>£6,130,000</td>
</tr>
<tr>
<td>7% Reduction</td>
<td>£79,100</td>
<td>£429,100</td>
</tr>
<tr>
<td></td>
<td>£152,600</td>
<td>£655,200</td>
</tr>
</tbody>
</table>

15.4. Overall, this would represent a £17m reduction in funding in real terms for state funded schools within Lewisham.

15.5. The coalition Government took some tentative steps towards a National Funding Formula and the current government has indicated its intention to continue this work. In the last Parliament extra funding (£390m) was provided to the lowest funded authorities and to some outer London Borough’s. Lewisham did not receive any of this funding. No authorities had funding taken away.

15.6. There is now a real possibility that there will be a redistribution of funds between the Local Authorities with the highest per pupil funding to the lowest. Lewisham is the 9th highest per pupil funded authority in the country. The F40 group (a group of the 40 lowest funded Local Authorities with significant representation in the majority party) have put forward proposals where Lewisham would see a reduction of around 10% per pupil. The proposals would be over a three-year
period but would present a significant management challenge for schools in Lewisham.

16. CAPITAL PROGRAMME

16.1. The Capital Programme is a financial expression of the Council’s priorities for investment. It has strategic links to the Council’s Community Strategy and the Corporate Plan. The Asset Management Strategy sets out the Council’s approach to the assets required to deliver excellent services to local people and this also influences the content of the Capital Programme.

Capital Programme Schemes and Resources 2015 to 2020

16.2. The estimated resources available, the forecast spend and the under programming within the 2015/16 to 2019/20 Committed Capital Programme are set out in Table 11 below:

Table 11: Capital Programme Resources and Forecast Expenditure 2015/16 to 2019/20 (as at June 2015)

<table>
<thead>
<tr>
<th>SCHEMES</th>
<th>2015/16 £000</th>
<th>2016/17 £000</th>
<th>2017/18 £000</th>
<th>2018/19 £000</th>
<th>2019/20 £000</th>
<th>Total £000</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>84,427</td>
<td>36,350</td>
<td>12,266</td>
<td>9,600</td>
<td>10,423</td>
<td>153,066</td>
</tr>
<tr>
<td>HRA</td>
<td>65,728</td>
<td>80,613</td>
<td>77,753</td>
<td>56,365</td>
<td>28,813</td>
<td>309,272</td>
</tr>
<tr>
<td></td>
<td><strong>150,155</strong></td>
<td><strong>116,963</strong></td>
<td><strong>90,019</strong></td>
<td><strong>65,965</strong></td>
<td><strong>39,236</strong></td>
<td><strong>462,338</strong></td>
</tr>
<tr>
<td>RESOURCES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prudential Borrowing</td>
<td>29,164</td>
<td>5,472</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>34,636</td>
</tr>
<tr>
<td>Grants and Contributions</td>
<td>49,966</td>
<td>19,518</td>
<td>6,020</td>
<td>612</td>
<td>0</td>
<td>76,116</td>
</tr>
<tr>
<td>General (Capital Receipts, Reserves, Revenue)</td>
<td>71,025</td>
<td>91,973</td>
<td>83,999</td>
<td>65,353</td>
<td>39,236</td>
<td>351,586</td>
</tr>
<tr>
<td></td>
<td><strong>150,155</strong></td>
<td><strong>116,963</strong></td>
<td><strong>90,019</strong></td>
<td><strong>65,965</strong></td>
<td><strong>39,236</strong></td>
<td><strong>462,338</strong></td>
</tr>
</tbody>
</table>

16.3. The proposed 2015/16 to 2019/20 Capital Programme totals £462m and brings together all capital projects across the Council. It sets out the key priorities for the Council over the next five years and is the subject of regular review.

16.4. Over the next five years the Council faces a period of financial uncertainty as revenue funding is cut and Government grants are reduced or terminated. This places increased reliance on the Council’s capacity to generate capital receipts from asset sales to fund infrastructure development. For this reason, any new projects or programmes will need to clearly demonstrate a sound business case for investment.
17. **RISK MANAGEMENT**

17.1. A critical element of the Council’s medium term financial planning processes is to ensure that the financial consequences of risk are adequately reflected in the Council’s budgets. The Council’s risk register sets out those strategic and corporate risks which could materialise, together with the key risk areas in service budgets and associated mitigating measures. These include failure to contain expenditure within agreed cash limits, not meeting the revenue budget savings target and under achievement of income, as well as more specific risks on certain budgets.

**SUMMARY AND IMPLICATIONS**

18. **CONCLUSION**

18.1. The Medium Term Financial Strategy sets out initial estimates of the scale of financial challenge the Council will face over the medium term to 2019/20. It presents the outturn for 2014/15, summarises the current financial position for 2015/16, and looks forward to 2016/17 and later years.

18.2. The next stages in the development of the financial strategy will be further refinement of the Council’s longer term forecasting in light of the next Spending Round and the Council’s development of the proposals by the Lewisham Future Programme. The Council will have to make further difficult decisions to prepare for future shortfalls.

18.3. In the absence of a CSR for 2016/17 and the years beyond, it is difficult to predict the Council’s finances after 2015/16 with certainty. However, it remains true that more challenging times lie ahead. Local authorities have largely acknowledged that deep changes are required if they are to continue to deliver positive outcomes for their citizens. What is not yet clear is how authorities can continue to make this happen in practice and what local government will look like in future.

19. **FINANCIAL IMPLICATIONS**

19.1. This report is concerned with the Council’s medium term financial strategy and as such, the financial implications are contained within the body of the report.

20. **LEGAL IMPLICATIONS**

20.1. The purpose of this report is to develop a medium term approach in support of better service and financial planning. Members are reminded that the legal requirements are centred on annual budget production, and that indicative decisions made for future years are not binding.

20.2. The Local Government Act 2000 and subsequent regulations and guidance says that it is the responsibility of the full Council to set Lewisham’s budget, including all of its components and any plan or strategy for the control of the Council’s capital expenditure. Regulations provide that it is for the Executive to have overall responsibility for preparing the draft budget for submission to the full
Council to consider. Once the budget has been set, it is for the Mayor & Cabinet to make decisions in accordance with the statutory policy framework and the budgetary framework set by the Council.

20.3. Where there are proposals for a reduction to a service which the Council is either under a statutory duty to provide, or which it is providing in the exercise of its discretionary powers and there is a legitimate expectation that it will consult, then consultation with all service users will be required before any decision to implement the proposed saving is taken. The outcome of such consultation must be reported to the Mayor. Where the proposed savings will have an impact upon staff, then the Council will have to consult the staff affected and their representatives in compliance with all employment legislative requirements and the Council's own employment policies.

21. EQUALITIES IMPLICATIONS

21.1. The Council's budget is of primary importance as a means of delivering Lewisham's objectives. When the budget savings and resources allocation proposals are considered during the latter part of this year, they will be assessed in terms of their impact on service delivery and equalities implications.

22. ENVIRONMENTAL IMPLICATIONS

22.1. There are no environmental implications directly arising from the report.

23. CRIME & DISORDER IMPLICATIONS

23.1. There are no crime and disorder implications directly arising from this report.

24. BACKGROUND PAPERS

<table>
<thead>
<tr>
<th>Title of Document</th>
<th>Date</th>
<th>File Location</th>
<th>Contact Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budget Report 2015/16</td>
<td>25 February 2015</td>
<td>5th Floor Laurence House, Corporate Resources</td>
<td>David Austin</td>
</tr>
<tr>
<td></td>
<td>(Full Council)</td>
<td></td>
<td></td>
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<tr>
<td>Final Revenue and Capital Outturn 2014/15</td>
<td>3 June 2014</td>
<td>5th Floor Laurence House, Financial Services</td>
<td>Selwyn Thompson</td>
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<td></td>
<td>Mayor and Cabinet</td>
<td></td>
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<tr>
<td>2015/16 Budget Monitoring Report</td>
<td>14 July 2014</td>
<td>5th Floor Laurence House, Financial Services</td>
<td>Selwyn Thompson</td>
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<td>Public Accounts Committee</td>
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</tr>
</tbody>
</table>
25. APPENDICES

Appendix 1 – Corporate Priorities
Appendix 2 – Summary of MTFS Assumptions
Appendix 3 – Glossary of Terms

For further information on this report please contact

David Austin, Head of Corporate Resources, 5th Floor Laurence House. 020 8314 9114
Shola Ojo, Principal Accountant, 3rd Floor Laurence House 020 8314 7778
APPENDIX 1 – LEWISHAM CORPORATE PRIORITIES

The six Sustainable Community Priority outcomes, agreed with the Lewisham Strategic Partnership and the Council’s 10 Corporate Priorities are set out as follows:

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

*Corporate Priorities*
- **Community Leadership and Empowerment:** developing opportunities for the active participation and engagement of people in the life of the community.
- **Young people’s achievement and involvement:** raising educational attainment and improving facilities for young people through partnership working.
- **Clean, green and liveable:** improving environmental management, the cleanliness and care for roads and pavements, and promoting a sustainable environment.
- **Safety, security and a visible presence:** partnership working with the police and others to further reduce crime levels and using Council powers to combat anti-social behaviour.
- **Strengthening the local economy:** gaining resources to regenerate key localities, strengthen employment skills and promote public transport.
- **Decent Homes for all:** investment in social and affordable housing to achieve the decent homes standard, tackle homelessness and supply key worker housing.
- **Protection of children:** better safeguarding and joined up services for children at risk.
- **Caring for adults and older people:** working with health services to support older people and adults in need of care.
- **Active, healthy citizens:** leisure, sporting, learning and creative activities for everyone.
- **Inspiring efficiency, effectiveness and equity:** ensuring efficiency and equity in the delivery of excellent services to meet the needs of the community.
# APPENDIX 2 - SUMMARY OF ASSUMPTIONS

<table>
<thead>
<tr>
<th>Resource Envelope</th>
<th>Best Case</th>
<th>Base case</th>
<th>Worst case</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Settlement Funding Assessment</strong></td>
<td>• 8% cash reduction in 16/17 and 7% per annum in 17/18 and 18/19, and 5% increase in 19/20</td>
<td>• 12.1% cash reduction in 16/17, 11.6% reduction in 17/18, 4.7% reduction in 18/19 and 7.1% increase in 19/20</td>
<td>• 14.1% cash reduction in 16/17, 13.6% reduction in 17/18, 6.7% reduction in 18/19 and 5.1% increase in 19/20</td>
</tr>
<tr>
<td></td>
<td>• £2.9m added to baseline used for 2016/17 calculation for consolidation of Council Tax freeze grant for 2014/15 and 2015/16 and Settlement Funding Assessment Adjustment grant</td>
<td>• £2.9m added to baseline used for 2016/17 calculation for consolidation of Council Tax freeze grant for 2014/15 and 2015/16 and Settlement Funding Assessment Adjustment grant</td>
<td>• £2.9m added to baseline used for 2016/17 calculation for consolidation of Council Tax freeze grant for 2014/15 and 2015/16 and Settlement Funding Assessment Adjustment grant</td>
</tr>
<tr>
<td></td>
<td>• Nothing additional is included for projected population growth as this is assumed to be included in the government’s SFA calculation</td>
<td>• Nothing additional is included for projected population growth as this is assumed to be included in the government’s SFA calculation</td>
<td>• Nothing additional is included for projected population growth as this is assumed to be included in the government’s SFA calculation</td>
</tr>
<tr>
<td><strong>Retained business rates</strong></td>
<td>• 2% real terms increase each year from 2016/17 from growth in rateable value base</td>
<td>• 1% real terms increase each year from 2016/17 from growth in rateable value base</td>
<td>• No real terms change in rateable value base</td>
</tr>
<tr>
<td><strong>Council Tax income</strong></td>
<td>• No change in Council Tax level</td>
<td>• No change in Council Tax level</td>
<td>• No change in Council Tax level</td>
</tr>
<tr>
<td></td>
<td>• 2% increase each year in Council Tax base from 2016/17 onwards</td>
<td>• 1.5% increase each year in Council Tax base from 2016/17 onwards</td>
<td>• 0.5% increase each year in Council Tax base from 2016/17 onwards</td>
</tr>
<tr>
<td></td>
<td>• 1% change in property base in 2016/17 to reflect inclusion of projected in-year growth in Council Tax base report</td>
<td>• 1% change in property base in 2016/17 to reflect inclusion of projected in-year growth in Council Tax base report</td>
<td>• 1% change in property base in 2016/17 to reflect inclusion of projected in-year growth in Council Tax base report</td>
</tr>
<tr>
<td></td>
<td>• CT collection rate of 96.5% each year from 2016/17 onwards</td>
<td>• CT collection rate of 96% each year from 2016/17 onwards</td>
<td>• CT collection rate of 95.5% each year from 2016/17 onwards</td>
</tr>
<tr>
<td></td>
<td>Best Case</td>
<td>Base case</td>
<td>Worst case</td>
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<td>--------------------------------</td>
<td>---------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Settlement Funding Assessment</td>
<td>• £0.9m in 2014/15 and £1.259m 2015/16</td>
<td>• £0.9m in 2014/15 and £1.259m 2015/16</td>
<td>• £0.9m in 2014/15 and £1.259m 2015/16</td>
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<tr>
<td>Adjustment Grant</td>
<td>• Consolidated in RSG from 2016/17</td>
<td>• Consolidated in RSG from 2016/17</td>
<td>• Consolidated in RSG from 2016/17</td>
</tr>
<tr>
<td>Surpluses/deficits on Collection Fund</td>
<td>• £0.741m surplus declared for 2015/16, of which Lewisham share is £0.548m. This is taken into account in 2016/17 budget</td>
<td>• £0.741m surplus declared for 2015/16, of which Lewisham share is £0.548m. This is taken into account in 2016/17 budget</td>
<td>• £0.741m surplus declared for 2015/16, of which Lewisham share is £0.548m. This is taken into account in 2016/17 budget</td>
</tr>
<tr>
<td>Pay awards</td>
<td>• 1% from 2016/17 onwards</td>
<td>• 1% through to 2019/20</td>
<td>• 2% from 2016/17 onwards</td>
</tr>
<tr>
<td>Employer pension contributions</td>
<td>• £1m added each year until 2019/20</td>
<td>• £1m added each year until 2019/20</td>
<td>• £1m added each year until 2019/20</td>
</tr>
<tr>
<td>Employer national insurance contributions</td>
<td>• £2m increase in 2016/17 (removal of 3.4% reduction for employees who are opted out) put to pressures and risks</td>
<td>• £2m increase in 2016/17 (removal of 3.4% reduction for employees who are opted out) put to pressures and risks</td>
<td>• £2m increase in 2016/17 (removal of 3.4% reduction for employees who are opted out) put to pressures and risks</td>
</tr>
<tr>
<td>General price inflation</td>
<td>• 1.5% increase each year in non-pay budgets</td>
<td>• 2% increase each year in non-pay budgets</td>
<td>• 2.5% increase each year in non-pay budgets</td>
</tr>
<tr>
<td>General fees and charges</td>
<td>• 1.5% increase each year in fees and charges budgets</td>
<td>• 2% increase each year in fees and charges budgets</td>
<td>• 2.5% increase each year in fees and charges budgets</td>
</tr>
<tr>
<td>Pressures and risks</td>
<td>• £6.5m growth each year (in addition to increase in Pension Fund contributions)</td>
<td>• £6.5m growth each year (in addition to increase in Pension Fund contributions)</td>
<td>• £6.5m growth each year (in addition to increase in Pension Fund contributions)</td>
</tr>
<tr>
<td>New legislation</td>
<td>• Nothing allowed</td>
<td>• Nothing allowed</td>
<td>• Nothing allowed</td>
</tr>
<tr>
<td></td>
<td>Best Case</td>
<td>Base case</td>
<td>Worst case</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>---------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
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</tr>
</tbody>
</table>
| **Capital financing charges**  | • Borrowing requirement reduces by the amount of repayment of debt through Minimum Revenue Provision  
                             | • Consolidated Rate of Interest on borrowing remains at 2013/14 rate  
                             | • General Fund investments remain unchanged  
                             | • Interest on investments remains 0.6%  
                             | • Borrowing requirement reduces by the amount of repayment of debt through Minimum Revenue Provision  
                             | • Consolidated Rate of Interest on borrowing remains at 2013/14 rate  
                             | • General Fund investments remain unchanged  
                             | • Interest on investments remains 0.6%  
                             | • Borrowing requirement reduces by the amount of repayment of debt through Minimum Revenue Provision  
                             | • Consolidated Rate of Interest on borrowing remains at 2013/14 rate  
                             | • Slight reduction in General Fund investments  
                             | • Interest on investments remains 0.6%  
                             | | **Levies**                  | • No increase from 2016/17  
                             | • Historic GLC liabilities funded from reserves  
                             | • No increase from 2016/17  
                             | • Historic GLC liabilities funded from reserves  
                             | • 2% increase from 2016/17  
                             | • Historic GLC liabilities funded from reserves  
                             | | **Added years pensions costs** | • Charges to HRA netted off  
                             | • No reduction  
                             | • Charges to HRA netted off  
                             | • No reduction  
                             | | **2016/17 budget pressures and risks** | • All used and allocated to service spend  
                             | • All used and allocated to service spend  
                             | • All used and allocated to service spend  
                             | | **Council Tax freeze grant** | • For 2016/17 only then consolidated in RSG from 2017/18  
                             | • For 2016/17 only then consolidated in RSG from 2017/18  
                             | • For 2016/17 only then consolidated in RSG from 2017/18  
                             | | **Education Services Grant** | • No national reduction from 2016/17 onwards  
                             | • No national reduction from 2016/17 onwards  
                             | • 20% national reduction from 2016/17 onwards  
                             |
APPENDIX 3 - GLOSSARY OF TERMS

Actuarial valuation
An independent report of the financial position of the Pension Fund carried out by an actuary every three years. The actuary reviews the Pension Fund assets and liabilities as at the date of the valuation and makes recommendations such as, employer's contribution rates and deficit recovery period, to the Council.

Baseline funding level
The amount of a local authority’s start-up funding allocation which is provided through the local share of the estimated business rates aggregate (England) at the outset of the scheme as forecast by the Government. It forms the baseline against which tariffs and top-ups are calculated.

Budget Requirement
The Council’s revenue budget on general fund services after deducting funding streams such as fees and charges and any funding from reserves. (Excluding Council Tax, RSG and Business Rates)

Capital expenditure
Spend on assets that have a lasting value, for example, land, buildings and large items of equipment such as vehicles. This can also include indirect expenditure in the form of grants or loans to other persons or bodies.

Capital Programme
The Council’s plan of future spending on capital projects such as buying land, buildings, vehicles and equipment.

Capital Receipts
These are proceeds from the disposal of land or other assets and can be used to finance new capital expenditure but cannot be used to finance revenue expenditure.

Capping
This is the power under which the Government may limit the maximum level of local authority spending or increases in the level of spending year on year, which it considers excessive. It is a tool used by the Government to restrain increases in Council Tax. The Council Tax cap, currently 2%, means that any local authority in England wanting to raise Council Tax by more than 2% in 2015/16 must consult the public in a referendum, Councils losing a referendum would have to revert to a lower increase in their bills.

CIPFA
The Chartered Institute of Public Finance and Accountancy are one of the UK accountancy institutes. Uniquely, CIPFA specialise in the public sector. Consequently CIPFA holds the responsibility for setting accounting standards for local government.
Collection fund
A statutory account maintained by the Council recording the amounts collected from Council Tax and Business Rates and from which it pays the precept to the Greater London Authority.

Collection Fund surplus (or deficit)
If the Council collects more or less than it expected at the start of the financial year, the surplus or deficit is shared with the major precepting authority, in Lewisham’s case this is the GLA, in proportion to the respective Council Taxes. These surpluses or deficits have to be returned to the Council taxpayer in the following year through lower or higher Council taxes. If, for example, the number of properties or the allowance for discounts, exemptions or appeals vary from those used in the Council Tax base, a surplus or deficit will arise. The Council generally achieves a surplus, which is shared with the GLA.

Contingency
This is money set-aside centrally in the Council’s base budget to meet the cost of unforeseen items of expenditure, such as higher than expected inflation or new responsibilities.

Council Tax Base
The Council Tax base for a Council is used in the calculation of Council Tax and is equal to the number of Band D equivalent properties. To work this out, the Council counts the number of properties in each band and works out an equivalent number of Band D equivalent properties. The band proportions are expressed in ninths and are specified in the Local Government Finance Act 1992. They are: A 6/9, B 7/9, C 8/9, D 9/9, E 11/9, F 13/9, G 15/9 and H 18/9, so that Band A is six ninths of the ‘standard’ Band D, and so on.

CPI and RPI
The main inflation rate used in the UK is the CPI (Consumer Price Index), the Chancellor of the Exchequer bases the UK inflation target on the CPI. The CPI inflation target is currently set at 2%. The CPI differs from the RPI (Retail Price Index) in that CPI excludes housing costs. Also used is RPIX, which is a variation on RPI, one that removes mortgage interest payments.

Dedicated schools grant (DSG)
This is the ring-fenced specific grant that provides most of the Government’s funding for schools. This is distributed to schools by the Council using a formula agreed by the schools forum.

Financial Regulations
These are a written code of procedures set by a local authority, which provide a framework for the proper financial management of the authority. They cover rules for accounting and audit procedures, and set out administrative controls over the authorisation of payments, etc.

Financial Year
The local authority financial year commences on 1st April and finishes on the following
General Fund
This is the main revenue fund of the local authority, day-to-day spending on services is met from the fund. Spending on the provision of housing however, must be charged to the separate Housing Revenue Account (HRA).

Gross Domestic Product (GDP)
GDP is defined as the value of all goods and services produced within the overall economy.

Gross expenditure
The total cost of providing the Council's services, before deducting income from Government grants, or fees and charges for services.

Housing Revenue Account (HRA)
A separate account of expenditure and income on housing that Lewisham must keep. The account is kept ring-fenced from other Council activities. The Government introduced a new funding regime for social housing within the HRA from April 2012.

Individual authority business rates baseline
This is derived by apportioning the billing authority business rates baseline between billing and major precepting authorities on the basis of major precepting authority shares.

Levies
A levy is an amount of money a local authority is compelled to collect (and include in its budget) on behalf of another organisation. Lewisham is required to pay levies to a number of bodies such as the London Pensions Fund Authority.

Local share
This is the percentage share of locally collected business rates that will be retained by local government, currently 50%.

Net Expenditure
This is gross expenditure less services income, but before deduction of government grant.

New Homes Bonus
Under this scheme Councils receive a new homes bonus (NHB) per each new property built in the borough for the first six years following completion. Payments are based on match funding the Council Tax raised on each property with an additional amount for affordable homes. It is paid in the form of an un-ringfenced grant.

Prudential Borrowing
Set of rules governing local authority borrowing for funding capital projects under a professional code of practice developed by CIPFA to ensure the Council's capital investment plans are affordable, prudent and sustainable.

Revenue Expenditure
The day-to-day running expenses on services provided by Council.

**Revenue Support Grant (RSG)**

All authorities receive Revenue Support Grant from central government in addition to its baseline funding level under the local government finance system. An authority’s Revenue Support Grant amount plus its baseline funding level together comprises its Settlement Funding Assessment.

**Section 151 officer**

Legally Councils must appoint under section 151 of the Local Government Act 1972 a named chief finance officer to give them financial advice, in Lewisham’s case this is the post of the Executive Director for Resources and Regeneration.

**Settlement Funding Assessment (SFA)**

A local authority’s share of the local government spending control total which comprises its Revenue Support Grant for the year in question and its baseline funding level.

**Specific Grants**

As the name suggests funding through a specific grant is provided for a specific purpose and cannot be spent on anything else e.g. The Dedicated Schools Grant (DSG) for schools.

**Spending Review**

The Spending Review is an internal Government process in which the Treasury negotiates budgets for each Government Department. The 2010 SR set government spending for the four financial years up to 2014/15, the 2013 SR set spending for a single year 2015/16. The next spending review is expected in 2016.

**Start-up funding allocation (SUFA)**

Refer to Settlement Funding Assessment.

**Treasury Management**

The process of managing the Council's cash flows, borrowing and cash investments to support Lewisham’s finances. Details are set out in the Treasury Management Strategy which is approved by Mayor and Cabinet and Full Council in February each year.
At the time of submission for the Agenda, I confirm that the report has:

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<tr>
<th>Category</th>
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<td>Financial Comments from Exec Director for Resources</td>
<td>X</td>
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</tr>
<tr>
<td>Legal Comments from the Head of Law</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Crime &amp; Disorder Implications</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Environmental Implications</td>
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<td></td>
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<tr>
<td>Equality Implications/Impact Assessment (as appropriate)</td>
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<td>Confirmed Adherence to Budget &amp; Policy Framework</td>
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<td>Risk Assessment Comments (as appropriate)</td>
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<td>Reason for Urgency (as appropriate)</td>
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Signed: Executive Member

Date: __________

Signed: Director/Head of Service

Date: 7/17/2015

Control Record by Committee Support

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<th>Action</th>
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<td>Listed on Schedule of Business/Forward Plan (if appropriate)</td>
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<tr>
<td>Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)</td>
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<tr>
<td>Submitted Report from CO Received by Committee Support</td>
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<tr>
<td>Scheduled Date for Call-in (if appropriate)</td>
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<td>To be Referred to Full Council</td>
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</table>
1. **Summary**
   1.1 The Planning Service is undertaking a first round of public consultation on the production of a new Lewisham wide Local Plan. There are statutory requirements which specify the process for adopting a Local Plan. These involve an early round of public consultation on the main issues to be addressed in the Local Plan. This round of consultation seeks to meet the requirements for initial consultation. As part of the development plan process the Lewisham constitution requires the consultation document be approved by Full Council.

2. **Purpose**
   2.1 This report seeks the Mayor’s agreement to undertake public consultation on the main issues to be addressed in the new Lewisham Local Plan.

3. **Recommendations**
   3.1 The Mayor is recommended to approve the *Lewisham Local Plan: Consultation on Main Issues* for public consultation and recommend the Full Council do the same. The consultation document is set out as Appendix 1 to this report.

   3.2 The Mayor is recommended to delegate authority to the Executive Director of Resources and Regeneration to make any minor alterations to the consultation document prior to the start of the formal consultation.

4. **Policy Context**
   4.1 The contents of this report are consistent with the Council's policy framework. The new Lewisham Local Plan will replace in time the current statutory plans for the borough. When adopted it will become part of the Lewisham policy framework and will contribute to the implementation of each of the Council's ten priorities as follows:
   
   - community leadership and empowerment
   - young people’s achievement and involvement
clean, green and liveable
safety, security and a visible presence
strengthening the local economy
decent homes for all
 protection of children
caring for adults and older people
active, healthy citizens
inspiring efficiency, effectiveness and equity

4.2 The new Lewisham Local Plan will help give spatial expression to the Sustainable Community Strategy (Shaping Our Future) (SCS), which was prepared by the Local Strategic Partnership and adopted by the Council in May 2008. The new Borough Local Plan will also play a central role in the implementation of the SCS vision ‘Together we will make Lewisham the best place to live, work and learn’ and all of the six strategic priorities, which are:

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

4.3 The new Lewisham Local Plan will help implement a range of other Council policies and strategies.

5. Background

5.1 The new Lewisham Local Plan, when adopted, will be part of Lewisham’s statutory planning framework. The National Planning Policy Framework (NPPF) 2012 changed the old development plan system which encouraged local planning authorities to produce a suite of development plan documents to one which encourages the production of a single local plan for the area. Paragraph 153 of the NPPF states ‘each local planning authority should produce a Local plan for its area….Any additional development plan documents should only be used where clearly justified’.

5.2 Lewisham has already produced and adopted a suite of development plan documents including the Core Strategy (2011); Site Allocations Local Plan (2013); Lewisham Town Centre Local plan (2014) and the Development Management Local Plan (2014). The Core Strategy is the key planning document and set out the spatial
strategy to deliver growth over the period 2011 – 2026 and is the document all the other development plan documents seek to implement.

5.3 There are three basic reasons why we need to update and replace our development plan documents. Firstly, the many Government changes to national planning policy means there is a danger of our policies being considered out of date. The Core Strategy was adopted prior to the NPPF and our policies are required to be in conformity with national policy. The Government have also made a number of other policy changes that impact on our current policies and therefore need to be revised. For example, there have been changes to national policy relating to affordable housing, residential space standards and change of use of retail units and these and other changes need to be reflected in Lewisham planning policy.

5.4 Secondly, the London Plan (2011) has been changed three times since the Core Strategy was adopted. The borough development plan is required to be in general conformity with the London Plan. Our policies could therefore be considered out of date regarding the London Plan. In particular, the latest Further Alterations to the London Plan adopted May 2015 has set new minimum housing targets for the borough. These are new challenging minimum targets for Lewisham and have risen from 1,100 to 1,385 new homes per annum. The new plan will have to say how Lewisham intends to deliver these and possibly higher targets identified from the objectively assessed need methodology.

5.5 Thirdly, there have been many social and economic changes since the Core Strategy was adopted in 2011. The household and population growth in London has been much higher than predicted. The 2011 Census showed that London’s population had already exceeded 8 million yet the prediction had been that it would not reach this level until 2016. This growth has multiple consequences included demand for housing and health and education infrastructure. The global economic recession of 2008 had impacts on many sectors of the economy, for example, some house building programmes were stalled and many high street shops went out of business. The current evidence shows that Lewisham is doing relatively well on house building and in relation to vacant shop units but nevertheless there have been impacts which need to be addressed in the new plan.

5.6 The NPPF, paragraph 213 states ‘Plans may, therefore, need to be revised to take into account the policies in this framework. This should be progressed as quickly as possible, either through a partial review or by preparing a new plan.’ If the development plan for the borough is not kept up to date planning decisions will be challenged and Inspectors will give the policies less weight in decisions on planning appeals. These factors all indicate the need for a new local plan for the borough.

5.7 The process for adopting a development plan is prescribed by legislation and government guidance. Of particular importance are the Planning and Compulsory Purchase Act 2004 (as amended); the Town and Country Planning (Local Planning) (England) Regulations 2012 and the National Planning Policy Framework (NPPF) which was introduced in March 2012.
5.8 In summary, the regulations and guidance indicate that a new Lewisham Local Plan will need to address the following stages:

- Consultation on Issues and Options (regulation 18)
- Consultation on Preferred Options (regulation 18)
- Consultation on Proposed Submission and Submission Plan (regulations 19-22)
- Independent Examination in Public (regulation 24)
- Inspectors report on ‘soundness’ (regulation 25)
- Adoption by Council (regulation 26)

6. **New Lewisham Local Plan – First Stage Public Consultation**

6.1 As indicated above the regulations require an early round of consultation with the public and other stakeholders. This initial round of consultation must notify interested people about the intention to produce a new borough local plan and identify the main issues that the local plan will address and invite representations on these topics. Officers propose to meet this statutory requirement by consulting on the proposed spatial strategy and the main issues the new Lewisham local plan will address. The first stage public consultation document is set out as Appendix 1 to this report.

6.2 The NPPF and National Planning Policy Guidance (NPPG) make clear that Local Planning Authorities should work with infrastructure providers and other authorities to assess the quality and capacity of existing infrastructure, identify future needs and set out what infrastructure is required to deliver the development plan. The Council prepared an Infrastructure Delivery Plan (IDP) in 2010 to inform and support the current Core Strategy and, subsequently, the development of Lewisham’s Community Infrastructure Levy (CIL). Work has started on revising the scope and content of the IDP to inform the new Lewisham Local Plan and revised CIL. It is proposed to consult on the baseline study for the new IDP alongside the consultation on the new Lewisham Local Plan. This document will establish a baseline of existing infrastructure facilities, key relevant strategies and plans and current committed and planned infrastructure projects.

6.3 The Regulations and the Council’s adopted Statement of Community Involvement (SCI) require the Planning Service to consult the public and other stakeholders at regular intervals during the preparation of the new Borough Local Plan. This first round of public consultation will run for a minimum period of 6 weeks and will involve a number of different techniques of consultation. This will involve, but is not limited to, display on the council web site; placing copies in all libraries; mail out to all those on the planning policy database and a series of targeted meetings with the community and business interests. The details are set out in the Consultation Strategy attached as Appendix 2 to this report.
7. **Summary of Main issues consultation document**

7.1 The new ‘Lewisham Local Plan: Consultation on Main Issues’ is set out as Appendix 1 to this report. The document is structured as follows:
- Introduction
- Drivers for Change
- The Spatial Strategy
- Housing
- Employment
- Retail
- Transport
- The Environment
- Urban Design and Conservation
- Community Facilities, Education and Health
- Next Steps

7.2 The introduction sets the scene and explains why a new Local Plan is needed and that a Sustainability Appraisal will be produced alongside the Local Plan to ensure it is the most sustainable plan we can achieve. The Drivers of Change section sets out the extent of the challenge given by the population growth and housing need. The Spatial Strategy section reviews the strategy set out in the Core Strategy and finds it generally fit for purpose but acknowledges that new sites and further intensification will be required.

7.3 The bulk of the document then addresses subject topics to identify the main issues that the new Lewisham Local Plan will need to deal with. Each section provides a summary of the national and regional policy requirements; reviews the evidence available, sets out the main issues to be addressed and then asks some consultation questions on the approach proposed. A summary is given below.

7.4 Housing is probably the biggest challenge the new Local Plan must address. This section sets out the planning policy requirements for Lewisham to meet including the objectively assessed need for 25,000 new homes in the Local Plan period 2018-2033. It reviews the need for affordable housing; the government's new national housing standards which mean Lewisham must opt-in to these higher standards through its Local Plan. Other issues the Local plan will address include the need for older people and student housing; development in back gardens and infill sites; conversion of larger dwellings into flats; houses in multiple occupation and residential design and density.

7.5 The Employment section discusses the land and buildings in the borough that are used for employment, that is, employment in offices, industry and warehouses. The trends in these uses are discussed and the current policy to classify employment land as strategic industrial land, local employment land, mixed use employment land and other employment land, is described. The current policy is to protect the best quality sites while allowing redevelopment
on poorer quality sites. Some consultation questions are asked concerning future policy direction.

7.6 The Retail section sets out the current retail hierarchy for planning purposes and discusses some of the issues that face the different centres. The Major centres at Lewisham and Catford and the district centres at Blackheath, Deptford, Downham, Forest Hill, Lee Green, New Cross and Sydenham, all perform a different role and function. The main issues are how to maintain vibrant town centres; dealing with the variety and type of uses and vacant properties. At the local shopping level the main issue is economic viability and change of use away from a shop to other uses such as residential or take away uses.

7.7 The Transport section considers the delivery of large scale transport infrastructure such as the proposed Bakerloo Line extension and improvements to the A205 South Circular at Catford. These schemes are delivered by strategic providers such as Transport for London or Network Rail and the Council has a promotional role to influence early provision. Other transport issues considered are the location of large scale development in areas of good public transport provision; Parking in new development; promoting walking and cycling and protecting essential transport infrastructure such as bus garages from redevelopment.

7.8 The Environment section deals with issues relating to climate change, sustainability, open space, waste and environmental protection. Current policy in relation to sustainable development refers to the Code for Sustainable Homes which the Government has abolished so a new approach will be required. The increased population will put extra pressure on the use of Lewisham’s open spaces and policy will need to protect these valuable assets. The London Plan directs the Borough to find sites to deal with waste and this will need to be reviewed. Other issues concerning environmental protection relating to air quality, land contamination and noise will also need to be addressed.

7.9 The Urban Design and Conservation section deals with issues relating to high quality design, the creation of visually interesting and coherent townscape, the creation and preservation of residential amenity and the preservation or enhancement of conservation areas and listed buildings. The issue of increased density while maintaining quality and a ‘sense of place’ is covered as is the issue of maintaining the character of certain areas which might experience rapid change and growth.

7.10 The Community facilities, Education and Health section deals with the social infrastructure necessary for a sustainable community. These facilities include: education, healthcare, leisure, arts, cultural, entertainment, sports, emergency services, places of worship and cemeteries. The main issue for community facilities is protecting those which are needed from inappropriate
redevelopment. In education, it is providing enough school places for the growing population and in health it is how to use the planning system to help improve the general health of the population.

7.11 The Next Steps section sets out the process for delivering the new Local Plan. The comments made at this early consultation will be taken into account to inform a more detailed consultation on policy options for early next year. Following that consultation a draft Local Plan will be prepared for submission to the Planning Inspectorate for an independent review. The Inspector will make recommendations about changes which the Council must make before it can go onto adopt the new Local Plan.

8. Financial Implications
8.1 There are no direct financial implications arising from this report. The consultation will be delivered within the agreed Planning Service budget.

9. Legal Implications
9.1 The procedures which the Council is required to follow when producing a new local plan derive from the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012.

9.2 This report seeks authority to consult on the Council’s proposed intention to create a new local plan.

9.3 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In summary, the Council must, in the exercise of its functions, have due regard to the need to:

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

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

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

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

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

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

10. Crime and Disorder Implications
10.1 There are no direct implications relating to crime and disorder issues.

11. Equalities Implications

11.1 The Council’s Comprehensive Equality Scheme for 2012-16 provides an overarching framework and focus for the Council's work on equalities and helps ensure compliance with the Equality Act 2010. The proposals set out in this report accord with the Council’s Comprehensive Equalities Scheme; particularly as they relating to: ‘increasing participation and engagement’.

11.2 The process of producing the new Local Plan will include an equalities appraisal to identify equalities impacts and implications of emerging policy options.

12. Environmental Implications
11.1 There are no direct environmental impacts arising from this report.

13. Conclusion
13.1 The Planning Service will be consulting on the first stage of preparing a new Lewisham Local Plan this year. This early round of consultation is intended to notify the public and other specified bodies about the Council's intention to
produce a new Local Plan and identify the main issues that the new Plan will seek to address. There are formal regulations that specify what consultation must take place and as a minimum these will be met.

14. Background documents and originator

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<td>Brian Regan</td>
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If you have any queries on this report, please contact Brian Regan, Planning Policy Manager, 3rd floor Laurence House, 1 Catford Road, Catford SE6 4RU – telephone 020 8314 8774.

Appendix 1: New Lewisham Local Plan – Consultation on Main Issues

Appendix 2: Borough Local Plan – consultation strategy
Lewisham Local Plan – Consultation on Main Issues (2015)

(Regulation 18)

The Council is inviting comments on the Lewisham Local Plan – Consultation on Main Issues (2015) as part of a formal public consultation.

How do I Comment?

This consultation runs for 6 weeks from XXX to XXX 2015.

You can respond in the following ways:

- **On-line:** [http://consult.lewisham.gov.uk/portal](http://consult.lewisham.gov.uk/portal)
- **E-mail:** planning.policy@lewisham.gov.uk
- **Post:** Planning Policy, London Borough of Lewisham, 3rd Floor, Laurence House, 1 Catford Road, SE6 4RU

You can also respond by completing a questionnaire which can be filled out online at [INSERT WEBSITE], from Laurence House, downloaded from our website at [INSERT WEBSITE]

Copies of the document can be:

- viewed on the Councils website www.lewisham.gov.uk/
- inspected at all borough libraries and Council’s AccessPoint, Ground Floor, Laurence House, Catford, SE6 4RU and obtained by contacting the Planning Policy Team on 020 8314 7400 who will also be happy to answer any questions you may have.
Foreword

The ‘Lewisham Local Plan – Consultation on Main Issues (2015)’ is about shaping the future of the borough as a better place to live, work, relax and visit. This means deciding what sort of place we want the borough to be in 2033. The solution for one area of the borough may well not be appropriate for another so the Lewisham Local Plan will need to be locally distinctive for the borough as a whole and the individual places within it.

Lewisham is made up of a collection of diverse neighbourhoods and strong communities, great transport links and a thriving cultural scene. This sense of place ensures that while the borough and its neighbourhoods develop, they maintain their unique identities and preserve Lewisham’s rich natural and architectural heritage.

A lot has changed since the adopted of the Core Strategy in 2011. It is clear that the requirement to provide for housing and job growth in the future has increased from previous years. Lewisham’s population will significantly increase over the plan period. The government has significantly changed planning policy and our Local Plan needs to reflect these changes. For this reason we are looking at the key issues during this first stage of public consultation.
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1 Introduction

1.1 Lewisham adopted its Core Strategy in 2011 and now needs to prepare a new Local Plan because the Government and the London Mayor have revised their own planning policies.

1.2 Our new Local Plan has to be consistent with the National Planning Policy Framework\(^1\) (NPPF) which came into force in March 2012 and in general conformity with the Further Alterations to London Plan\(^2\) (FALP) adopted March 2015, the spatial development plan for London.

1.3 The Local Plan will need to be informed by a robust evidence base which the Council is currently progressing. The Infrastructure Delivery Plan will be updated and will outline the infrastructure needed to support the growth and objectives set out in the new Local Plan. A framework document for the Lewisham Infrastructure Delivery Plan (IDP) is being prepared.

Purpose of the Lewisham Local Plan

1.4 The process for preparing statutory Local Plans is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. Regulation 18 represents the first (statutory) stage in the process of preparing a Local Plan and relates to the “scoping” stage of the Local Plan preparation process, where the public are asked what they think the Local Plan should contain. This initial round of consultation notifies interested people about the Council’s intention to produce a new Lewisham Local Plan.

1.5 This document sets out a proposed spatial strategy and identifies the main issues that the new local plan will address. It has been produced in accordance with Regulation 18 and its purpose is therefore to invite representations about the proposed content of the new local plan.

\(^1\) https://www.gov.uk/government/publications/national-planning-policy-framework--2

\(^2\) http://www.london.gov.uk/priorities/planning/london-plan
2 What is a Local Plan?

2.1 The Lewisham Local Plan will be the key planning document for the borough. It will set out the planning strategy for growth, that is, how we will deliver the new homes needed over the next 15 years, from 2018-2033. It will identify the areas in the borough where growth is expected and how these areas are likely to change in order to accommodate that growth. It will contain the planning policies that will be used to assess planning applications in the future.

2.2 Alongside this expected growth, there will be a need for expanded and improved infrastructure to service a more densely populated borough. Local Plans are expected to plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of the NPPF.

2.3 The Local Plan will eventually replace the existing Local Development Framework which is a suite of planning documents consisting of the:

- Core Strategy (adopted June 2011)
- Development Management Local Plan (adopted November 2014)
- Site Allocations Local Plan (adopted June 2013) and
- Lewisham Town Centre Local Plan (adopted February 2014)

2.4 The Local Plan will be supported by supplementary planning documents (SPDs) and a separate Gypsy and Traveller Site(s) Local Plan.

2.5 All the borough’s current planning policy documents can be viewed on the Council’s website, along with the Local Development Scheme (LDS) which sets out the timetable for the production of new planning documents: http://www.lewisham.gov.uk/myservices/planning/policy/LDF/Pages/default.aspx
3 Sustainability Appraisal

3.1 The Lewisham Local Plan will be subject to a sustainability appraisal (SA) which is an integral part of the plan preparation process. The SA involves identifying and evaluating a plan’s impacts and assessing the social, environmental and economic impacts to help ensure that the plan accords with sustainable development principles. A Scoping Report will be prepared for consultation and this will inform the scope and level of the environmental information to be included in the SA Report to accompany the next round of consultation on the Preferred Options next year.
4 Drivers for Change

Housing

4.1 The NPPF introduced some significant changes to the plan making process along with a strong focus on sustainable economic growth and a presumption in favour of sustainable development.

4.2 Local planning authorities are now required by the NPPF to make an objective assessment of their housing need (OAN) and ensure their local plans meet the full OAN in so far as they have sustainable capacity to do so. The NPPF states local planning authorities should prepare a Strategic Housing Market Assessment (SHMA) to identify OAN by working with neighbouring authorities within the Housing Market Area. Lewisham along with the south east London boroughs of Bexley, Bromley, Greenwich and Southwark commissioned a sub regional SHMA published in 2014. The SHMA identified for Lewisham, a housing need of 1,670 additional dwellings each year to meet existing and additional demand.

4.3 The Core Strategy (2011) set out to exceed the provision of new homes allocated in the London Plan (2008) by making provision for 18,000 new homes over the plan period 2011-2026. However the updated London Plan (2015) increased the housing target for Lewisham by requiring a minimum housing target of 1,385 per annum.

4.4 The Lewisham Local Plan will need to show how it will meet the OAN housing figure and the increased housing target required by the London Plan (2015).

Population Growth

4.5 Since the adoption of the Core Strategy, the population growth for both London and Lewisham have been higher than expected. The estimated 2013 mid-year population of the borough was 286,180 an increase of 4,624 (1.6%) over the previous twelve months. This growth rate is nearly twice the national growth rate. The population is estimated to have grown by 15% since 2001, whereas the national growth in this period was only 9.6%. These two numbers show that the borough’s population growth is well above the national rate. Whilst the growth rate from 2001 to 2013 was slightly below the rate for Greater London, it is nearly a quarter higher than the metropolitan growth rate in the twelve months 2012 to 2013.

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3 Paragraph 47, NPPF
4 Strategic Housing Market Assessment (2014)
5 The London Plan housing target of 1,385 per annum, therefore requires a 15 year plan period provision of 20,775.
6 GLA 2013 population estimates
4.6 The 2014 GLA population forecasts for Lewisham show that the borough’s population will grow from 294,009 in 2015 to 333,554 by 2032. The GLA 2015 age population projections show an overall increase in the majority of the age groups between 2015 to 2032. Of particular importance is the increase in the age group of 10 to 14 years old of 23.4% and for the age group 15 to 19 years old, an increase of 17.8%. It also predicts a significant ageing of Lewisham’s population, including a 53% increase in people aged 65 plus and a 40% increase in the number of people aged 80 plus. Further details on age population projections are set out in Appendix 2.

4.7 The Lewisham Local Plan will need to manage this growth and provide for the needs of the growing population by identifying housing sites and locations for facilities and services.

Transport Improvement Proposals

4.8 In September 2014, Transport for London, consulted on several options for an extension of the Bakerloo line beyond its current southern terminus at Elephant & Castle which would stop at New Cross Gate, Lewisham, Ladywell, Catford Bridge and Lower Sydenham. These transport proposals could provide opportunities to intensify housing along the Bakerloo line extension.

4.9 If a decision is made to progress the scheme and the necessary funding secured, it is anticipated that construction could commence in around 2023 and be completed in approximately 2030. This would fall within the latter part of the Local Plan period of 2018-2033.
5 The Spatial Strategy

5.1 The Core Strategy sets out the current spatial strategy for the borough by shaping how each area develops and distributes growth in housing, retail and employment in a geographical hierarchy as follows:

- **Regeneration and Growth areas** covering Lewisham, Catford, Deptford, New Cross/New Cross Gate;
- **District Hubs** covering the district town centres of Blackheath, Forest Hill, Lee Green and Sydenham;
- **Local Hubs** covering Brockley Cross, Hither Green and Bell Green
- **Areas of Stability and Managed Change** covering the rest of borough not included above; and
- **Local Regeneration Areas** focused on Whitefoot, Downham and Bellingham wards including the Downham district town centre and Southend village, Bromley Road.

**Regeneration and Growth Areas**

5.2 The regeneration and growth area (RGA) in the Core Strategy was the area identified to accommodate approximately 15,000 new homes; 100,000 sqm² of new and renovated employment floorspace and 62,000 sqm² of new retail floorspace by 2026. This area coincides with the Lewisham, Catford and New Cross and Deptford Creek/Greenwich Riverside Opportunity Areas designated in the London Plan.  

5.3 The regeneration and growth area still represents the best opportunity for growth in housing, retail, employment floorspace and educational facilities in the borough. However, we are now faced with the challenge of finding additional sites to accommodate the additional growth.

5.4 Below is a description of the rest of the spatial hierarchy.

**District Hubs**

5.5 The District hubs allocated in the Core Strategy focused on the district town centres of Blackheath, Forest Hill, Lee Green, and Sydenham. The District town centres are concentrations of local economic activity, supported by

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7 The London Plan identified opportunity areas across London in order to help meet the challenges of economic and population growth. These opportunity areas represent London’s largest development opportunities. The updated London Plan (2015) expects the opportunity areas to accommodate much of the capital’s growth, with capacity for approximately 575,000 jobs and 303,000 additional homes.
good public transport where shopping and other commercial activity is concentrated.

Local Hubs

5.6 Local hubs were allocated in the Core Strategy at Brockley Cross, Hither Green and Bell Green. These were places that had some limited potential for redevelopment. Overall it was considered that they had the potential to deliver a small amount of residential units.

Areas of Stability and Managed Change

5.7 The Core Strategy defined these areas as ‘those parts of the borough which are largely residential or suburban in character and where the urban form and development pattern is established thereby limiting major physical change’. As would be expected in a well established urban area, the majority of the borough falls into this category.

5.8 The scale and type of development anticipated in the Core Strategy was small scale and likely to consist of:

- Small scale residential development mostly infill and windfall sites;
- Conversion of houses to flats
- Change of use of shops in local parades
- Small scale extensions and alterations to buildings

Managing Future Growth

5.9 The current spatial strategy was designed for accommodating growth and given the expected population and household growth this is likely to continue in the future. It is considered that the strategy has been working and is delivering the growth in the places identified. However, to meet the new targets for homes additional sites will have to be found. It is therefore proposed to continue with the growth strategy but to look more carefully for new sites to accommodate future household growth. The major contribution will continue to come from the regeneration and growth areas of Catford, Lewisham, Deptford and New Cross. Whilst opportunities for new development and intensification of development in the district and local hubs will be explored. The majority of the borough is classified as an area of stability and managed change and it is proposed this continues in the new Local Plan.

5.10 Given the level of growth that must be accommodated in the borough, and the change that this will bring with it, the key challenge is to create high quality places for people to live in, work in and visit.

5.11 If Lewisham’s places are to grow, they must do so in a way that is true to their existing locality and nature. They must grow with an appreciation of
the existing quality and function of the place, including the urban form, landscapes, access, culture, topography, building types, materials and local climate, all of which is necessary to nurture local distinctiveness.

5.12 Growth should be based on an understanding of the existing situation, and what is likely to be appropriate in the future. A focus on shaping different and distinctive places has the potential to reinforce local character, protect valuable assets and create places with a real sense of identity.

5.13 The following five principles set out how Lewisham’s places should be shaped. These principles apply to all Lewisham’s places, no matter where they are in the growth hierarchy, and no matter how much growth the place will accommodate.

1. Places are for people. They have distinctive characters and must be safe, comfortable, varied and attractive.

2. Places must add value to what already exists. The character of a place is about people and communities as well as the physical components.

3. Places are connected and overlap – boundaries, edges and transitions are important and places must be easy to get to and move around in.

4. Places must be economically viable.

5. Places must be flexible and respond to change.
6 Housing

6.1 The provision of housing is a key priority and pressure for the borough. Lewisham’s housing policies need to be updated to respond to the recent changes in national and regional policy. The NPPF sets out the government’s requirements for how local planning authorities are to plan for housing. They also need to respond to the existing and forecast increase in local housing need and population growth.

Lewisham’s Housing Need

6.2 The demand for housing in the borough and across London continues to rise. The updated London Plan (2015) increased the housing target for Lewisham borough from 1,100 to 1,385 new dwellings per year. Whilst the South East London SHMA (2014) states that because of population growth which affects the rate at which new households are formed and immigration, 1,670 additional dwellings are required each year to meet existing and additional demand. The Council therefore needs to identify enough housing sites in the borough to accommodate this number of dwellings over the Local Plan period of fifteen years from 2018-2033, this totals 25,000 additional dwellings.

6.3 As Lewisham’s housing needs are considerably higher than previously assessed, the Council is:

- updating its Strategic Housing Land Availability Assessment (SHLAA). The SHLAA will identify available and suitable sites to accommodate housing in order to meet Lewisham’s need for housing over the plan period. This will involve research to identify possible additional sites and reviewing previously considered sites that were not progressed

- Quantifying committed and likely housing projects by Lewisham Homes and registered providers of social housing

- Carrying out a call for sites – inviting the community to nominate sites for consideration for housing development

- the Council’s Housing Service will be delivering new homes through the building of new homes and estate renewal where appropriate

6.4 Whilst the council can identify sites (preferably within the borough) to meet this need, it cannot force developers or site owners to lodge applications to develop, or to act on planning permissions, or to complete the developments within any timeframe. These matters are influenced by wider economic and financial considerations, based largely on how profitable housing development is at the time.

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8 Paragraph 47 to 53, NPPF
6.5 If the borough has insufficient capacity to accommodate its housing need, then it may be able to negotiate with adjoining boroughs with spare capacity, to accommodate some of Lewisham’s need, based on the duty to co-operate as set out in the NPPF.

6.6 The Council also maintains a database of a five-year supply of housing, made up of sites where permissions are granted and construction is either underway or a start date for construction is known. The capacity of sites is calculated using the sustainable residential quality density matrix in the London Plan. This database is kept up to date on a rolling basis. In addition the Council maintains a database of sites sufficient to meet a fifteen year demand for housing.

Affordable Housing

6.7 Since the Core Strategy was adopted, changes to the definition and delivery of affordable housing have been made through the NPPF\(^9\) and the updated London Plan (2015). The NPPF requires local planning authorities to plan for a mix of housing types based on current and future demographic trends, and where they have identified that affordable housing is needed, set policies for meeting this need on site. It also changed the definition of affordable housing by introducing a new tenure called ‘affordable rented housing’.\(^10\)

6.8 The evidence presented in the South East London SHMA shows there is a pressing need for affordable housing in the borough. This is in part caused by the increasing house prices in Lewisham and the borough’s low household incomes in compared to the London average household income. It also found that 60% of the demand for affordable housing is for three or four bedroom dwellings. The current Core Strategy policy expects the provision of family housing (3+ bedrooms) as part of any new development with 10 or more dwellings.

6.9 The current affordable housing policy in the Core Strategy seeks the maximum provision of affordable housing with a strategic target for 50% affordable housing from all sources. It also states contributions to affordable housing will be sought on sites capable of providing 10 or more dwellings. This would be subject to a financial viability assessment. To ensure a mixed tenure and promote mixed and balanced communities, the affordable housing component is to be provided as 70% social rented and 30% intermediate housing.

6.10 Given the degree of need for housing assistance, the Council believes 50% is an appropriate target for affordable housing for the borough – whether as social housing or shared ownership. Increases in house prices and rental

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\(^9\) Paragraph 50, NPPF
\(^10\) Annex 2, NPPF - defines affordable rented housing as a form of social housing. This new tenure is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable rent is subject to rent controls that require a rent of no more than 80% of the local market rent
levels mean that social rent at affordable market levels (80% of market rent) and shared ownership are both becoming inaccessible for more and more people. To make social rent more affordable the new Local Plan could incorporate a planning policy to cap social rent.

Vacant Building Credit

6.11 The ‘vacant building credit’ is a new government policy intended to encourage housing development on brownfield sites by introducing a credit to offset the costs associated with bringing brownfield sites back into use. The national Planning Practice Guidance (NPPG) explains where vacant floorspace is brought back into use for residential purposes, no affordable housing contribution need be paid on that portion of the development. This is both in terms of on-site construction of affordable units as well as financial contributions for off-site provision. The ‘vacant building credit’ is likely to reduce the amount of affordable housing that can be delivered in the borough.

Housing Standards

6.12 Following the Government’s Housing Standards Review which aimed to simplify government regulations and standards into one key set, the building regulations will now set the national standards for water efficiency, security, accessibility and energy, including a zero carbon standard from 2016.

6.13 A national internal space standard closely based on the existing London Housing Standards will be applied through the planning system. If Lewisham Council wants to require an internal space standard i.e. a minimum size for a room, it can only do so by including a reference in the new Local Plan to the nationally described space standard. The Council will not be able to require any higher internal space standards.

6.14 The new Local Plan will need to set out the Council’s approach on accessibility, by demonstrating the need for accessible and adaptable dwellings and wheelchair user dwellings. The Building Regulations set out a distinction between wheelchair accessible (a home readily useable by a wheelchair user at the point of completion) and wheelchair adaptable (a home that can be easily adapted to meet the needs of a household including wheelchair users) dwellings. National planning practice guidance is clear that local plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling.

Specialist Housing

6.15 Provision will need to be made to meet the housing needs of Lewisham’s new and existing population in the new Local Plan. The short and longer

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11 Paragraphs 21 to 23, NPPG
term supported housing needs of vulnerable and disadvantaged groups will need to be understood and reflected in the new Local Plan. The London Plan seeks to protect against the loss of housing including hostels that meet an identified housing need, unless it can be satisfactorily re-provided.

6.16 The number of older residents is increasing in the borough and many of these people have specialised housing needs which the new Local Plan must take into account. This housing includes care homes, sheltered accommodation and extra care accommodation.

6.17 The introduction of new housing standards on accessibility means that the new Local Plan will need to opt in to these technical standards accessible or adapted for wheelchair users.

6.18 There is also a need for student accommodation in the borough. However, such complexes need careful management to protect the amenity of neighbours so it is important that student housing schemes are purpose-built for specific institutions, rather than being built speculatively. This form of housing needs to be built close to, or located with good public transport connections to, the university with which it is associated.

Infill, Backlands and Back Garden Developments

6.19 The NPPF encourages Councils to consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

6.20 There are a number of sites within the borough’s residential areas that could come forward for development and these sites require careful consideration. They are:

- **Infill sites** are sites located within street frontages such former builders yards, gaps in terraces and gardens to the side of houses. These types of development will be permitted where they make a high quality positive contribution to the area and respect the character of existing houses.

- **Backland sites** are defined as ‘landlocked’ sites to the rear of street frontages not historically in garden use e.g. small workshops. The creation of sites for new dwellings (‘backlands’) is only supported where there is proper servicing and access, and adequate privacy and amenity are retained for adjoining dwellings.

- **Back gardens** are private amenity areas so developments on these spaces such as (i.e. part of only one land parcel) will not be

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12 Policy 3.14 Existing Housing, The London Plan (March 2015)
https://www.london.gov.uk/priorities/planning/london-plan/further-alterations-to-the-london-plan
supported as they are no longer considered to be previously developed land with a presumption in favour of development.

6.21 The Development Management Local Plan sets out the current policy on this and this policy approach will continue in the new local plan.

Conversion of Larger Dwellings to Flats

6.22 There is pressure in the borough for the internal subdivision of large dwellings to create a number of flats, but this reduces the number of larger dwellings (3 or more bedrooms) available. As most new dwellings built are one or two bedrooms (mostly flats) there is a need to conserve the stock of larger dwellings, therefore current policy not to permit further such subdivisions is unlikely to change.

Conversion of Offices to Dwellings

6.23 In 2013, the Government amended the planning legislation, so that planning permissions are not required to convert empty office floorspace to housing. Although this contributes towards increasing the local housing supply, there is a risk of losing employment space and the impact this will have on town centres as well as district and local hubs. In some cases the conversion of ground floor offices is resulting in poorly designed frontages which have a negative impact upon the streetscape.

Houses in Multiple Occupation

6.24 Although there is a need for this type of occupancy\(^{13}\), such dwellings need to be located close to good public transport and not cause nuisance or disturbance to neighbours or to the wider neighbourhoods in which they are located. The need for HMOs, notwithstanding other planning considerations, means that they should be built and finished to a high standard, in order to avoid the poor quality of accommodation that often characterises short-term housing.

6.25 The Council is aware of illegal and substandard Houses in multiple occupation (HMOs) in some parts of the borough and is moving to have these returned to legal forms of occupation and to have illegal building work regularised or removed as appropriate.

Residential Design at Higher Densities

6.26 The need to achieve the maximum practical use of sites means new buildings will need to be taller. Not all locations are suited to taller buildings, and the visual impact of taller buildings is much greater. In particular, the

\(^{13}\) Houses in multiple occupation (HMOs) are dwellings accommodating six or more unrelated persons.
view corridors to significant points such as St Pauls Cathedral are protected, and there are stringent height restrictions in these corridors.

6.27 The increase in housing need means that more attention will need to be given to the quality of residential and overall urban design at considerably increased densities where residential redevelopment occurs. Higher density and taller building require an appreciation of a different relationship between building than at lower heights and densities. The Council is presently reviewing its design controls to specifically respond to these issues by developing location and design guidelines for tall buildings – these are generally taken as being more than ten storeys high.

Please provide your comments by completing the questionnaire at Appendix 3.
7 Employment

7.1 Improving the local economy is a key issue for the borough. The Lewisham Local Plan will need to support economic growth by encouraging innovation and investment, supporting new and growing businesses and ensure land is safeguarded to meet the needs of growing businesses. The borough has particular advantages for business such as good public transport and a good representation in a number of growing sectors.

7.2 The new Local Plan will need to continue to recognise the importance of creative industries to the borough’s economy, with these activities currently clustered in parts of Deptford, New Cross and Forest Hill.

7.3 The Lewisham Employment Land Study (2008) is currently being updated and will be used to prepare the next formal stage of Plan making following this consultation exercise including the possible release of some employment land for housing. The Greater London Authority (GLA) also publishes evidence about how much of this sort of land is expected to be lost over the next few years, how much office space will be required, and the number of jobs expected to be generated in the borough.

Lewisham’s Economy

7.4 Lewisham has one of the smallest economies in London and has a small proportion of land occupied by these buildings. Most people in Lewisham commute to jobs elsewhere in London. It is a deprived borough with many areas suffering from higher than average levels of unemployment. Most firms in Lewisham are very small and employ few people. The major local employers are in the public sector either the National Health Service or Local Government, or other public sector providers. Many local businesses provide goods and services local to the London economy rather than to the national market, and which are complementary to the retail uses in local town centres. This includes such uses as bakers, printers, couriers, car and taxi repairs and office cleaning firms. Creative businesses have become a significant element in the Deptford New Cross area clustering around Goldsmiths College, which offers courses in the arts, and the Trinity Laban Dance Centre on Creekside. They are also represented in other parts of the borough such as Forest Hill.

7.5 In the short term, public sector employment will continue to shrink and opportunities for business and job creation and local economic initiatives might be stifled, except for shorter term jobs in the construction sector. However as more people arrive to live in the borough this will inevitably generate an increase in economic activity and hence more local jobs will be created as a result.
Employment Sites and Buildings in Lewisham

7.6 The borough has a core of heavier industrial uses at Surrey Canal Road in the north of the borough including sites used for waste transfer and waste incineration, and an area of land in Bromley Road just south of Catford which provides important warehouse facilities and a large bus garage. Both these sites are protected by policies in the London Plan and by local planning policies.

7.7 Other areas of industrial and warehousing land are smaller, are protected by local policies, and usually comprise relatively modern purpose built workshop/warehouse units.

7.8 There are also small premises in these uses scattered throughout the borough such as small builder’s yards and car repairs.

7.9 The Lewisham Employment Land Study (2008) identified a demand for modern good quality premises for small businesses, such as the purpose built units in the smaller protected industrial areas, and also that much of the borough’s stock was poor quality and did not meet this demand.

Employment Land in Lewisham – Past and Future Trends

7.10 Over the past 20 to 30 years these uses have been in competition for land from housing which can command much higher land prices. Lewisham, along with the rest of London, has faced an on-going decline in the amount of land dedicated to factories and warehouses, and now, as a result has one of the smallest economies in London. Rental yields for these properties in Lewisham are low, which make the development of new industrial buildings in most cases unviable without some form of financial support. Many of the former industrial uses have relocated to the edge of London with better access to the strategic road network. This process will inevitably continue with the pressure on land generated by increased housing targets discussed elsewhere in this consultation document. But to provide a sustainable economy within London, land will need to be maintained in these uses, otherwise these services will have to be provided from outside of London which would increase costs and generate increased traffic.

7.11 The Council has in the past succeeded in preventing some of the decline by protecting a core of better quality business sites (Strategic Industrial Locations in Surrey Canal Road and Bromley Road and Local Employment Locations), while allowing a release of poorer quality large sites in the north of the borough for high density mixed use housing developments. These sites for the most part did not provide large numbers of jobs. In order to ensure the continuation of business uses on these sites the Council required that 20% of the built out floorspace should be business premises.

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14 Local Employment Locations are at: Blackheath Hill, Creekside, Endwell Road, Evelyn Street, Lewisham Way, Malham Road, Molesworth Street, Stanton Square, Willow Way, and Worsley Bridge Road
with the expectation that more jobs would be provided and the type of jobs available would be more varied. The development of the business uses was cross-subsidised from within the mixed use development, by the provision of high density housing, as noted above this provision would be unviable. The redevelopment and establishment of these mixed use sites is still at an early stage, and some of the sites have in fact not yet been redeveloped.

7.12 The Council will continue to protect the larger industrial sites at Surrey Canal Road and Bromley Road (called Strategic Industrial Locations in the London Plan), which house uses that enable the continued industrial functioning of London, but will keep the boundaries of this land under review.

7.13 The Council protects the smaller local sites of better quality industrial premises (Local Employment Locations), but has a more permissive policy on the release of smaller scattered business sites and premises in town centres and residential areas. These sites have in recent years been consistently well occupied with low vacancy rates.

7.14 The Council is also considering supporting ‘business incubator units’ that will support small business starts. This type of accommodation is being supported by Goldsmith’s College with the intention of supporting creative uses in the Deptford New Cross Area.

Please provide your comments by completing the questionnaire at Appendix 3.
8 Retail

8.1 Retail is an important part of the local economy and the largest employer in the private sector employing about 10,000 people locally. In addition the goods and services provided are vital to the resident, visitor and working population. It is therefore important for the borough that the planning system does what it can to protect and improve the shopping centres. The new local plan will need to consider changing retail trends when planning for future retail development in the borough.

8.2 The Government has introduced a number of changes to planning policy that impact on the retail sector. Most notably changes to the General Permitted Development Order (GPDO) and the Use Classes Order (UCO) which mean that a change of use of a shop to residential or some other type of business no longer requires planning permission, although prior approval is required for some change of use.

Lewisham’s Retail Hierarchy

8.3 The Core Strategy (2011) sets out the planning policies in relation to retail issues. This includes defining the retail hierarchy for the borough as follows:

Table 1: Lewisham’s Retail Hierarchy

<table>
<thead>
<tr>
<th>Major town centres</th>
<th>District town centres</th>
<th>Neighbourhood local centres</th>
<th>Out of centre</th>
<th>Parades</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lewisham</td>
<td>Blackheath</td>
<td>Brockley Cross</td>
<td>Ravensbourne Retail Park, Bromley Road</td>
<td>There are about 80 parades scattered throughout the borough</td>
</tr>
<tr>
<td>Catford</td>
<td>Deptford</td>
<td>Crofton Park</td>
<td>Bell Green</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Downham</td>
<td>Downham Way</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Forest Hill</td>
<td>Grove Park</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lee green</td>
<td>Lewisham Way</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>New Cross</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sydenham</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
8.4 The different centres perform a different role and function within the retail hierarchy. Appendix 1 gives a brief explanation of the role and function of these centres.

8.5 The Council surveys the major and district centres annually and the neighbourhood and parades every 5 years. This provides good evidence about the health or otherwise of these centres. The latest retail surveys can be viewed on the Council’s website.  

8.6 In addition to the above the Planning Service commissioned a Retail Capacity Study in 2009 to inform the development of the Core Strategy. This study looked at the amount of retail expenditure in the borough and the amount of retail floorspace to determine what growth might be needed to sustain the retail pattern over the 15 year plan period. This study will be updated to inform the new Local Plan and any issues raised by the study will be consulted on. In the past a growth in population has led to a demand for more retail space.

8.7 Lewisham town centre is the largest and most varied shopping centre in the borough. The town centre local plan set out an aspirational policy to raise the centre up the London hierarchy from a Major centre to a Metropolitan centre. This would require a substantial increase in shopping floorspace of between 20,000 – 40,000 square metres. A significant proportion would also have to be comparison floorspace.

8.8 Catford is our second largest centre and classified as a Major centre in the London Plan. It has a variety of retail offer including ‘out of centre’ type development opposite Catford Station (Wickes and Halfords) and at the ‘Catford island site’, formed by the one way traffic system on the A205, Plassey Road and Sangley Road; a rather old fashion 1970’s town centre based around Tesco and a linear development of shops along Rushey Green and Catford Broadway. This split in retail offer causes some problems for shoppers who have to cross busy roads to reach the different offers.

8.9 Catford town centre consists mainly of independent retailers, with very few national multiples retailers. Only five of Goad’s 31 major retailers are present in the centre. Overall, the comparison offer in the centre is weak as it has very few key attractors and consists mainly of low value and discount retailers.

8.10 The district shopping centres at Blackheath, Deptford, Downham, Forest Hill, Lee Green, New Cross and Sydenham all have a different role and function (see Appendix 1). Some like Blackheath and Downham have very low vacancy rates while Lee Green, Sydenham and Forest Hill have higher vacancy rates. Lee Green is a run down district shopping centre and the

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17 Comparison goods including clothing, shoes, furniture, household appliances, tools, medical goods, games and toys, books and stationery, jewellery and other personal effects.
current planning policy is to recommend comprehensive redevelopment. The Council has a current planning application for large scale redevelopment of this centre anchored by an Asda store. This application is not part of this consultation.

Local Centres and Parades

8.11 The Core Strategy designated Brockley Cross, Crofton Park, Downham Way, Grove Park and Lewisham Way as neighbourhood local centres. The borough also contains about 80 local shopping parades. The current policy is to protect shops from a change of use where there is an economic demand for such services. The latest survey data shows that the overall number of shops in the smaller centres and parades has fallen. Some have high vacancy levels while others appear very successful.

Retail Vacancy Rates

8.12 Nationally, the retail sector was badly affected by the economic recession of 2007/8 with many national names going out of business. This led the government to commission the ‘Portas Review’ (2011) which found a reduction in spending in high streets and an increase in vacant property. Another issue the Review highlighted was the changing nature of retailing with in particular the growth of internet shopping.

8.13 In Lewisham, the vacancy rate has been below the national average but still relatively high and hence an issue to be addressed (see graph below). However, the vacancy issue is important as it can start a spiral of decline if vacant units are not re-let quickly. It may be a better option to allow a change of use (COU) of a shop to residential rather than accept a long term vacancy. The retail centres all have varying vacancy levels. It may be appropriate to differentiate the policy approach by centre type by having a more restrictive policy on COU in the healthy retail centres and a more relaxed approach in the centres with the highest levels of vacancies.

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18 The Portas Review: An Independent review into the future of our high streets (2011)
Quality of shopping in Lewisham

8.14 Attractive town centres not only need to have the variety of shops and services to attract customers but should also offer a pleasant environment. The design of new buildings and the urban design considerations that make town centres pleasant places will therefore need to be considered in the new Lewisham Local Plan. In order to support the viability of town centre retail, some car parking provision is needed.

8.15 Locating shopping facilities near transport interchanges will also ensure they are accessible. This will support local businesses and retain expenditure in the borough by reduce the need to travel.

8.16 There has been some concern about the type of businesses that operate in the town and local centres. The COU from a shop to a different type of business like a restaurant or housing is now allowed without the need for planning permission. This means that Core Strategy policy which designates primary and secondary frontages within major and district town centres in order to maintain essential services and contribute towards their vitality can no longer be implemented. However, protecting a variety of shops to maintain the viability of the centre is still a planning objective.

8.17 The percentage of units in the primary shopping frontage in a shop use in Lewisham, Deptford and Downham is at least 70% while Forest Hill and Lee Green have less than 50%. The definition of a shop for planning purpose is
a use classified as A1 in the Use Class Order 1987 (as amended).\textsuperscript{19} If there were no limits on the percentage of A1 units in these centres then would more vibrant centres be created?

8.18 There has been community concern over the number of betting shops, payday loan shops and fast food take away shops in some centres. The government has changed the use class order so that betting shops are now in a separate class to other shops and this means planning policy can be used to control the number of such uses in any one centre. Due to the obesity problem in Lewisham, the current planning policy seeks to limit the extent of fast food take away shops near to schools. Planning is only part of the solution and the complex nature of obesity needs a multi agency approach.

Out of Town Retailing

8.19 Out of centre retail development has been a growth industry over the past 20 years or more. In order to protect the vitality and viability of existing shopping centres planning policy needs to direct large scale retail to the major and district town centres. The retail capacity study will be updated and this should provide evidence of need for such development but it is always possible for an opportunist planning application to be made and hence planning policy needs to address this issue. The NPPF recommends a sequential test for the location of large scale retail.\textsuperscript{20} That is, planning policy should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

Please provide your comments by completing the questionnaire at Appendix 3.

\textsuperscript{19} Town and Country Planning (Use Classes) Order 1987


\textsuperscript{20} Paragraph 24, NPPF
9 Transport

Delivering Transport Infrastructure

9.1 The Mayor of London, through Transport for London (TfL) manages the Transport for London Road Network (TLRN) and is also responsible for buses and the Docklands Light Railway (DLR). Network Rail is responsible for infrastructure planning for the railways. Lewisham council is responsible for the local highway network and seeks to work in partnership with these other transport providers.

9.2 Congestion on the rail network is considered a problem by many residents. Lewisham Borough Wide Transport Study (2010)\(^1\) found that most rail routes through Lewisham are loaded beyond crush capacity limits in the morning peak.

9.3 TfL and Network Rail plan a number of improvements to public transport that should benefit borough residents. These include, but are not limited to, the following:

- capacity enhancement to the rail network
- the Bakerloo Line extension
- increase frequency of buses
- new Surrey Canal Road Station
- London Overground extension
- A205 Catford Town centre road improvement

9.4 A London Overground extension from New Cross will enhance the services through Hither Green and Grove Park. However, the local rail network currently has insufficient capacity to allow the extension to serve Lewisham station. The additional capacity created by the Bakerloo Line extension may however, allow the extension to serve Lewisham station.

9.5 There are poor levels of transport accessibility in the south of the borough and improvements are needed to improve bus service frequency. Funding for new buses will be sought through planning obligations to support these improvements.

9.6 The Catford loop is a suburban stopping service which covers the following stations: Denmark Hill, Peckham Rye, Nunhead, Crofton Park, Catford, Bellingham and Beckenham Hill. It has a poor frequency of trains running through the borough so the Council is lobbying to increase the frequency of the trains.

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\(^1\) Lewisham Borough Wide Transport Study (2010)
9.7 The new Local Plan needs to support the early implementation of these and any other schemes that can be identified.

9.8 Local transport improvements are implemented by the borough using money from the GLA for local schemes. This is set out in the local transport Implementation programme (LIP). Lewisham’s LIP sets out our agreed transport priorities up until 2031, plus more detailed three-year delivery plans which highlight major schemes and new infrastructure projects designed to support and/or facilitate the growth and regeneration of the borough. Annual updates are submitted to Transport for London for review and approval.

Location of Major Developments

9.9 The London Plan and the Core Strategy both promote the location of major new development, particularly residential, in locations with good public transport or that can be improved to provide good access.

9.10 The identification of development sites and residential capacity should be considered in the light of public transport access. Related to this is the continued need for major development to provide travel plans alongside planning applications so the impact can be assessed and mitigated.

Parking

9.11 The idea of sustainable transport means that in areas of good public transport car parking provision should be limited. However, limited car parking needs to go together with limited on street car parking through controlled parking zones (CPZ). We do not currently have borough wide CPZ coverage and hence limited parking provision within development can potentially spill over into surrounding streets. An integrated approach is needed which links restricted provision with CPZ and the ability of new development residents to access residents parking permits.

9.12 For major residential developments, the incorporation of car clubs as part of the development reduces the use of the private car. The new Local Plan will only consider car limited major residential development where there is on site accessible priority parking for disabled drivers.

9.13 The Mayor of London is reviewing the parking standards in outer London and proposes to keep the standards for inner London which the borough uses. It may therefore be necessary to see how the London Mayors proposals are received and consider introducing local parking standards if necessary. Parking for disabled will always be required in new developments.

9.14 Government changes to national planning policy on parking standards are set out in the NPPF\textsuperscript{22} and the following text also needs to be taken into account:

\textsuperscript{22} Paragraph 39, NPPF
account “Local planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network”. The Mayor of London does consider there is compelling justification for restrictive parking in inner London.

Promoting Sustainable Movement

9.15 New development provides opportunities to improve connectivity throughout the borough for pedestrians and cyclists, provide new accessible public spaces and contribute towards improving the relationship with the river Thames.

9.16 The borough has varied opportunities for health, leisure and recreational activities including the South East London Green Chain Walk, the Green Grid, the Waterlink Way, the Thames Path and the river and waterways network.

9.17 Making places attractive for walking and cycling through public realm improvements has multiple benefits by reducing traffic congestion and therefore greenhouse gas emissions, improving accessibility, viability of a place and contributes to the health and well-being of residents. Increasing the provision of cycle parking in town centres to encourage the use of sustainable modes of transport.

9.18 Providing safe routes for cycling and pedestrians forms part of designing safe places. Development will be expected to address these issues. Designing out crime around transport stations and ensuring good lighting will contribute towards improving the perception of safety.

9.19 The Core Strategy promotes Waterlink Way, the Thames Path and Deptford Links projects for improving cycling and walking opportunities in the borough. The North Lewisham Links Strategy is a programme of works aiming to improve walking and cycling routes across Deptford and New Cross in order to encourage residents to make better use of local amenities and public transport and to encourage more active lives. These projects are being delivered using planning obligations to fund these improvements.

9.20 The Mayor of London’s proposals for the Cycle Superhighway includes two proposed routes, one from Evelyn Street to Greenwich and Queens Road Peckham to Lewisham. The Mayor of London also proposes two Quietways routes which impact on the borough and they are Waterloo to Greenwich and Waterlink Way. These proposed cycle routes will be supported in the new Local Plan.

9.21 The use of the river Thames for sustainable transport choices, including the transport of people and freight such as the transportation of construction and waste materials from development sites will continue to be supported in the new Local Plan. As part of the Convoys Wharf redevelopment, a new river
terminus will be built which will increasing the number of passengers using river Thames.

Protecting essential Transport Infrastructure

9.22 The borough has two bus garages at New Cross and at Bromley Road in Catford. The London Plan has a policy to protect essential transport infrastructure. While the Bromley Road bus garage is part of an area designated as a Strategic Industrial Location and therefore given some policy protection the New Cross bus garage does not have any specific policy protection. The new Local Plan could protect these transport facilities and any others which come forward.

Please provide your comments by completing the questionnaire at Appendix 3.
10 The Environment

Climate Change

10.1 Local planning authorities have a statutory duty to take action on climate change and this needs to be addressed in the new Local Plan. Climate change risks are expected to intensify in London in the future to include flooding, higher and unseasonal temperatures, urban heat island effect and limited water resources.

10.2 CO$_2$ emissions from domestic and road transport sectors are higher in Lewisham than the London and UK averages. Therefore the location of new development in areas with good public transport accessibility and the promotion of cycling and walking will be essential.

10.3 The NPPF identifies the key role planning has in the reduction of greenhouse gas emissions, providing resilience to impacts of climate change and supporting the delivery of renewable energy and local carbon development. Whilst the government’s zero carbon policy aims to ensure that all new homes are zero carbon by 2016 and 2019 for new non-domestic buildings.

10.4 The current policies in the Core Strategy (2011) and Development Management Local Plan (2014) are supported by the Renewable Evidence Base Study (2010). It justified the adoption of the Code for Sustainable Homes (CSH) Level 4 for residential development and Building Research Establishment Environment Assessment Method (BREEAM) Very Good Standard for non residential development. This study also demonstrated that the establishment of a decentralised energy networks in Deptford and New Cross and at Lewisham and Catford town centres, without the use of South East London Combined Heat and Power plant, is feasible and commercially viable.

10.5 Up until now, the Code for Sustainable Homes$^{23}$ had allowed councils to adopt their own sustainability levels as a planning requirement for new residential development. However as part of the government’s Housing Standards Review this is now being phased out and elements of the code will now be incorporated into building regulations. These will be known as “the new national technical standards.” So in the future new residential development will need to comply with building regulations on energy and water efficiency. The new Local Plan will need to opt-in to these national technical standards.

10.6 The Local Plan will need to ensure that growth and development in the Borough is carried out in a sustainable way. Developments will need to reduce the impacts of climate change by maximising the energy efficiency of new and existing buildings, increasing the use and supply of renewable

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$^{23}$ Code for Sustainable Homes is an environmental assessment method for rating and certifying the performance of new homes
energy and encourage the establishment of decentralised energy networks. New development will also need to incorporate design measures to manage heat gain and deliver cooling in buildings, water efficiency and urban greening.

The Natural Environment

10.7 Lewisham has an extensive and varied network of open space and parks. Significant areas of the borough are identified as Metropolitan Open Land, notably Blackheath and Beckenham Place Park. These open spaces contribute to the attractiveness of the borough, the health and well-being of its residents. They also support a wealth of wildlife and biodiversity which is important for flood protection, improving air and water quality.

10.8 Lewisham’s open spaces and environmental assets also provide opportunities for health, leisure and recreational activities including South East London Green Chain Walk, the Green Grid, Waterlink Way, the Thames Path and river and waterways network.

10.9 Due to a limited land supply and increasing development pressures, the opportunities to create new additional open space is limited. So the new Local Plan will continue to protect and enhance Lewisham’s existing open spaces and biodiversity, recognising their importance and the multiple benefits they provide.

10.10 Although Lewisham is one of the greenest parts of south-east London, there are areas of open space deficiency within wards of Brockley, Catford South, Lee Green, Perry Vale and Telegraph Hill. Improving accessibility to existing green spaces by creating better connectivity to and from these spaces is therefore needed to help address this issue.

10.11 The borough contains a number of waterways including the river Thames, Deptford Creek and the Ravensbourne River network (its tributaries the Pool, Quaggy and Spring Brook). These waterways contribute towards recreation and well-being and to the borough’s amenity value. The new local Plan will continue to ensure that Lewisham’s rivers are protected and restored and that their roles as heritage assets are enhanced.

10.12 Some parts of the borough fall within an area of flood risk however most of the borough is protected by flood defences, including the Thames Barrier. Properties and infrastructure are also at risk of flooding from other sources such a groundwater flooding and surface water flooding.

10.13 The Local Plan will need to ensure that the risk of flooding is considered in the location and design of new development in order to minimise the impact on people and the environment. Opportunities for development to re-naturalise the borough’s waterways should be maximised as this provides a natural buffer around watercourses, maintains the character of rivers and supports local wildlife. River restoration provides an opportunity to increase
public access to the rivers by establishing or connecting up riverside walkways and cyclepaths.

Waste

10.14 Every London borough is allocated an apportionment of waste in the London Plan that they must dispose of using appropriate facilities. For Lewisham this equates to 143,000 tonnes in 2016, increasing to 206,000 tonnes by 2036. This includes municipal, commercial and industrial waste, and a proportion of waste from central London boroughs as they have limited or no land available for waste management.

10.15 The South East London Joint Waste Technical Paper (2013)\(^\text{24}\) was prepared with five other boroughs and sets out how the boroughs will meet the waste apportionment targets set by the London Plan. The provision of waste management sites in this borough exceeds the London Plan apportionment with the South East London Combined Heat and Power Station (SELCHP) in Deptford being able to accommodate in excess of 488,000 tonnes. Further facilities in Lewisham are capable of dealing with over 200,000 tonnes and provide support to other boroughs in south-east London.

10.16 The Site Allocations Local Plan (2013) safeguarded three waste sites in the borough, all of which are contained within the Surrey Canal Strategic Industrial Location and they are:

- South East London Combined Heat and Power (SELCHP) plant,
- Hinkcroft Transport Ltd recycling centre, and
- Landmann Way recycling centre

10.17 The Lewisham Local Plan will continue to safeguard these sites for waste management. It will also continue to seek a decrease in the amount of waste generated in on-site construction and demolition waste and increasing recycling and composting and decreasing. Encouraging behavioural change to ensure waste generation is reduced will also be an integral part of this process.

Air Quality

10.18 The Council’s Air Quality Action Plan identified that road traffic is the main source of air pollution in the borough, mostly in roads with a high flow of buses and/or HGVs, junctions and bus or coach stations. In 2001, Lewisham adopted five air quality management areas.

10.19 Air pollutants at high concentrations can impact upon health so there are considerable health benefits related to the improvement of air quality through the reduction of air pollution in the borough.

10.20 Addressing and improving local air quality will also influence some of the issues that contribute towards climate change. The Local Plan will continue to protect air quality in Lewisham, by only granting planning permission for major developments that have considered air quality through an air quality impact assessment. Planning permission will not be granted where air quality impacts can not be successfully mitigated against.

**Water Quality**

10.21 Water must meet minimal levels of quality to ensure it does not adversely effect human health, vegetation or other sensitive receptors. It is therefore necessary that when a private supply is to be included in a development that they are appropriately tested, monitored, protected and treated as required.

10.22 The new Local Plan will need to ensure that where a private supply or distribution system is proposed as part of a development, the quality of water is assessed so that any required treatment is identified and an on-going monitoring and maintenance plan is established.

**Contaminated Land**

10.23 In line with legislation and national and regional planning policy, the planning system must deal with contaminated land. Contaminated land can occur as a result of industry, waste disposal, chemical and oil spills. Any land known or suspected of being contaminated must be dealt with before development commences. When considering the development of such sites the Council will consider the risk of pollution arising from contamination and the impact on human health, property and the wider environment.

**Noise and Light Pollution**

10.24 Excessive noise can have a detrimental impact on health and on natural habitats. The Local Plan will continue to require that noise and vibration generating development are located in the Strategic Industrial Locations. Whilst new noise sensitive developments will not be allowed to locate near existing noise pollution unless no alternative location is available then appropriate mitigation measures will be sought.

10.25 Light pollution can have a detrimental impact on wildlife, local character, residential amenity and views of the night sky. The Council recognises the value of tranquil and quiet areas and will seek to protect and enhance them for the benefit of the local community and biodiversity. The Lewisham Local Plan will continue to seek that new lighting is properly design and installed. The use of energy efficient and solar powered lighting will also be encouraged.
Please provide your comments by completing the questionnaire at Appendix 3.
11 Urban Design and Conservation

11.1 The new Local Plan will include policies that help to create high quality new buildings and ensure that these relate well to their context and succeed in creating a sense of place and local distinctiveness. This includes sensitive and high quality design and layout, the creation of a visually interesting and coherent townscape and streetscape, design that acts to reduce the opportunity for and fear of crime, and the creation and preservation of residential amenity. The preservation or enhancement of conservation areas and listed buildings and other 'heritage assets' will also be a major concern of the new Plan and how an understanding of this historic context also contributes to the overall urban quality and attractiveness of the borough.

11.2 In order to ensure that development meets these aims extensive evidence has been prepared on the character of the built and landscape environment of the borough as a whole. The Lewisham Borough wide Character Study (2010) examines and classifies the various forms of built development in Lewisham and makes recommendations on the key issues and pressures that might affect the unique character of these areas. The study highlights the difference between the more urban character of the north of the borough compared to the predominantly residential character of the south of the borough. The study recognises the character and quality of many residential areas that do not have Conservation Area status. These areas include various types and styles of terraced housing, larger ‘villa’ style housing, and more modern development styles and street layouts. The Council will consider proposing that certain parts of these areas should be adopted as ‘Areas of Special Local Character’ in order to protect their quality.

11.3 The Tall Buildings Study, updated in 2012, examines the impact of potential tall buildings on Lewisham and Catford Town Centres, and the major development sites in the Deptford and New Cross area. This includes the potential impact of tall buildings on local residential amenity and heritage assets. This document will require extensive updating as part of the preparation of the new Local Plan.

11.4 These studies provide the background information which supports the policies in the Core Strategy and the Development Management Local Plan on the design of the built environment and heritage assets, and which cover the design factors listed above.

11.5 The Planning Service also prepares Supplementary Planning Documents (SPD) which interpret and provide further guidance on policies in the borough’s Local Plan. These documents can be subject based, for example guidance on shop front design, alterations and extensions to buildings, residential standards, or area based providing detailed guidance on the urban design of a specific location.

11.6 Buildings and areas of historic and architectural importance are described as 'heritage assets' in government Planning Guidance. Heritage assets include Conservation Areas, Listed Buildings, archaeological remains,
registered historic parks and gardens, and locally listed buildings. The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 provides the statutory basis for the Council’s approach to preserving or enhancing these assets.

11.7 The Planning Service undertakes a continuous programme of reviewing and identifying Conservation Areas, and of recommending important and interesting buildings for statutory local listing. Appraisals of many of the Conservation Areas in the borough have recently been prepared which are used to guide decisions on development proposals. In order to protect features identified as being important to preserve or enhance the character of Conservation Area, Article 4 directions may be made which restrict the rights of property owners to alter buildings in ways that might harm their historic character. The features that are protected include for example retaining the design of traditional timber windows, fencing and other boundary treatments but can include many other elements that contribute to the historic character and quality of an area. The designation of Conservation Areas and the Listing of Buildings occurs independently of the Development Plan process. The Planning Service also has an on-going programme of ‘locally listing’ buildings and structures, such as parish boundary markers and horse troughs to suburban villas, churches and schools. A local listing does not have the status of a statutory listing but it does ensure that the significance of heritage assets is taken into account when a planning decision on a development is made.

11.8 The Council will be updating many of the evidence base documents during the preparation of the new Local Plan, and considers that these will be vital in placing high quality design and heritage assets at the centre of regeneration objectives. A high quality environment will attract business investment, (important in a borough with a small economy), create sustainable development, preserve a sense of place and history and reinforce civic pride.

The Challenge of new High Density Development

11.9 The provision of increased housing in larger or taller buildings could impact on the borough’s character areas and heritage assets. As discussed elsewhere in this consultation document, new increased housing targets for the borough will need to take advantage of what sites are available and build at a higher density than previously thought desirable or possible, particularly in the Regeneration and Growth areas identified in the Core Strategy. This presents a challenge to architects and designers to achieve high quality environments and places where people want to live. The highest quality design, and a high quality public realm will be critical to the success of these developments. The Core Strategy sets out a framework for the location of this growth by setting out a number of spatial regeneration areas and the amount of growth and development expected for them.
Urban Design and Conservation in Regeneration and Growth Areas

11.10 The Regeneration and Growth areas are focused on Lewisham Town Centre, Catford Town Centre, Deptford, including Deptford Creekside and New Cross/New Cross Gate. The majority of the borough’s new housing, retail and employment uses will be focused in these areas. These regeneration areas also have significant heritage assets, notably conservation areas in Lewisham, Deptford and in New Cross and New Cross Gate Town Centres and important listed buildings and structures. Extensive new development has already taken place in Deptford and Lewisham Town Centres, and the development sites near New Cross Gate station are currently being developed. The other large scale high density development in this area will take place on larger former industrial sites with few if any heritage assets and a lack of established character. Much of the current development comprises inward looking estates of social housing that are poorly connected and lack facilities. The developments are expected to bring life, new economic activity and vitality to these areas of the borough.

11.11 An example of this new development will be at Surrey Canal Road which will provide high density housing, leisure facilities and a large church. The development have an emphasis on sport, building on its location at the Millwall Football Ground. The new development of 3,500 flats at Convoys Wharf has a Scheduled Ancient Monument on site, a number of listed buildings, including the Olympia Warehouse which is more or less placed centrally on the site, and other heritage assets which will be central to the new development in providing a sense of place and continuity with the past. These assets will need to be protected, enhanced and accommodated. Developments at Marine Wharf in the north-west corner of the borough are currently on the way to completion, and a development at a large poor quality industrial site at Oxestalls Road is in the pipeline. Both of these developments take account of the local context and history, creating a sense of place. The developments will include the construction of a landscape feature that follows the line of the former Surrey Canal which was in-filled in the 1970s.

11.12 Catford town centre will face development pressures to increase the intensity of development if the proposals to extend the Bakerloo Underground Line start to become more definite. The line would travel in the borough from New Cross Gate to Lewisham underground and then use the existing network rail rail tracks through to Lower Sydenham station and beyond to the London Borough of Bromley. Catford has a distinctive character with important listed buildings at its core; Broadway Theatre and Town Hall Chambers and a number of locally listed buildings, and is surrounded by attractive low rise Victorian/Edwardian terraced housing in traditional streets, some of which has Conservation Area status.
Urban Design and Conservation in the District Hubs

11.13 Some intensification of development is expected in some of the borough's District Shopping Centres. This spatial strategy area applies to Blackheath, Forest Hill, Lee Green and Sydenham. This could refer to extra retail or residential development. In practice opportunities for development are very limited in Blackheath and Sydenham. Blackheath forms a coherent compact village centre where extra development could not be accommodated without altering in some fundamental way the established character and quality of the village. Sydenham has a coherent linear form, but has a small number of sites towards the eastern end of the shopping area where development could be accommodated. Both town centre areas have Conservation Area status.

11.14 Forest Hill Town Centre is also a Conservation Area, but it is recognised that some of the street frontage, particularly at Forest Hill Station, needs improvement and enhancement. There are also a number of small development sites at the station. Forest Hill’s characteristics as a Victorian shopping area could be enhanced by the new development, although realistic proposals have yet to emerge. These issues were discussed in the Forest Hill Urban Design Framework SPD prepared by the Council, and have recently been under discussion by the Forest Hill Society.

11.15 The purpose built shopping centre at Lee Green was constructed in the 1960s. It has a high vacancy rate and does not provide an attractive shopping environment. It is expected that the entire purpose built shopping area will be redeveloped, but is not expected to impact in any significant way on any local heritage assets.

Urban Design and Conservation in Local Hubs

11.16 Three smaller centres were identified in the Core Strategy which had clusters of sites available for development at Brockley Cross, Hither Green, and Bell Green. Much of this redevelopment has already occurred.

Urban Design and Conservation in the Areas of Stability and Managed Change

11.17 The majority of the borough’s Conservation Areas are located within this area which covers the residential and suburban areas. Development is expected to be small scale and infill and restricted by its largely built up character and lack of availability of large sites. The area also has many protected parks and open spaces which are preserved against development, and which are an essential element making these areas attractive and liveable and contribute to their essential character.

11.18 The Council will continue to protect the Conservation Areas already designated and is actively considering new ones. However, in recognition of the fact that the Lewisham Borough Wide Character Study has identified
certain residential areas as having important features that could be protected but which might not meet the criteria for conservation area designation, the Council will be proposing that certain areas should be adopted as ‘Areas of Special Local Character’. An example of this could be the 1920s Bellingham Estate in the south of the borough which was designed as a garden city, and which faces unsympathetic alterations to this through opportunistic infill development which would disrupt the regularity of the development form. Other areas will also be considered for this designation.

11.19 Groups within the community are also actively preparing Neighbourhood Plans which will also be examining urban design issues and ways that local heritage assets can be enhanced and integrated into their neighbourhoods to increase a sense of place and historical continuity. Examples are the Corbett Estate Neighbourhood Forum, and the Grove Park Neighbourhood Forum.

Please provide your comments by completing the questionnaire at Appendix 3.
12 Community Facilities, Education & Health

12.1 Sustainable communities can only exist where a network of appropriately located facilities are provided within a local area. These facilities include: education, healthcare, leisure, arts, cultural, entertainment, sports and recreational facilities, emergency services, places of worship and cemeteries.

12.2 The current policies in the Core Strategy and Development Management Local Plan seek to protect and enhance community facilities, art, culture and entertainment uses. The loss of facilities is allowed only when there is no demand for it. The new Local Plan will be produced against the background of severe cuts to local government and all services will have to be reassessed against the new financial reality.

12.3 The Council has commissioned an update to its Infrastructure Delivery Plan (IDP). This evidence base document will provide an understanding of the infrastructure issues that the borough faces. The IDP will be prepared in consultation with those responsible for delivering infrastructure throughout the borough. The IDP will be accompanied by an infrastructure schedule identifying the infrastructure needs and costs (including where possible phasing of development), funding sources and responsibilities for delivery. This means delivery is often beyond the influence of the planning system itself.

Education

12.4 The Council has a legal duty to ensure there are enough school places for all children who live in the borough. Lewisham will experience significant school age population growth. There will be a very significant increase in demand for additional schools places in the opportunity areas where the majority of housing growth is anticipated to take place. These areas are already under severe pressure to provide sufficient primary school places and in the near future secondary school places. It is also anticipated that increased educational provision will be needed elsewhere in the borough in response to a continued high birth rate and higher occupancy rates of rental stock across the borough.

12.5 Demand for primary school places will at least remain high and may continue to increase in the future. It is estimated that beyond the currently planned new provision, a new primary school and a new special school will be required as early as 2021.

12.6 There is currently a shortage of secondary school places in the borough, leading to many students attending schools in the boroughs of Bromley and Greenwich. Neighbouring authorities Greenwich and Southwark have planned for enlargements which may alleviate pressures. It is estimated that there will be a need for at least 3 new secondary schools within the period of the plan, the earliest by 2019.
12.7 Providing sufficient high quality places for under 5s, for children and young people of primary and secondary age including those who need special educational provision, for Further Education and Higher Education provision to support the borough’s growing population will be very challenging. This is because there is an extreme shortage of sites either for further expansion of existing schools, or for new schools, as almost all of Lewisham’s schools having already been permanently or partially expanded over the last seven years.

12.8 The following sites are safeguarded in the Sites Allocation Local Plan (2013):

- Prendergast Vale College (SA16) in Elmira Street, for a new through-school under the Building Schools Future Programme (BSF). This site is currently a primary school.
- Deptford Green Secondary School Site (SA17) in Amersham Vale, is safeguarded for the redeveloped Amersham Vale/upper school site for new public open space (39%) and residential development.

12.9 Most of the borough falls within the areas of stability and managed change, which is where most of the borough’s conversation areas are located. Therefore a more innovative approach to design will be needed in order to achieve a balance between protecting the character of an area and delivering school expansion. Higher density buildings is also another option to consider for delivery of educational facilities in the borough however the highest quality design will be fundamental to the success of these developments.

12.10 The Lewisham Local Plan will need to ensure that there is sufficient capacity to meet the need for school places and ensure that this capacity is located in the right places. The Planning Service will need to work in partnership with the Council’s Education Service to identify the need for new school places. The new Local Plan will need to consider how this demand will be met whether it is by allocating land for new school provision or safeguarding land for schools extensions to through a more general policy promoting new schools and school expansion. Delivering mixed use developments that consist of educational and other infrastructure facilities alongside housing will be essential to support growth in the borough.

Health and Wellbeing

12.11 Although there have been improvements in health, Lewisham experiences worse health outcomes than London and England. The Joint Strategic Needs Assessment (JSNA) assesses the health needs of a local population in order the to inform policies and services that will improve the health and wellbeing of individuals and communities.\textsuperscript{25} It provides information on the

\textsuperscript{25} Lewisham’s Joint Strategic Needs Assessment http://www.lewishamjsna.org.uk/
health and social care needs of Lewisham’s citizens, complemented by information on the social, environmental and population trends that are likely to impact on people’s health and well-being.

12.12 The NPPF requires local planning authorities to work with public health leads and health organisations to understand and take account of the health status and needs of the local population providing accessible local services that reflect its communities needs and supports health, social and cultural wellbeing. The expected growth in population means that there will be increasing demand for healthcare in the borough. The Council will support and work in partnership with health organisations in the provision of healthcare.

12.13 The Health and Social Care Act 2012 has led to significant changes in adult social care. Under this act, local authorities have a statutory duty to use their powers and resources across all sectors to improve the health of their population. The NPPF also emphasises the role that the planning system can play in facilitating social interaction and creating healthy, inclusive communities. There are a whole range of planning policies that have both a direct and indirect influence on the health and wellbeing of residents and contribute towards the creation of a healthy environment.

12.14 Transport has an important role in people’s health. Transport provides access to jobs, shops, education, health and social services. Improving the transport systems to encourage more people to walk and cycle will have an impact on the health and fitness levels of residents in Lewisham. The design of buildings can mitigate mental health problems.

**Please provide your comments by completing the questionnaire at Appendix 3.**

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26 Paragraph 171, NPPF
27 Paragraph 69, NPPF
13 Next Steps

13.1 The council is committed to reporting back on responses to the consultation. Following each stage of public consultation the Council will:

- Give full consideration to all representations received and engage in further discussions where this will assist in developing the document.
- Make a summary of all responses available on our website.
- Produce a consultation report, detailing the comments we have received and explaining how we have dealt with comments and how they have affected the development of policy, at each stage of the Local Plan process.
- Consultation reports will be made available to view on the Council’s website, and paper copies will be made available at Laurence House and at town centre libraries.

13.2 The Council will review the responses to this consultation and will use them to inform the Preferred Options. The Preferred Options will be published for public consultation in early 2016. Following this, the Preferred Options will be amended and a ‘Publication Plan’ will be prepared and consulted upon in early 2017.

13.3 All respondents will be notified of the submission of the plan to the Secretary of State for examination and will be notified of the examination hearings. A consultation report will be submitted to the Secretary of State showing how the Regulations and the aims of the Statement of Community Involvement have been met and describing how the plan has been influenced by consultation.

13.4 The Local Plan is expected to be adopted in late 2017 and the Council will revoke the existing Core strategy, Development Management Local Plan, Site Allocations Local Plan and Lewisham Town Centre Local Plan.
Appendix 1: Role and Function of the Major and District shopping centres

Introduction

13.5 The London Plan classifies town centres according to their existing role and function. The London hierarchy consists of: International centres which are London’s globally renowned retail destinations such as Knightsbridge. Metropolitan centres which serve wide catchments and typically contain at least 100,000 sq.m. of retail, leisure and service floorspace. Major centres which generally contain over 50,000 sq.m. of retail, leisure and service floorspace with a relatively high proportion of comparison goods relative to convenience goods. District centres provide convenience goods and services for more local communities and are accessible by public transport. Typically they contain 10,000 – 50,000 sq.m. of retail, leisure and service floorspace. Neighbourhood and local centres typically serve a local catchment often most accessible by walking and cycling and include local parades and small cluster of shops.

Lewisham

13.6 The role & function of Lewisham Town Centre is as the borough’s premier shopping destination. It is classified as a Major centre in the London hierarchy of shopping centres. It has by far the widest choice of comparison and convenience floorspace. It attracts customers from a wide catchment area. If the Council’s ambitions to make the centre a metropolitan centre in the London hierarchy are to be achieved it will be necessary to increase considerably both the quality and quantity of its retail offer. However, in terms of vacant property the centre is doing very well, the 2014 survey showed a vacancy rate of only 4.1%.

Catford

13.7 Catford Town Centre is the second largest centre in the Borough. It is classified as a Major centre in the London hierarchy of shopping centres. It provides a wide range of services to Borough residents and a more local convenience and comparison shopping offer. It performs important functions as a civic and entertainment centre attracting visitors across the Borough and beyond. However there has been no notable change in the retail offer of the Town Centre in recent years. It is important that the Centre improves its retail offer in the future if it is to maintain its position in the retail hierarchy and new investment should be encouraged. The 2014 retail survey showed a vacancy rate of 7.5% for Catford.
Blackheath

13.8 Blackheath is the seventh largest of the nine major and district town centres. It can be said to have a dual role and function in that it clearly serves a local function for convenience goods and to some extent for services and comparison goods. However, the quality of the services and comparison offer is such that visitors are attracted from a wider catchment area than might be expected for a centre of this size. It plays an active role in the ‘night time’ economy of the borough. The 2014 retail survey showed a vacancy rate of 0% for Blackheath.

Deptford

13.9 Deptford is the third largest town centre in Lewisham. Its role and function is essentially as a local shopping destination. There are virtually no ‘high street’ names represented in the centre while the convenience sector is more than twice the national average and is dominated by independent traders serving a local market. Many of the local shops specialize in ‘ethnic’ goods which serve the immediate population. The centre is dominated by a street market which operates 3 days a week. However, Deptford’s strength is in the number and variety of independent traders. The 2014 retail survey showed a vacancy rate of 7.1% for Deptford.

Downham

13.10 Downham is the smallest of the district town centres. Its role and function is as a local shopping centre, serving the needs of the local community. Given its location between Catford and Bromley the general nature of the centre is not surprising, with most of the shops being service and convenience oriented. However, the centre has recorded very low vacancy rates over many years and this indicates that it is a successful local shopping centre. The 2014 retail survey showed a vacancy rate of 5.3% for Downham.

Forest Hill

13.11 Forest Hill is the sixth largest of the nine major and district centres. Its role and function is as a local centre catering for the immediate population needs. This is illustrated by the small comparison goods offer and the high proportion of service uses. It contains a limited number of ‘high street’ names and they are not located in the best type of property. The dominance of the busy roads, South Circular A205 and Dartmouth Road A2216, creates a difficult pedestrian environment. The 2014 retail survey showed a vacancy rate of 11.8% for Forest Hill.

Lee Green

13.12 Lee Green is the eighth largest of the nine major and district town centres. Its role and function is as a local centre catering for the needs of the
immediate population. The majority of floorspace is in convenience stores the largest being Sainsbury. In addition there are a range of service uses and a significant amount of office space within the town centre. The borough boundary runs through Lee Green and the town centre is shared with the London Borough of Greenwich. The centre has been in relative decline for a number of years and current planning policy recommends comprehensive redevelopment. The 2014 retail survey showed a vacancy rate of 13.5% for Lee Green, this was the highest of all the major and district centres.

New Cross

13.13 New Cross is the fifth largest of the nine town centres in Lewisham. Its role and function is as a local centre which provides for the needs of local people and particularly students from Goldsmiths College. It has relatively poor environment created by the linear nature along the very busy A2 road. The very high level of service uses is also influenced by the presence of the student population. The Sainsbury store at the western end of the centre is likely to have a wider draw. The 2014 retail survey showed a vacancy rate of 9.4% for New Cross.

Sydenham

13.14 Sydenham is the forth largest of the nine town centres. Its role and function is as a local centre providing for the day to day needs of the local population. The higher than average convenience floorspace and the lower than average comparison offer indicate this essentially local function. There are also relatively few ‘national name’ retailers represented in Sydenham. The 2014 retail survey showed a vacancy rate of 9.4% for Sydenham.
Appendix 2: Age Population Projections

The predicted age-based population increases are set out in Table 2. Table 2 highlights a predicted significant ageing of Lewisham’s population, including a 53% increase in people aged 65 plus and a 40% increase in the number of people aged 80 plus.

### Table 2 Age Population Projections

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<thead>
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<th>Age group</th>
<th>2015</th>
<th>2022</th>
<th>2027</th>
<th>2032</th>
<th>% change 2015-2032</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 4</td>
<td>22,870</td>
<td>22,433</td>
<td>22,096</td>
<td>21,699</td>
<td>-5.1</td>
</tr>
<tr>
<td>5 to 9</td>
<td>20,066</td>
<td>20,454</td>
<td>20,291</td>
<td>19,918</td>
<td>-0.7</td>
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<tr>
<td>10 – 14</td>
<td>14,957</td>
<td>19,012</td>
<td>18,666</td>
<td>18,464</td>
<td>23.4</td>
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<td>15 - 19</td>
<td>15,149</td>
<td>15,740</td>
<td>18,205</td>
<td>17,851</td>
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<tr>
<td>20 - 24</td>
<td>20,443</td>
<td>18,552</td>
<td>19,157</td>
<td>21,054</td>
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<tr>
<td>25 - 29</td>
<td>28,296</td>
<td>27,170</td>
<td>25,804</td>
<td>26,271</td>
<td>-7.2</td>
</tr>
<tr>
<td>30 - 34</td>
<td>30,621</td>
<td>31,613</td>
<td>30,375</td>
<td>28,930</td>
<td>-5.5</td>
</tr>
<tr>
<td>35 - 39</td>
<td>27,521</td>
<td>29,594</td>
<td>30,284</td>
<td>29,062</td>
<td>5.6</td>
</tr>
<tr>
<td>40 - 44</td>
<td>22,766</td>
<td>26,403</td>
<td>26,993</td>
<td>27,498</td>
<td>20.8</td>
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<tr>
<td>45 - 49</td>
<td>20,458</td>
<td>21,306</td>
<td>23,938</td>
<td>24,384</td>
<td>19.2</td>
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<td>50 - 54</td>
<td>18,930</td>
<td>19,218</td>
<td>19,693</td>
<td>21,935</td>
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<td>55 - 59</td>
<td>14,306</td>
<td>18,180</td>
<td>17,942</td>
<td>18,258</td>
<td>27.6</td>
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<tr>
<td>60 - 64</td>
<td>10,076</td>
<td>14,007</td>
<td>16,124</td>
<td>15,924</td>
<td>58.0</td>
</tr>
<tr>
<td>65 - 69</td>
<td>8,508</td>
<td>9,628</td>
<td>12,163</td>
<td>13,992</td>
<td>64.5</td>
</tr>
<tr>
<td>70 - 74</td>
<td>6,151</td>
<td>7,369</td>
<td>8,367</td>
<td>10,556</td>
<td>71.6</td>
</tr>
<tr>
<td>75 - 79</td>
<td>5,324</td>
<td>5,723</td>
<td>6,285</td>
<td>7,166</td>
<td>34.6</td>
</tr>
<tr>
<td>80 - 84</td>
<td>3,863</td>
<td>4,062</td>
<td>4,624</td>
<td>5,118</td>
<td>32.5</td>
</tr>
<tr>
<td>85 - 89</td>
<td>2,452</td>
<td>2,702</td>
<td>2,865</td>
<td>3,349</td>
<td>36.6</td>
</tr>
<tr>
<td>90 + over</td>
<td>1,237</td>
<td>1,529</td>
<td>1,834</td>
<td>2,101</td>
<td>69.8</td>
</tr>
<tr>
<td>Total</td>
<td>294,009</td>
<td>314,701</td>
<td>325,716</td>
<td>333,554</td>
<td>13.5</td>
</tr>
</tbody>
</table>

* Copyright of GLA (2015)
Appendix 3: Consultation Questionnaire
Housing Topic questions

The Council must provide more housing over the next fifteen years. The target is for the provision of 25,000 additional dwellings over the period from 2018-2033.

1. **What types of area do you think should accommodate more housing?**

- [ ] Sites in industrial or warehousing use
- [ ] Redevelopment of Council housing estates at a higher density
- [ ] Sites in town centres
- [ ] Redevelopment of areas of private housing
- [ ] Infill sites around existing houses and flats (not including back gardens)
- [ ] Other
- [ ] Don't know
2. Do you think there are places in the borough where additional housing should not be built? If you think this then please list these areas below and state your reasons.

3. Should private housing be allowed as part of the redevelopment of social housing estates? (please select one answer)
   - Yes ........................................
   - No ........................................
   - Don't know ..............................
4. What can the Council do to help make housing more affordable?

(please select one answer for each question)

<table>
<thead>
<tr>
<th>Option</th>
<th>Yes</th>
<th>No</th>
<th>Don't Know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temporary prefabricated developments similar to the proposals at the former Ladywell Leisure Centre</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Provide more social housing</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>New housing with lower internal space standards</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Support self-build housing projects</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Lower affordable housing rents</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Other suggestion</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
</tbody>
</table>

5. If you answered 'Other suggestion' to question 4, please let us have your ideas as to how social housing could be made more affordable.

6. The Council negotiates with the developers of new housing and currently seeks that 50% of the provision should be affordable housing? Do you think this amount should change?

(please select one answer)

- Remain at 50% ....
- Increase to 60% ....
- Reduce to 35% ....
- Reduce to 20% ....
- Don’t know ....
7. What design controls are needed to avoid any adverse impact of new housing on existing housing and on overall townscape quality?  
(please select all that apply)

Restrictions on the height of buildings .......................................................... □
Allowing tall buildings only in Lewisham and Catford Town Centres and major development sites identified as suitable .......................................................... □
Introducing policies to restrict large developments in residential areas .................. □
Policies protecting Areas of Special Character (Conservation Areas are already protected) ...... □
Publish more design advice ............................................................................ □
Other ........................................................................................................... □
Don't know .................................................................................................. □

8. If you answered 'other' to question 7 please give your suggestions below

9. Should part of the increased housing target be met in adjoining boroughs?  
(please select one answer)

Yes .............................................. No .............................................. Don't know ............................
Employment Topic Questions

These questions relate to the future of land and buildings in office, industrial/workshop and warehousing/storage uses.

1. Do you think that the Council should continue with the current strategy of gradually allowing industrial and warehousing land to be redeveloped for housing? (please select one answer)

   - Yes ........................................
   - No ...........................................
   - Don't know ..............................

2. The Borough has a number of small scattered sites such as garages, builders yards, small workshops. When these sites are proposed for residential development how should the Council react?

   - Retain the site in business use
   - Allow the residential development to be built
   - Seek a mixed use with part business and part housing
   - Don't know

3. Do you think that the replacement of industrial and office jobs with retail and/or leisure jobs is acceptable? (please select one answer)

   - Yes ........................................
   - No ...........................................
   - Don't know ..............................

4. Should local sites that provide services such as car repairs, scaffolders, builder’s yards, or office cleaners continue to be protected? (please select one answer)

   - Yes ........................................
   - No ...........................................
   - Don't know ..............................

5. What actions should the Council take to ensure that new large mixed use developments like those in the Deptford New Cross Area succeed in offering a variety of new jobs? (please select all that apply)

   - Provide subsidised business space .................................................................
   - Make sure that the units are flexible and can be used by a variety of businesses ........
   - Ensure that business units are designed and fitted out to be attractive to new businesses ....
   - Don't know  ........................................................................................................
6. Do you have any further suggestions as to how to ensure these mixed use developments are attractive to new businesses?

7. Do you support the creation of business incubator uses which are premises provided at low rents to support starter businesses?  
(please select one answer)

Yes .................................. ○ No .................................. ○ Don’t know ................................. ○
8. How do you think the Council should continue to support creative industries which often rely on premises with cheaper rents which are vulnerable to rising residential land values?
Retail and Town Centres Topic Questions

These questions relate to the borough’s shopping facilities and how to keep them viable in the future.

1. The retail sector is facing various challenges including from the internet and changing shopping habits. What should the Council do in response to maintain the viability of the Major and District Town Centres?

- Allow units at the edge of town centres to change to other uses
- Promote uses in town centres according to their character and particular strengths
- Maintain a core of convenience shops in a centre
- Allow a wider range of entertainment and leisure uses including short term ‘pop-up’ lets such as art galleries

Examples of A1 shops are food shops, newsagents, and clothes shops.

2. Do you think that the Council should differentiate between town centres, and allow a more flexible approach in those centres with the highest vacancy rates and lowest percentage of A1 shops?

(please select one answer)

- Yes ..................................  ○ No .................................  ○ Don’t know ..............................

3. The Council can now limit the numbers of new betting shops and hot food take away shops. Should they be limited in:

(please select one answer)

- All areas of the borough? ........................................................................................................
- In the larger shopping centres only? ..........................................................................................
- Or in the smaller parades only? ................................................................................................
- Don’t know ................................................................................................................................

4. In view of the changes to the retail sector, do you think there will be a need to plan for an orderly decline in the number of shops in the smaller centres and local parades?

(please select one answer)

- Yes ..................................  ○ No .................................  ○ Don’t know ..............................

5. If your answer to question 5 is yes how should the Council go about this process?

(please select all that apply)

- Always maintain corner shops in retail use where there is an under provision ......................
- Allow losses at the edges of shopping parades in order to maintain a core of viable shops ......
6. Ideally, what sort of uses would you like to see maintained in local shopping parades?

7. In order to protect local shopping centres the Council can set a size threshold whereby large new shops have to provide evidence that they would not have an adverse impact. At what size threshold should this be set?
   (please select one answer)
   - 1,000 square metres
   - 2,500 square metres
   - Don’t know

8. Should Lewisham Town Centre aspire to become a Metropolitan Town Centre?
   (please select one answer)
   - Yes
   - No
   - Don’t know

9. The Council intends to improve and redevelop Catford Town Centre. What approach do you think should be taken?
   (please select one answer)
   - Large scale comprehensive redevelopment to provide more shops at a modern standard
   - Seek incremental improvements as opportunities arise
   - Don’t know
Transport Topic Questions

These questions relate to how development should be located in relation to transport facilities.

1. Do you think that we should direct higher density development to places where good public transport is available, and restrict development in places with poor public transport?  
(please select one answer)  
Yes .................................................. ○ No ........................................... ○ Don't know .................. ○

2. Should we require transport assessments/travel impact statements for all new developments or only for developments larger than a certain size threshold?  
(please select one answer)  
For all new developments ............................................................ ○
For larger new developments over a certain size threshold ........................................ ○
Don't know ........................................................................... ○

3. Should the Council require a Travel Plan to be provided for all large developments or only for those that will generate a 'significant' amount of traffic?  
(please select one answer)  
For all large scale developments .......................................................... ○
For large developments that will generate a 'significant' amount of traffic ...................... ○
Don't know ........................................................................... ○

4. Should the Council adopt car parking standards from the London Plan or adopt local standards?  
(please select one answer)  
Adopt the London Plan car parking standards .......................................................... ○
Adopt local car parking standards which restrict parking .......................................................... ○
Adopt local standards which allow more car parking .......................................................... ○
Don't know ........................................................................... ○

5. Should reduced parking provision for new developments be limited to areas or locations with controlled parking zones?  
(please select one answer)  
Yes .................................................. ○ No ........................................... ○ Don't know .................. ○
Environment Topic Questions

These questions relate to how Town Planning can help to deal with climate change, and how open space should be protected.

1. Do you think that the consultation paper deals adequately with climate change issues?

(please select one answer for each question)

<table>
<thead>
<tr>
<th>Environment Topic</th>
<th>Yes</th>
<th>No</th>
<th>Don't know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flood risk</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Higher and unseasonal temperatures</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urban heat island effect/urban greening</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Renewable energy and decentralised energy networks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heat gain and cooling within buildings</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water resources and efficiency</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CO2 emissions</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. Should the Council continue to protect all open space in the borough from most forms of built development in the light of population growth, the need to expand school provision and budget pressures?

(please select one answer)

Yes ........................................... ○ No ........................................... ○ Don't know ........................................... ○

3. Should amenity spaces in housing estates be developed to create new housing?

(please select one answer)

Yes ........................................... ○ No ........................................... ○ Don't know ........................................... ○
4. Do you know of any areas of open space that are not currently formally protected in the Local Plan and should be considered for designation? Please list them below:
5. Do you know of any areas of open space that you think should be developed for other uses? Please list them below.
6. What elements do you think will be important to consider when designing developments that minimise negative impacts from noise and light pollution, waste handling and impacts on air quality?
Urban Design and Conservation Topic Questions

These questions relate to the design quality of new built development, and to the preservation or enhancement of local heritage assets such as conservation areas and listed buildings.

1. Do you think the Council is taking the right approach to achieving high quality design, by varying the approach depending on the character of the area? (See Chapter 11 of the Consultation Paper) (please select one answer)

   Yes ...........................................  ○  No ..........................................  ○  Don’t know ..............................  ○

2. Do you think that the Council should create policies to protect the special characteristics of residential areas which are not designated as Conservation Areas? (please select one answer)

   Yes ...........................................  ○  No ..........................................  ○  Don’t know ..............................  ○
Community Facilities, Education and Health Topic Questions

These questions cover how the Council can ensure there are enough community facilities to both cater for existing residents and for new residential development.

1. How should the Local Plan address the need for community facilities and services including schools and health provision?
   (please select all that apply)
   
   - Safeguard sites for the future .................................................................
   - Promote mixed use developments e.g. schools and housing on one site ...........................................
   - Require the provision of facilities necessary to support new housing developments ..............................
   - Prevent the loss of facilities unless there is no demand ...........................................................................
   - Policy promoting schools or the expansion of existing schools ............................................................
   - Don't know ........................................................................................................

2. In order to provide new schools for the future and to maximise the use of available sites in residential areas where new school places will be needed (Areas of Stability and Managed Change), do you agree that:

   (please select all that apply)

   - innovative use of design should be allowed in order to deliver school expansion
   - the development of school sites to a higher density (school and housing on one site) is acceptable where there is good public transport access?

3. Should the Local Plan encourage facilities that are capable of multi-use to maximise their value to the community?
   (please select one answer)

   Yes ...........................................  ○  No .............................................  ○  Don’t know ................................

4. Should the Local Plan allow for the reorganisation of leisure facility provision with the loss of some facilities?
   (please select one answer)

   Yes ...........................................  ○  No .............................................  ○  Don’t know ................................
5. How do you think the Local Plan should support culture and leisure in Lewisham?
Consultation Strategy for ‘Lewisham Local Plan’

2015
1 Introduction

What is a Local Plan?

1.1 The Lewisham Local Plan will be the key planning document for the borough. It will set out the planning strategy for growth, that is, how we will deliver the new homes needed over the next 15 years. It will contain the planning policies that will be used to assess planning applications in the future. It will identify the areas in the borough where growth is expected and how these areas are likely to change in order to accommodate that growth.

1.2 The Lewisham Local Plan will eventually replace the existing Local Development Framework (LDF) which is a suite of planning documents consisting of the:

- Core Strategy (adopted June 2011)
- Development Management Local Plan (adopted November 2014)
- Site Allocations Local Plan (adopted June 2013) and
- Lewisham Town Centre Local Plan (adopted February 2014)

1.3 The Local Plan will be supplemented by supplementary planning documents (SPDs) and a separate Gypsy and Traveller Site(s) Local Plan.

1.4 This Consultation Strategy should be read alongside the ‘Lewisham Local Plan – Consultation on Main Issues’ (2015). This document is available on the Council’s website www.lewisham.gov.uk/ XXXX
2 How will the Lewisham Local Plan be prepared?

2.1 The process of producing the new Lewisham Local Plan will involve several stages. The timeline for producing the Local Plan is set out in the Local Development Scheme which is available to view on the Council’s website. The diagram below shows the preparation of the plan and its relationship with the stages of the consultation process.

2.2 The ‘Lewisham Local Plan – Consultation on Main Issues’ (2015) forms the first round of public consultation on the production of a new plan. This initial round of consultation must notify interested people about the intention to produce a new local plan and identify the main issues that the local plan will address and invite representations on these topics.

2.3 The Sustainability Appraisal of the Lewisham Local Plan will be prepared in tandem with each stage of the Local Plan and is consulted on at the same time. The Sustainability Appraisal ensures that the planning policies are soundly based on economic, social and environmental grounds.

Table 1: Local Plan preparation and consultation stages

<table>
<thead>
<tr>
<th>Timeline</th>
<th>Autumn 2015</th>
<th>2016</th>
<th>2017</th>
<th>Winter 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Plan Preparation</td>
<td>Local Plan – Consultation on Main Issues</td>
<td>Preferred Options</td>
<td>Publication/Submission version</td>
<td>Adoption of Lewisham Local Plan</td>
</tr>
<tr>
<td>Local Plan consultation</td>
<td>Issues &amp; Options consultation allows local community to shape contents of the new Local Plan.</td>
<td>Consultation takes place on broad subject matter, alternative options are consulted upon if appropriate.</td>
<td>Submission stage: limited consultation at this stage – representations made are forwarded on to Planning Inspector.</td>
<td>Examination in public hearings with Planning Inspector.</td>
</tr>
</tbody>
</table>

1Local Development Scheme [www.lewisham.gov.uk/myservices/planning/policy/LDF/Pages/Local-development-scheme.aspx](http://www.lewisham.gov.uk/myservices/planning/policy/LDF/Pages/Local-development-scheme.aspx)
3 How will we consult on the Lewisham Local Plan?

3.1 This Consultation Strategy explains how the consultation on the Lewisham Local Plan will be carried out. It will set out how the Consultation Strategy will meet the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 and the guidance set out in the Statement of Community Involvement (SCI)\(^2\) on consulting people in the preparation of planning policy and guidance.

3.2 After the first round of public consultation on the Lewisham Local Plan, the Council will collate and consider all the consultation responses received. These consultation responses will inform the next stage of the plan making process called the Preferred Options. The Council will consult on a Preferred Options in February 2016.

3.3 This consultation strategy should be read alongside the ‘Lewisham Local Plan – Consultation on Main Issues’ (2015) available to view on the Councils website www.lewisham.gov.uk/XXXX. These documents will be available to view at all of our local libraries in Lewisham.

3.4 The SCI sets out how the Council will consult the community in the preparation of planning documents and sets out a range of possible consultation methods to involve the community. Lewisham has a diverse population which requires a range of consultation approaches to be considered. These consultation methods have been adapted to meet the requirements and needs of the Lewisham Local Plan.

3.5 The Lewisham Local Plan is a 15-year spatial strategy for the whole of the borough and will therefore have a wide reaching impact on the borough’s residents and businesses. It is likely to affect the following groups:

- Existing residents living in and around the borough, including council tenants; people in need of housing
- Existing businesses and businesses looking to move into the borough.
- People with jobs in businesses in the borough that might be affected; people who might be looking for jobs
- Landowners
- Congregations in the many faith premises that are located in the borough

\(^2\) Draft Statement of Community Involvement (August 2013)
• Shoppers and visitors to the area
• Students who are studying and/or residing in the borough
• Cyclists and pedestrians using the routes in the borough
• Developers
4 Our Consultation Strategy

4.1 The public consultation on the ‘Lewisham Local Plan – Consultation on Main Issues’ (2015) will run for a period of 6 weeks. This is in line with requirements set out in the Statement of Community Involvement and the Planning Regulations 2012.

4.2 The consultation on the ‘Lewisham Local Plan’ is open from XX 2015 to XX 2015.

4.3 All responses must be received by X.

4.4 In the following section, we have set out the consultation methods we propose to use. These methods are based on best practice.

4.5 Please check our website for up to date list of consultation events at www.lewisham.gov.uk/

Table 2: Consultation Methods for Lewisham Local Plan

<table>
<thead>
<tr>
<th>Method</th>
<th>Consultees</th>
<th>Legal Status</th>
<th>Dates</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Display documents at Laurence House, Catford and all libraries in the borough including community libraries.</td>
<td>All</td>
<td>Required. This is a minimum requirement in the Planning Regulations 2012.</td>
<td>To be confirmed.</td>
<td>Lewisham Local Plan will be available for inspection on ground floor of Laurence House, SE6 4RU and borough libraries.</td>
</tr>
<tr>
<td>Publish ‘Lewisham Local Plan’ &amp; accompanying documents on Council’s website. Publish ‘Lewisham Local Plan’ on consultation portal.</td>
<td>All</td>
<td>Required. This is a minimum requirement in the Planning Regulations 2012.</td>
<td>Documents will be available from the start of the consultation period and throughout the consultation. All past phases of the consultation on Local Planning documents</td>
<td>Lewisham Local Plan and accompanying documents will be published on the Council’s website. The Local Plan will also be made available on the Council’s consultation portal. The consultation portal is accessible via the Council’s website and enables people to view and comment on a planning document online. Members of the public can register on the portal to</td>
</tr>
<tr>
<td>Method</td>
<td>Consultees</td>
<td>Legal Status</td>
<td>Dates</td>
<td>Comments</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Printed media:</td>
<td>All – Lewisham Life newspaper is distributed to all homes in the borough.</td>
<td>This is an optional consultation method.</td>
<td>During the public consultation period.</td>
<td>A press notice will be placed in South London Press.</td>
</tr>
<tr>
<td>Place a press notice in local newspaper to advertise the public consultation.</td>
<td>Lewisham Life is the council’s e-bulletin.</td>
<td></td>
<td>Publication dates to be confirmed.</td>
<td>Lewisham Life, the Council’s newspaper is distributed to all the homes in the borough on a quarterly basis. There is a risk that the consultation might not coincide with its quarterly publication date. However the Lewisham Life e-bulletin newsletter is published on a monthly basis and is a more reliable method of publicising the consultation.</td>
</tr>
<tr>
<td>Publish a notice in Lewisham Life, the Council’s newspaper &amp; e-bulletin.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mail out to all the prescribed bodies and non statutory bodies in the planning policy consultation database.</td>
<td>The contact details for the prescribed bodies and non statutory bodies are held on the planning policy consultation database.</td>
<td>Legal requirement in Local Planning Regulation 2012 to notify ‘general’ and ‘specific’ consultation bodies as the Council considers</td>
<td>At the start of the consultation period.</td>
<td>The planning policy database contains consultee addresses and is updated regularly. Letter and emails will be used to notify consultees about the Local Plan consultation. Email is the preferred method to notify consultees of consultation events. Consultees should advise the Council of</td>
</tr>
<tr>
<td>Method</td>
<td>Consultees</td>
<td>Legal Status</td>
<td>Dates</td>
<td>Comments</td>
</tr>
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<tr>
<td>Meetings will be arranged with selected stakeholders:</td>
<td>Members of individual groups and organisations.</td>
<td>Optional consultation method.</td>
<td>Meetings with selected stakeholders will be held during the public consultation period. Venues and dates of meetings to be confirmed.</td>
<td>There are approximately 20 organisations in FOCAS. We will seek to arrange one meeting and invite all amenity societies to attend this meeting. The Young Mayor provides a channel for young people’s views to be heard by decision makers. The Young Mayor is democratically elected every year through Lewisham’s schools and colleges. The Young Mayor is supported by young advisers and a Young Citizens’ Panel and they have access to the full range of young people’s forums, networks and school councils. Lewisham Pensioners Forum provides a voice for older people. The Development Group refers to a database of active developers in the borough.</td>
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<td>-Federation of Community &amp; Amenity Society (FOCAS)</td>
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<td>-Young Mayor</td>
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<td>-Lewisham Pensioners Forum</td>
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<td>-Development Group</td>
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<tr>
<td>Method</td>
<td>Consultees</td>
<td>Legal Status</td>
<td>Dates</td>
<td>Comments</td>
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<tr>
<td>Notification of Local Assemblies.</td>
<td>All - there is a local assembly for every ward in the borough.</td>
<td>Optional consultation method.</td>
<td>At the start of the consultation period.</td>
<td>Local Assemblies are open meetings and there is one for each ward in Lewisham.</td>
</tr>
<tr>
<td>Discussions with our neighbouring boroughs and where appropriate prescribed bodies.</td>
<td>All prescribed bodies and neighbouring boroughs. See Appendix 1.</td>
<td>Required under the Duty to co-operate.</td>
<td>Throughout the consultation period.</td>
<td>The National Planning Policy Framework has introduced the Duty to Co-operate. We will send our neighbouring boroughs and prescribed bodies a copy of 'Lewisham Local Plan' for comment.</td>
</tr>
<tr>
<td>Library exhibition – display panels will be put up in Lewisham library and Catford library</td>
<td>Wide cross section of the public.</td>
<td>Optional consultation method.</td>
<td>Display boards will be on show throughout the 6 week public consultation period. They will be on display for 3 weeks in Lewisham Library and then for 3 weeks in Catford Library.</td>
<td>These are a good way to present visual information on planning documents to a wide cross section of the public who might not, for various reasons, come into contact with other consultant events.</td>
</tr>
<tr>
<td>Internet Social Networks</td>
<td>Wide cross section of the public.</td>
<td>Optional consultation method.</td>
<td>At the start of the consultation period.</td>
<td>Social networks such as the Council’s twitter feed will be used to publicise the consultation. This will reach a wider audience than the planning policy consultation database.</td>
</tr>
</tbody>
</table>
5 How to comment

5.1 The public consultation on ‘Lewisham Local Plan – Consultation on Main Issues’ runs for 6 weeks from XXXX to XXX 2015. You can respond in the following ways:

- **On-line:** [http://consult.lewisham.gov.uk/portal](http://consult.lewisham.gov.uk/portal)
- **E-mail:** planning.policy@lewisham.gov.uk
- **Post:** Planning Policy, London Borough of Lewisham, 3rd Floor, Laurence House, 1 Catford Road, SE6 4RU

5.2 All consultation responses must be received by XXXX.

5.3 Copies of the document can be:

- viewed on the Councils website [www.lewisham.gov.uk/](http://www.lewisham.gov.uk/)
- inspected at all borough libraries and Council’s AccessPoint, Ground Floor, Laurence House, Catford, SE6 4RU and obtained by contacting the Planning Policy Team on 020 8314 7400 who will also be happy to answer any questions you may have.
6 Reporting Back

6.1 The council is committed to reporting back on responses to the consultation. Following each stage of public consultation the Council will:

- Acknowledge and give full consideration to all representations received and engage in further discussions where this will assist in developing the document.
- Make a summary of all responses available on our website.
- Produce a consultation report, detailing the comments we have received and explaining how we have dealt with comments and how they have affected the development of policy, at each stage of the Local Plan process.
- Consultation reports will be made available to view the Council’s website, and paper copies will be made available at Laurence House and at town centre libraries.

6.2 The outcomes of the public consultation on ‘Lewisham Local Plan – Consultation on Main Issues’ (2015) will inform the Preferred Options document which will be consulted upon in early 2016.

6.3 All respondents will be notified of the submission of the plan to the secretary of state for examination and will be notified of the examination hearings. A consultation report will be submitted to the secretary of state showing how the Regulations and the aims of the Statement of Community Involvement have been met and describing how the plan has been influenced by consultation.
Appendix 1: Specific and General Consultation Bodies

6.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 define the following bodies as ‘specific consultation bodies’:

- The Coal Authority
- The Environment Agency
- English Heritage (Historic Buildings and Monuments Commission for England)
- Marine Management Organisation
- Natural England
- Network Rail Infrastructure Limited
- The Highways Agency
- Adjoining Local Planning Authorities
- Relevant telecommunications companies
- Lewisham PCT or successor body
- Strategic Health Authority
- Relevant electricity and gas companies
- Thames Water
- The Mayor of London (including the designated housing function and TfL)

6.5 The Council will consult as a minimum the following bodies on the Scope of Sustainability Appraisals:

- Environment Agency
- Natural England
- English Heritage

6.6 The Mayor’s Office for Policing and Crime
General Consultation Bodies

6.7 The Government has defined General Consultation Bodies as voluntary bodies some or all of whose activities benefit any part of the authority’s area and other bodies who represent, in the authority’s area, the interests of different racial, ethnic or national groups, different religious groups, disabled persons, and business interests. The Lewisham Planning Policy database contains over 1,500 groups, organisations and companies from the following categories:

- Adjoining boroughs
- Advice and information groups
- Amenity groups
- Architects, planners and other professionals
- Black and Minority Ethnic Groups
- Builders
- Community groups
- Conservation and heritage groups
- Developers
- Disability groups
- Education/children/young people’s groups
- Elderly groups
- Employment/business interests
- Environmental and ecology groups
- Faith groups
- Health organisations including NHS Trusts
- House builders
- Housing associations
- Landowners
- Police and other emergency services
- Political parties
• Regeneration groups and partnerships
• Rivers and riverside interest groups
• Shopkeepers
• Sport and leisure groups
• Statutory consultees
• Tenants and residents associations
• Town centre partnerships
• Transport groups
• Utility companies
• Women’s groups
• Youth Groups
**Recommendation**

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

23  Homeless Hostel Investment Programme

24  Disposal of Land interest at Arcus Road/Chingley Close

25  Milford Towers Leasing Scheme
By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted
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