



AGENDA

OVERVIEW AND SCRUTINY BUSINESS PANEL

Date: TUESDAY, 10 JULY 2018 at 7.05 pm

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

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MEMBERS

Councillor Bill Brown	Chair of Overview & Scrutiny Committee	L
Councillor Juliet Campbell	Vice Chair of Overview & Scrutiny Committee	L
Councillor Liam Curran	Chair of Sustainable Development Select Committee	Labour Co-op
Councillor Feis-Bryce	Labour Group Representative	L
Councillor Jim Mallory	Chair of Public Accounts Select Committee	L
Councillor Joan Millbank	Labour Group Representative	L
Councillor Pauline Morrison	Chair of Safer Stronger Communities Select Committee	L
Councillor John Muldoon	Chair of Healthier Communities Select Committee	Labour Co-op
Councillor Luke Sorba	Chair of Children and Young People Select Committee	L
Councillor Susan Wise	Chair of Housing Select Committee	Labour Co-op

Members are summoned to attend this meeting

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

**Ian Thomas
Chief Executive
Lewisham Town Hall
Catford
London SE6 4RU
Date: Monday, 2 July 2018**



INVESTOR IN PEOPLE

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

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Agenda Item 1

OVERVIEW & SCRUTINY BUSINESS PANEL		
Report Title	Minutes	
Key Decision		Item No. 1
Ward	All	
Contributors	Chief Executive	
Class	Part 1	Date: 10 July 2018

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 19 June 2018 be confirmed and signed.

MINUTES OF THE OVERVIEW AND SCRUTINY BUSINESS PANEL

Tuesday, 19 June 2018 at 7.05 pm

PRESENT: Councillors Bill Brown, Liam Curran, Alex Feis-Bryce, Jim Mallory, Joan Millbank, John Muldoon, Luke Sorba and Susan Wise

Apologies for absence were received from Councillor Juliet Campbell and Councillor Pauline Morrison

105. Minutes

RESOLVED that the minutes of the meeting held on 10 April 2018 be confirmed and signed as a correct record.

106. Declarations of Interests

None were made.

107. Outstanding Scrutiny Matters

RESOLVED that the report be noted.

108. Late and Urgent Matters

RESOLVED that the report be noted.

109. Decisions made by Mayor and Cabinet on 6 June 2018

Community Infrastructure Levy Preliminary Draft Charging Schedule

The Chair stated that Panel Members would like some clarity on who makes the decision on how much money could be spent in the project and if there was any members involvement in the process. The Chair said a diagram showing the decision process in relation to CIL, and elected members role within the process would be useful for Panel Members. The Interim Head of Planning said this information would be provided for Members.

Action >>>>> ED Resources and Regeneration (Interim Head of Planning)

The interim Head of Planning explained the connection between Section 106 and CIL, and Section 106 relevance to other Council projects in response to Councillor Mallory's question. Councillor Millbank asked about community involvement with the project. Panel Members noted that the Sustainable Development Select Committee had identified Ward Assemblies as the vehicle for community involvement.

Councillor Curran said it would be sensible to use this vehicle to determine how funds should be distributed. The Chair said this information should be included in the diagram he had requested.

Action >>>>> ED Resources and Regeneration (Interim Head of Planning)

Business Panel agreed to request that the Mayor and Cabinet ask officers to do a simple report that includes a diagram showing how CIL is delivered. They also agreed to ask the Mayor and Cabinet that officers show how Council Members and the community are involved in this process. Panel Members were curious to know what was currently being done in other boroughs to involve elected members and the general community.

RESOLVED that:

- i. the decision of the Mayor and Cabinet be noted.
- ii. Mayor and Cabinet be requested to ask officers to show how Council Members, and the community are involved in this process.
- iii. Mayor and Cabinet be requested to ask officers to produce an easy to read diagram to illustrate the process.
- iv. Mayor and Cabinet be requested to ask officers for information on how the decision making process on the allocation of CIL operates in other boroughs.

Memorandum of Understanding with Veolia to Develop a Lewisham Heat Network

The Climate Resilience Manager, Regeneration and Place, introduced the report. The Chair referred to the Community Heating System Review which was done by the Sustainable Development Select Committee. He said the review was very useful and important, and it did state that the tenants should be put first and the aim was to provide good heating systems which would ensure bills do not go up. Councillor Wise said the point of a review was to help the community. She said this work was done because of the bad workmanship done on the new Heathbridge Estate, officers were looking at ways to address heat loss in the building. Councillor Wise said it was unfortunate the Council did not get funding for this, but Southwark did and it had worked very well for them.

The Climate Resilience Manager, Regeneration and Place, said officers had been in discussions with Veolia for a while, looking at the benefits from Celchip. He said the Council was not tied to any contract as yet, but was looking at developing the idea further. The Climate Resilience Manager, Regeneration and Place, said the Council was lucky to get some funding to do the feasibility study. He said the Convoys Wharf development was key to this project, as it would generate the most demand for heat.

Councillor Curran raised concerns over the cost of liability to the Council and asked for an example of a situation when the Council could be liable. Panel members were told that it was highly unlikely for any liability to the Council as there was no binding obligation on the Council. Councillor

Curran asked if the Terms of Reference were legally binding. Panel Members were told that a legal contract had to be made to ensure confidentiality, and was also a demonstration of good faith, forming part of ongoing discussions.

Councillor Curran said because this would be a cheaper alternative it would be popular, and asked how officers would ensure the people who need it get it. Panel Members were told that the Council wants to be part of this to influence the way the heat is provided and distributed, and at the same time get additional funding for the project.

The Climate Resilience Manager, Regeneration and Place said officers were looking to draft governance arrangements. He said the next step would be for officers to go to consultation, look at options available, costs and risk involved. He added that arrangements were being made to commission an expert to do the design work. Councillor Curran said he hoped Council would ensure officers have sufficient resources to get a very good expert to do the investigation.

Panel Members asked about the timeframe and were told it would be by the end of the calendar year when the next round of funding from central government opens. Panel members asked when they would get an update and were told the proposal would be going to Sustainable Development Select Committee, then a report to Mayor and Cabinet. The Chair thanked officers for the report.

RESOLVED that:

- i. the decision of the Mayor and Cabinet be noted.
- ii. Mayor and Cabinet be requested to ensure that sufficient resources be provided to officers to appoint an efficient and effective consultant for the investigation, to ensure the Council gets the best possible deal.

110. Overview & Scrutiny Select Committees Work Programmes 2018-2019 - verbal update

The Chair informed Panel Members that going forward the Scrutiny Manager would send out an update to Panel Members a week before the meeting, and they would decide whether they want her to attend Business Panel to provide further information on the report, this was agreed.

The Scrutiny Manager informed Panel Members that the first round of Select Committee meetings would start on 27 June and end on 19 July. She said the Committees would agree their work programmes for the year at this round of meetings and these would be formally submitted to Business Panel on 24 July.

Panel Members noted that in advance of these meetings, most select committees were having informal meet and greet sessions where new councillors (and co-opted members where applicable) could be welcomed and members could discuss

priorities for the coming year, before formally agreeing their work programme at their first meeting.

RESOLVED that the report be noted.

111. Exclusion of the Press and Public

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

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

112. Decisions made by Mayor and Cabinet on 6 June 2018

This item was not identified for further discussion.

113. Decision made by an Executive Director Under Delegated Authority - Sydenham Park Footbridge - Approval to enter into an Asset Protection Agreement with Network Rail to allow the replacement of railway span of the footbridge

RESOLVED that:

- i. the decision of the Executive Director be noted.
- ii. officers consult with the LGA to determine whether the Council should accept the revised TPOA that was reissued by Network Rail.
- iii. officers to investigate options open to the Council if one of their contractors go into receivership.

Action >>>>> ED Resources and Regeneration (Service Group Manager Highways & Transport)

Meeting ended: 8.35pm

Chair.....

Agenda Item 2

OVERVIEW AND SCRUTINY BUSINESS PANEL		
Report Title	DECLARATIONS OF INTEREST	
Key Decision		Item No. 2
Ward		
Contributors	Chief Executive	
Class	Part 1	Date: 10 July 2018

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

1 Personal interests

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

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

2 Disclosable pecuniary interests are defined by regulation as:-

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

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

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

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

(3) Other registerable interests

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

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

(4) Non registerable interests

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

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

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

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

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

(6) Sensitive information

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

(7) Exempt categories

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

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

Agenda Item 3

OVERVIEW & SCRUTINY BUSINESS PANEL		
Report Title	Outstanding Scrutiny Items	
Key Decision	No	Item No. 3
Ward	n/a	
Contributors	Head of Business and Committee	
Class	Part 1	Date: 10 July 2018

1. Purpose of Report

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

2. Recommendation

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

Report Title	Responding Author	Date Considered by Mayor & Cabinet	Scheduled Reporting Date	Slippage since last report
Response to Overview and Scrutiny Business Panel – Community Infrastructure Levy Preliminary draft Charging Schedule	ED Resources & Regen.	27 June 2018	19 September 2018	No
Response to Overview and Scrutiny Business Panel - Memorandum of Understanding with Veolia to develop a Lewisham heat network	ED Resources & Regen.	27 June 2018	19 September 2018	No

BACKGROUND PAPERS and AUTHOR

Mayor & Cabinet minutes 27 June 2018 available from Kevin Flaherty 0208 3149327.

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

Agenda Item 4

Overview & Scrutiny Business Panel		
Report Title	Notification of Late and Urgent Items	
Key Decision	No	Item No. 4
Ward		
Contributors	Head of Business and Committee	
Class	Part 1	Date: 10 July 2018

1. None to report

OVERVIEW & SCRUTINY BUSINESS PANEL		
Report Title	Decisions made by Mayor and Cabinet at the on 27 June 2018	
Key Decision		Item No. 6
Ward	All	
Contributors	Chief Executive/Head of Business and Committee	
Class	Part 1	Date: 10 July 2018

1. Recommendation

To consider key decisions made by the Mayor and Cabinet on 27 June 2018 which will come in to force on 11 July 2018.

2. Background

2.1 The Mayor and Cabinet considered the following key decisions on 27 June 2018.

2.2 The notice of the decision made in respect of the report is attached as an Appendix. Under the provisions of Standing Orders Part IV E 14, members may call in an executive decision within 7 days. If this report is not called in they will come into force on 11 July 2018

- i. Deptford Southern Housing – Tidemill Update
- ii. Perry Vale and the Christmas Estate Conservation Area Appraisal and Article 4 Direction (SPD)
- iii. Annual Lettings Plan 2018/19
- iv. Catford Regeneration Partnership Limited 2018/19 Business Plan
- v. Catford Regeneration Partnership Limited Business Plan Loan Injection



NOTICE OF DECISIONS MADE AT THE MAYOR & CABINET

The Mayor and Cabinet made the following decisions on 27 June 2018. These decisions will become effective on 11 July 2018 unless called in by the Overview & Scrutiny Business Panel on 10 July 2018.

1. Deptford Southern Housing Sites: Tidemill Update

Having considered an officer report and presentations by the Cabinet Member for Housing, Councillor Paul Bell, two members of the public from Reginald Road and the Chair of the Sustainable Development Select Committee, Councillor Liam Curran, the Mayor and Cabinet agreed that:

- (1) the update on the Deptford Southern Housing Sites project, as detailed in section 5 be noted;
- (2) the Development Agreement be varied to extend the longstop date to 30 June 2019; and
- (3) authority be delegated to the Executive Director for Resources & Regeneration, in consultation with the Executive Director for Customer Services and the Head of Law, to negotiate and agree the necessary legal documentation in connection with the report recommendations.

2. Perry Vale and the Christmas Estate Conservation Area Appraisal and Article 4 direction (SPD)

Having considered an officer report and a presentation by the Mayor, the Mayor and Cabinet agreed that:

- (1) the proposed introduction of conservation area designation and article 4 direction be noted;
- (2) the content of the draft appraisal SPD and article 4 direction schedule, be noted and;
- (3) a 6 week period of public consultation on the introduction of conservation area designation, the introduction of an Article 4 Direction, and the draft appraisal document, be approved.

3. Annual Lettings Plan 2018/19

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

(1) the lettings outcomes for 2016/17 and 2017/18 and the position on the housing register be noted; and

(2) the proposed Lettings Plan for 2018/19 set out in Appendix 1 be approved.

4. Catford Regeneration Partnership Limited 2018/19 Business Plan

Having considered an officer report and a presentation by the Mayor, the Mayor and Cabinet agreed that the contents of the 2018/19 Business Plan for the Catford Regeneration Partnership Limited (CRPL) be noted and that it be submitted to the next available meeting of Council for approval.

5. Catford Regeneration Partnership Limited Business Plan Loan Injection

Having considered a confidential officer report and a presentation by the Mayor, the Mayor and Cabinet agreed that:

(1) the reasons for the additional loan to support CRPL effectively deliver their commitments pending the advancement of the regeneration plans for Catford Town Centre be noted;

(2) a repayment loan of up to a stated figure with the final payment due in May 2048 at an interest rate of 4.3% from the Council to CRPL be approved; and

(3) authority be delegated to the Executive Director for Resources and Regeneration, in consultation with the Head of Law, authority to finalise the arrangements by which CRPL will draw down the loan, consistent with their business objectives agreed by Council.

**Ian Thomas
Acting Chief Executive,
Lewisham Town Hall,
Catford SE6 4RU
28 June 2018**

Agenda Item 7

Overview and Scrutiny Business Panel		
Title	Overview and Scrutiny Select Committees - Update	
Contributor	Overview and Scrutiny Manager	Item 6
Class	Part 1 (open)	10 July 2018

1. Update

- 1.1 The first round of Select Committee meetings started on 27 June and will end on 19 July.
- 1.2 The Committees are agreeing their annual work programmes at this round of meetings and these will be formally submitted to Business Panel on 24 July. A verbal update on the select committee work programmes that have been agreed to date will be provided at the meeting.
- 1.3 The Committee chairs may wish to add to the Overview and Scrutiny Manager's update.

If you have any questions about this report – please contact Charlotte Dale (Overview and Scrutiny Manager) 02083148286

OVERVIEW & SCRUTINY BUSINESS PANEL		
Report Title	Exclusion of the Press and Public	
Key Decision		Item No. 8
Ward		
Contributors	Chief Executive	
Class	Part 1	Date: 10 July 2018

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:-

9. Decision made by Mayor and Cabinet on 27 June 2018
10. Decision made by an Executive Director under Delegated Authority – Support Contract for Core Revenues and Benefits Systems

Agenda Item 9

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

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

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