



# AGENDA

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## OVERVIEW AND SCRUTINY BUSINESS PANEL

**Date: TUESDAY, 13 NOVEMBER 2018 at 7.00 pm**

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

Enquiries to: **Olga Cole**  
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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 Alex 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

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

**Members are summoned to attend this meeting**

Janet Senior  
Acting Chief Executive  
Lewisham Town Hall  
Catford  
London SE6 4RU  
Date: Thursday 1 November 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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**Lewisham**



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# Agenda Item 1

OVERVIEW & SCRUTINY BUSINESS PANEL		
<b>Report Title</b>	Minutes	
<b>Key Decision</b>		Item No. 1
<b>Ward</b>	All	
<b>Contributors</b>	Chief Executive	
<b>Class</b>	Part 1	Date: 13 November 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 16 October 2018 be confirmed and signed.

# MINUTES OF THE OVERVIEW AND SCRUTINY BUSINESS PANEL

Tuesday, 16 October 2018 at 7.00 pm

PRESENT: Councillors Bill Brown, Juliet Campbell, Jim Mallory, Joan Millbank, John Muldoon and Luke Sorba

Apologies for absence were received from Councillor Alex Feis-Bryce, Councillor Pauline Morrison and Councillor Susan Wise

## **144. Minutes**

RESOLVED that the minutes of the open meeting held on 2 October 2018 be confirmed and signed as a correct record.

## **145. Declarations of Interests**

None received.

## **146. Outstanding Scrutiny Matters**

RESOLVED that the report be noted.

## **147. Notification of Late and Urgent Items**

RESOLVED that the report be noted.

## **148. Decisions made by Mayor and Cabinet on 10 October 2018**

None of the decisions made by the Mayor and Cabinet on 10 October 2018 was requested for further discussion.

## **149. Community Infrastructure Levy Preliminary Draft Charging Schedule - Update**

The Interim Head of Planning introduced the report.

Councillor Muldoon asked for an explanation about the difference between the CIL Regulations and the Guidance, and was told that Regulations were the legal prompt as to how CIL should be used fairly. These Regulations were detailed and should be followed to the letter to avoid challenge, whereas the Guidance was advisory.

Councillor Muldoon said Members were concerned that those in need would not necessarily get funding support, whilst those whose needs were not as strong but were more articulate and resourceful would likely get funding. He asked that Mayor and Cabinet be advised to achieve equity amongst the Wards. The Interim Head of Planning responded that in keeping with national policy framework guidance, the Council would need to give regard for equity or be challenged via

Judicial Review. He said officers would look through the Regulations and Guidance and make recommendations to Members.

Panel Members were told that the difference between CIL and Section 106 was that there was no limit on how long you can hold onto CIL money. Strategic CIL money could only be spent on Strategic Infrastructure to mitigate against significant growth and infrastructure in the area, e.g. the proposed Bakerloo Line which the Borough was expected to make a contribution for. Neighbourhood CIL could be spent flexibly for the community, but full disclosure would be expected.

The Interim Head of Planning said advice was that Section 106 funds be used first before the CIL funds as they had a time limit attached. The Executive Director for Resources and Regeneration informed Panel Members that Section 106 money was for particular areas and if there were no Section 106 money, then CIL fund could be used to make up the shortfall.

Councillor Sorba asked if CIL could be used with other funds to complete a community project, and was told that Neighbourhood CIL could be used flexibly and community projects would be fine for this type of fund. Panel Members were told CIL funds could be utilised for capital projects.

Councillor Mallory said timing was critical, and asked whether the Evelyn Ward pilot had been informative, as this happened nearly a year ago and nothing has been said about the outcome. The Interim Head of Planning said a report would be going to Mayor and Cabinet this year.

Councillor Campbell asked how CIL would be divided, and what percentage would be given to Ward Assemblies. The Interim Head of Planning informed Panel Members that the total amount of CIL was £9.3m, administrative cost set by the government is 5%, (£0.4m), Neighbourhood CIL could be 15% minimum, £1.4m, up to a maximum of 25% if the Council wishes. Assembly Wards assessment would have to be done project by project to determine allocations, and Members would make the decision.

The Chair said Members needed a system in place as soon as possible, as the budget proposal was to cut Ward Assemblies funding, and the Mayor and Cabinet report was due within 2 months. The Chair raised concerns that there might not be sufficient time to put policies in place for CIL to replace Ward Assembly funding. The Executive Director for Resources and Regeneration told Panel Members that officers in Planning and Community Services were working on this. She said CIL would not directly replace Ward Assembly funds, but there would be a fund that Ward Assemblies would be able to use. The Chair asked where the money would be coming from and was told there was no money identified as yet.

Councillor Millbank asked who would be making the decision on how Neighbourhood CIL was spent, and was told that the Evelyn Ward pilot would inform officers, and there would be consultation with local communities. The Executive Director for Resources & Regeneration said some of the guidance would be based on the Regulations. Councillor Millbank asked if this would be done on time given the budget timetable, and whether local forums would be involved.

Councillor Mallory said he questioned whether the Evelyn Ward pilot was sufficient to inform the report. The Chair said the involvement of Neighbourhood Forums and Ward Assemblies was important, and Members and the community needed to have the guidance to make informed decisions. The Chair asked why CIL money had been kept and not utilised all these years, and was told that it was prudent to accumulate CIL for big projects, and part of it had been allocated recently at a confidential Mayor and Cabinet meeting, for the Catford Bridge project.

Business Panel Members were told that through the Local Plan process proposals would be made about strategic projects, and Council would make the final decision. Officers said the Local Plan would be ready by 2020, and were asked if this would delay decisions on CIL. Panel Members were told it would not affect decisions on Neighbourhood CIL. The Executive Director for Resources and Regeneration said the Council would be expected to make a contribution to the Bakerloo Line project which could cost a lot of money and £7m was just a drop in the ocean. She said the Council should try not to spend its Strategic CIL on small projects.

Panel Members agreed to make a referral to Mayor and Cabinet to ensure stake holders are consulted before the report goes to Mayor and Cabinet. Stakeholders to include Neighbourhood Forums, Ward Assemblies and the community. It was also agreed that Mayor and Cabinet should be requested to consider equity amongst the Wards to ensure all Wards benefit from Neighbourhood CIL.

RESOLVED that:

- i. the report be noted.
- ii. Mayor and Cabinet be requested to instruct officers to consult with Stakeholders, including Ward Assemblies, Neighbourhood Forums and the community before the next report to Mayor and Cabinet.
- iii. Mayor and Cabinet be requested to consider equity amongst the Wards during allocation of CIL.

#### **150. Overview and Scrutiny Select Committees Work Programmes 2018/19 verbal update**

The Scrutiny Manager informed Panel Members that they were now in the 3<sup>rd</sup> round of Select Committee meetings. Healthier Communities met on 9 October, and Children and Young People would be meeting on 17 October. She said all Select Committees would be looking at proposals for savings.

Councillor Muldoon said that it would be useful for some Select Committee Members to take appropriate training to assist them in their role as Scrutiny Members, the Scrutiny Manager said this had been arranged.

Councillor Sorba told Panel Members that the Children and Young People Select Committee invited Stakeholders that were not officers to contribute to the meeting's agenda, and he found their contribution very useful. He said Select Committee Chairs should consider this for future meetings. The Chair thanked the Scrutiny Manager for the update.

**151. Exclusion of the Press and Public**

This item was not needed as no confidential item was discussed at the meeting.

**152. Decisions made by Mayor and Cabinet on 10 October 2018**

This item was not requested for discussion.

**153. Decision made by an Executive Director Under Delegated Authority - Award of Insurance Contracts**

This item was not requested for discussion.

Meeting ended:

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: 13 November 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 AND SCRUTINY BUSINESS PANEL		
<b>Report Title</b>	Outstanding Scrutiny Matters	
<b>Key Decision</b>	No	Item No. 3
<b>Ward</b>	n/a	
<b>Contributors</b>	Head of Business and Committee	
<b>Class</b>	Part 1	Date: 13 November 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.

<b>Report Title</b>	<b>Responding Author</b>	<b>Date Considered by Mayor &amp; Cabinet</b>	<b>Scheduled Reporting Date</b>	<b>Slippage since last report</b>
Response to Sustainable Development Select Committee – Air Quality	ED Community	20 September 2018	21 November 2018	No
Response to Safer Stronger Communities – Employee Survey	ED Resources & Regeneration	3 October 2018	12 December 2018	No
Response to Sustainable Development Select Committee- Local Plan	ED Resources & Regeneration	3 October 2018	12 December 2018	No
Response to Public Accounts Select Committee – Children’s Social Care Budget	ED Resources & Regen.	3 October 2018	12 December 2018	No

## **BACKGROUND PAPERS and AUTHOR**

Mayor & Cabinet minutes 20 September 2018 and 3 October 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		
<b>Report Title</b>	Notification of Late and Urgent Items	
<b>Key Decision</b>	No	Item No. 4
<b>Ward</b>		
<b>Contributors</b>	Head of Business and Committee	
<b>Class</b>	Part 1	Date: 13 November 2018

## 1. Purpose of Report

<b>Report Title</b>	<b>Author</b>	<b>Reasons Stated for Urgency</b>	<b>Responsible Committee and Date</b>
Main Grants Programme Consultation Results	James Lee	The main grants consultation did not close until 11:59pm on Thursday 25 October and officers needed time to analyse the results and complete the report	Safer Stronger Select Committee 5 <sup>th</sup> November 2018

<b>OVERVIEW &amp; SCRUTINY BUSINESS PANEL</b>		
<b>Report Title</b>	Decisions made by Mayor and Cabinet at the on 31 October 2018	
<b>Key Decision</b>		Item No. 5
<b>Ward</b>	All	
<b>Contributors</b>	Chief Executive/Head of Business and Committee	
<b>Class</b>	Part 1	Date: 13 November 2018

**1. Recommendation**

To consider key decisions made by the Mayor and Cabinet on 31 October 2018 which will come in to force on 14 November 2018.

**2. Background**

2.1 The Mayor and Cabinet considered the following key decisions on 31 October 2018.

2.2 The notice of the decisions 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 14 November 2018

- i. Joining South London's Regional Adoption Agency
- ii. New Code of Practice for Well Managed Highway Infrastructure



## NOTICE OF DECISIONS MADE AT THE MAYOR & CABINET

The Mayor and Cabinet made the following decisions on 31 October 2018. These decisions will become effective on 14 November 2018 unless called in by the Overview & Scrutiny Business Panel on 13 November 2018.

### **1. Joining South London's Regional Adoption Agency**

Having considered an officer report and a presentation by the Cabinet Member for School Performance, Councillor Chris Barnham, the Mayor and Cabinet agreed that:

- (1) Lewisham enter into regional adoption arrangements as part of Adopt London South.
- (2) staff and finances, as set out, be transferred to London Borough Southwark who will be hosting Adopt London South on behalf of ten South London boroughs; and
- (3) authority be given to the Executive Director for Children and Young People to agree the details of the arrangements including signing off the inter-authority agreement between Lewisham and LB Southwark and agreeing participation in the governance arrangements.

### **2. New Code of Practice for Well Managed Highway Infrastructure**

Having considered an officer report and a presentation by the non-voting Cabinet Member for Parks, Neighbourhood & Transport, Councillor Brenda Dacres, the Mayor and Cabinet agreed that the alignment of Lewisham's working practices to the Well Managed Highway Infrastructure: A Code of Practice (2016), be approved.

**Janet Senior**  
**Acting Chief Executive,**  
**Lewisham Town Hall,**  
**Catford SE6 4RU**  
**1 November 2018**

<b>OVERVIEW &amp; SCRUTINY BUSINESS PANEL</b>		
<b>Report Title</b>	Decisions made by the Joint Committee of the London Boroughs of Brent, Lewisham and Southwark	
<b>Key Decision</b>		Item No. 6
<b>Ward</b>	All	
<b>Contributors</b>	Chief Executive/Head of Business and Committee	
<b>Class</b>	Part 1	Date: 13 November 2018

## 1. Recommendation

To consider decisions made by the Joint Committee of the London Boroughs of Brent, Lewisham and Southwark on 16 October 2018 which will come in to force on 14 November 2018.

## 2. Background

2.1 The Joint Committee considered the following key decisions on 16 October 2018.-

- i) Update Report to the Joint Committee of the London Boroughs of Brent, Lewisham and Southwark
- ii) Shared Services Arrangements

2.2 The notice of decisions 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 the report is not called in it will come into force on 14 November 2018.



## **Notice of Decisions Made at The Joint Committee of the London Boroughs of Brent, Lewisham and Southwark**

The Joint Committee of the London Boroughs of Brent, Lewisham and Southwark made the following decisions on 16 October 2018. These Decisions will become effective on 14 November 2018 unless called in by the Overview & Scrutiny Business Panel on 13 November 2018.

### **1. Update Report to the Joint Committee of the London Boroughs of Brent, Lewisham and Southwark**

**RESOLVED** that:

- (i) That update provided and actions taken in relation to the ongoing performance and delivery of the shared service, as detailed within section 3 of the report be noted;
- (ii) That the contents of the performance pack , as detailed in Section 3 and Appendix A of the report along with the summary of the Shared Service Improvement Plan detailed in Appendix B of the report be noted;
- (iii) Details on the way in which customer satisfaction was measured in relation the handling of incidents and service requests be circulated;
- (iv) Development of an appropriate benchmarking process for the Shared Service be further considered and progressed; and
- (v) That the Committee write to Virgin Media and London Grid for Learning (LGfL) expressing their concern at the delay in them being able to deliver the upgrade of their links to the existing data centres and impact this was having on the Shared Service.

### **2. Shared Services Arrangements**

**RESOLVED** that on the basis that Members were supportive of the overall principles set out within the discussion paper in terms of developing the future structure, management and governance of the Shared Service, t officers should work to develop more detailed proposals for further review at the next Joint Borough Committee scheduled for 5 March 2019, with members being updated (as required) on progress between meetings.

**Carolyn Downs**

**Chief Executive, London Borough of Brent**  
**24 October 2018**

# Agenda Item 7

Overview and Scrutiny Business Panel		
Title	Overview and Scrutiny Select Committees - Update	
Contributor	Overview and Scrutiny Manager	Item 7
Class	Part 1	13 November 2018

## 1. Update

- 1.1 The third round of Select Committee meetings will start on 3 December and end on 20 December.
- 1.2 The second round of Select Committee meetings considered proposed budget cuts. A referral outlining the views of scrutiny will be presented to Mayor and Cabinet on 21 November.
- 1.3 Those Committees conducting in-depth reviews this year are currently holding evidence sessions to progress their reviews.
- 1.4 Select Committee chairs may wish to provide an oral update on how their work programmes are progressing.
- 1.5 Some Scrutiny Members visited Parliament on 31 October and others will visit the London Assembly on 28 November. The aim of the visits is to observe and discuss national and regional scrutiny practice.

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

OVERVIEW & SCRUTINY BUSINESS PANEL		
<b>Report Title</b>	Exclusion of the Press and Public	
<b>Key Decision</b>		Item No. 8
<b>Ward</b>		
<b>Contributors</b>	Chief Executive	
<b>Class</b>	Part 1	Date: 13 November 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. Decisions made by Mayor and Cabinet on 31 October 2018

# 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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