AGENDA

OVERVIEW AND SCRUTINY

BUSINESS PANEL

Date: TUESDAY, 5 APRIL 2016 at 7.00 pm

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

Enquiries to: Olga Cole
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Email: olga.cole@lewisham.gov.uk

MEMBERS – TBC at the Council AGM on 30 March 2016

This meeting is an open meeting and all items on the open agenda may be audio recorded or filmed

Members are summoned to attend this meeting

Barry Quirk
Chief Executive
Lewisham Town Hall
Catford
London SE6 4RU
Date: Thursday 24 March 2016

The public are welcome to attend our committee meetings, however occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.
ORDER OF BUSINESS – PART 1 AGENDA

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<td>10.</td>
<td>Decision Made By Mayor and Cabinet (Contracts) on 30 March 2016/ Decision Made by an Executive Director Under Delegated Authority - The Provision of Telephony Services Under the ICT Shared Services - to follow</td>
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OVERVIEW & SCRUTINY BUSINESS PANEL

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<td>Key Decision</td>
<td>Item No. 1</td>
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<td>Ward</td>
<td>All</td>
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<td>Contributors</td>
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<td>Part 1</td>
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<td>Date: 5 April 2016</td>
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**Recommendation**

It is recommended that the minutes of that part of the meeting of the Overview and Scrutiny Business Panel which was open to the press and public, held on 15 March 2016 be confirmed and signed.
128. Minutes

New Bermondsey Housing Zone – OSBP Minutes 28 April 2015

Councillor Curran asked if there had been any update following a referral from Business Panel Members to the Chief Executive asking him to review all the arrangements of the scheme, and to ensure due diligence was in place. It was noted there had not been one.

Councillor Curran proposed that the Housing Select Committee, and the Sustainable Development Select Committee carry out an investigation on the Bermondsey and Catford Housing Zone projects, and this item to be added to the Select Committees work programmes, this was agreed.

Action >>>>>> Scrutiny Manager

129. Declarations of Interests
None.

130. Outstanding Scrutiny Items

Report noted.

131. Notification of Late and Urgent Items

Report noted.

132. Decision Made by Better Placed Joint Committee (Lambeth, Lewisham and Southwark) on 29 February 2016

Pathways to Employment (PTE) Phase 2 – Contract Award

The Strategic Partnership Manager introduced the report.

The Chair said the project was good, but Panel Members were concerned about the delay, and asked the reason for it. The Strategic Partnership Manager responded saying officers had not been told the reason for the delay. The Chair asked whether members could help, suggesting the Mayor could be asked to intervene. The Strategic Partnership Manager said as all the London Boroughs were experiencing the same setback, they could be able to do something collectively, through London Councils.

The Strategic Partnership Manager said Lewisham was in a unique position as the Council already had £1m funding and officers had hoped to get additional funds from the European Social Fund. She added that in the if the bid was not successful Lewisham could use the £1m to continue the project where they left off.

The Chair asked when Panel members should expect an update, and was told officers do not have any dates at this stage but would keep members informed. The Chair said Panel Members would like to urge the Mayor and Cabinet to approach the European Social Funding Body as a matter of urgency to resolve this issue, and they look forward to an update.

RESOLVED that the decision of the Better Placed Joint Committee (Lambeth, Lewisham and Southwark) be noted.

133. Decisions Made by Mayor and Cabinet on 2 March 2016

Catford Regeneration Partnership Limited – 2016/17 Business Plan

The Interim Property Manager introduced the report.

The Chair stated that Panel Members had expressed concerns at previous meetings over the number of Directors in the company. This concern became evident when one of the two officers Directors left the authority leaving only one Director in the company. Panel Members thought it would be prudent to have 3 Directors instead of 2 with one of them a Non Executive Council Member. The
Chair asked how many Directors the company currently have, and was told 2 officers.

The Chair said he was aware that the Head of Law had provided advice for members in the past but Panel Members were mindful of avoiding a direct conflict of Interest as the company was fully owned by the Council, and Panel members thought an Executive split would be necessary. The Chair said it would be good for all Council Members to look at this issue with a view to exercising prudence, as the company falls within the remit of Council. The Chair asked whether Council should also be looking at the governance arrangements of the company. Councillor Muldoon said as the company was a limited company it falls within the remit of the Company Act and good governance arrangements should prevail.

Councillor Dacres said she acknowledged Panel Members concerns but would not want to pursue any issue that would result in a delay to the project. Councillor Curran said he agreed with ensuring the project was not delayed, and asked about the current situation with Milford Towers. The Interim Property Manager said he was not aware of any firm date in connection with Milford Towers.

Councillor Curran asked what was the reason for the delay and was told that although a lot of the necessary land had been purchased, negotiations with Iceland was still ongoing and this might be contributing to the delay. The Interim Property Manager said he did not have all the information, but would get back to Panel Members at a later date with details of the Regeneration timetable.

Action >>>>>> ED Resources & Regeneration

Councillor Curran said this issue had been discussed at the Sustainable Development Select Committee and members were concerned about the delay. Councillor Curran said it would be useful for members to receive an update. At each stage of the project. Councillor Curran asked whether officers could negotiate a fixed interest rate over a period, before interest rates go up. The Head of Corporate Resources said from an Estate Agent perspective interest rates would be kept under review.

Councillor Handley asked whether small businesses could be offered an incentive which could result in them wanting to extend their short-term tenancy contracts at a future date. The Interim Property Manager said officers were investigating various options.

The Chair said the issue of the number of Directors would be referred to the Constitution Working Party, and requested the Deputy Head of Law to speak to the Head of Law about this issue, with a view of it being resolved before the AGM. The Chair thanked officers for the report.

Action >>>>>> Head of Business & Committee

RESOLVED that

i. the decision of the Mayor be noted.
ii. a referral be made to the Constitution Working Party recommending that a Non Executive Member be appointed as Director to the Catford Regeneration Partnership company along with a review of governance.

134. Overview and Scrutiny Select Committees Work Programmes 2016-17 verbal update

The Chair said he had discussions with Select Committees Chairs as he had been informed by the Executive Director for Resources and Regeneration that there would be significant savings proposals in the next financial year which might affect the Select Committees Programmes. The Chair said Select Committees Chairs would have to look at their work programmes to ensure they are not overloaded, and agendas would need to be prioritised.

The Scrutiny Manager said after the Public Accounts Select Committee meeting, all the work programmes would be completed. The Scrutiny Manager asked Panel members to consider the tabled referral from Safer, Stronger Communities Select Committee on the Comprehensive Equalities Scheme.

The Chair said Panel Members welcomed the referral and this scheme should be of great importance to all Council members. The Chair suggested that an all members briefing on this scheme should be arranged as soon as possible at the start of the new Municipal Year.

Action >>>>>>> Scrutiny Manager

The Chair informed Panel Members that the draft Select Committees Work Programmes would be coming to the Business Panel for agreement.

Meeting ended at 7.45pm

Chair..................
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)
1. Purpose of Report

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

2. Recommendation

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

<table>
<thead>
<tr>
<th>Report Title</th>
<th>Responding Author</th>
<th>Date Considered by Mayor &amp; Cabinet</th>
<th>Scheduled Reporting Date</th>
<th>Slippage since last report</th>
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<tr>
<td>Sustainable Development Select Committee – High Streets Review</td>
<td>ED Res &amp; Regen</td>
<td>13 January 2016</td>
<td>20 April 2016</td>
<td>Yes</td>
</tr>
<tr>
<td>Overview &amp; Scrutiny Committee – Key Planning Issues</td>
<td>ED Res &amp; Regen</td>
<td>10 February 2016</td>
<td>20 April 2016</td>
<td>No</td>
</tr>
<tr>
<td>Sustainable Development Select Committee – Catford Regeneration</td>
<td>ED Res &amp; Regen</td>
<td>17 February 2016</td>
<td>20 April 2016</td>
<td>No</td>
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<td>Safer &amp; Stronger Communities Select Committee – Main Grants Programme 2016-17</td>
<td>ED Community</td>
<td>17 February 2016</td>
<td>18 May 2016</td>
<td>No</td>
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<tr>
<td>Overview &amp; Scrutiny Committee – South London Suburban Railways</td>
<td>ED Res. &amp; Regen.</td>
<td>23 March 2016</td>
<td>1 June 2016</td>
<td>No</td>
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**BACKGROUND PAPERS and AUTHOR**

Mayor & Cabinet minutes 13 January 2016, 10 February 2016, 17 February and 23 March 2016 available from Kevin Flaherty 0208 3149327.

http://councilmeetings.lewisham.gov.uk/ieListMeetings.aspx?CId=139&Year=0
1. Purpose of Report

<table>
<thead>
<tr>
<th>Report Title</th>
<th>Author</th>
<th>Reasons Stated for Urgency</th>
<th>Responsible Committee and Date</th>
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<tr>
<td>No Recourse to Public Funds</td>
<td>Genevieve Macklin</td>
<td>This report is late due to need to provide the Public Accounts Committee with the most up to date information possible regarding the performance of the service. It is urgent as there is no other occasion for Committee to review the work of the service before the commencement of the new financial year.</td>
<td>PAC 16 March 2016</td>
</tr>
<tr>
<td>Internal Audit Update</td>
<td>David Austin</td>
<td>This report was late as officers required extra time for management discussions to complete the proposed internal audit plan for 2016/17 and to consider how to resource it. Members need the report so that work on</td>
<td>Audit Panel 22 March 2016</td>
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the plan can start promptly in the new financial year.
OVERVIEW & SCRUTINY BUSINESS PANEL

Report Title  Decisions made by Mayor and Cabinet on 23 March 2016

Key Decision

Ward  All

Contributors  Chief Executive/Head of Business and Committee

Class  Part 1  Date: 15 March 2016

1. Recommendation

To consider key decisions made by the Mayor and Cabinet on 23 March 2016 which will come into force on 6 April 2016.

2. Background

2.1 The Mayor and Cabinet considered the following key decisions on 23 March 2016:-

2.2 The notice of decisions made in respect of the reports are attached as an Appendix. Under the provisions of Standing Orders Part IV E 14, members may call in an executive decision within 7 days. If these reports are not called in they will come into force on 6 April 2016.

(i) Ofsted Inspection of ‘Service for Children in Need of Help and Protection, Children Looked After and Care Leavers’ and the Lewisham Safeguarding Board.

(ii) Endorsement of Lewisham Biodiversity Partnership : ‘A Natural Renaissance for Lewisham 2015-2020’

(iii) Housing Allocations Policy Review

(iv) Brasted Close Housing Development

(v) Phoenix Community Housing Development

(vi) Draft Comprehensive Equality Scheme 2016-2020

(vii) Deferred Payment Agreement Policy
The Mayor and Cabinet made the following decisions on 23 March 2016. These Decisions will become effective on 6 April 2016 unless called in by the Overview & Scrutiny Business Panel on 5 April 2016.

1. **Ofsted Inspection of ‘Services for Children in Need of Help and Protection, Children Looked After and Care Leavers’ and the Lewisham Safeguarding Children Board**

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

   (1) the Inspection reports, findings and associated recommendations be noted;

   (2) the Lewisham Improvement plan be endorsed as a response to the inspection findings;

   (3) the associated LSCB Improvement plan be noted;

   (4) the views of the Children and Young People Select Committee as set out be received and a response for Mayoral consideration be prepared by the Executive Director for Children & Young People.

2. **Endorsement of Lewisham Biodiversity Partnership’s: ‘A Natural Renaissance for Lewisham 2015-2020’**

   Having considered an officer report and a presentation from the Cabinet Member for the Public Realm, Councillor Rachel Onikosi, the Mayor agreed that:

   (1) the ‘A Natural Renaissance for Lewisham’ document and the strategic
aspirations of the Lewisham Biodiversity Partnership be endorsed; and
(2) the views of the Sustainable Development Select Committee as set out be received and a response for Mayoral consideration be prepared by the Executive Director for Customer Services.

3. **Housing Allocations Policy Review**

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

(1) the rationale for undertaking a review of the Allocations Policy be noted;

(2) the proposed changes as set out be noted;

(3) officers be asked to proceed to consult with residents and partners about the proposed changes;

(4) a full equality assessment analysis will be undertaken; and

(5) a report be brought back to Mayor and Cabinet later this year seeking approval for changes to the Allocation Policy in light of the outcome of the consultation and equality assessment analysis.

4. **Brasted Close Housing Development**

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

(1) having considered the responses to the statutory Section 105 consultation, the garage site on the Brasted Close estate shown on an attached plan be declared surplus to the Council’s requirements;

(2) officers work with the London Community Land Trust and Lewisham Citizens exclusively for a period of twelve months to seek to develop a fully affordable housing scheme for the site;

(3) officers provide a further report to Mayor and Cabinet to agree the disposal terms if a viable business case for pursuing the development can be finalised.

5. **Phoenix Community Housing Development**

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

(1) the on-going partnership work between the Council and Phoenix Community Housing to identify housing development opportunities in
the south of the borough, and to review potential mechanisms to fund those opportunities be noted;

(2) funding of £1.32m be provided from S106 funds to support the development at Forster House;

(3) authority be delegated to the Executive Director for Resources and Regeneration to finalise the terms of the funding agreement;

(4) Officers review options for the longer term funding of housing development by Phoenix Community Housing and report these back to Mayor and Cabinet.

6. Draft Comprehensive Equalities Scheme 2016 – 2020

Having considered an officer report and a presentation from the Cabinet Member for the Third Sector, Councillor Joan Millbank, the Mayor agreed that:

(i) the draft equality objectives for the next four years be approved; and

(ii) the Comprehensive Equalities Scheme 2016-20 be approved.

7. Deferred Payment Agreement Policy

Having considered an officer report and a presentation from the Cabinet Member for Health, Well Being & Older People, Councillor Chris Best, the Mayor agreed that:

(1) the Council’s proposed universal deferred payments scheme under the Care Act 2014 as set out for new deferred payment agreements entered into by the Council be approved;

(2) the maximum interest rate allowed by the Department of Health be used;

(3) charges for deferred payment agreements be as set out;

(4) authority be delegated to the Executive Director for Community Services, in consultation with the Executive Director for Resources and Regeneration and Head of Law, to agree the more detailed guidance and procedures for the operation of the scheme.

Barry Quirk
Chief Executive
Lewisham Town Hall
Catford SE6 4RU
24 March 2016
### Recommendation

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

8. Decisions made by Mayor and Cabinet (Contracts) on 23 March 2016  
9. Decision made by an Executive Director Under Delegated Authority – Contract Award for Works Contract to Convert Hamilton Lodge from Residential Care to Temporary Accommodation
By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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

Document is Restricted