

MINUTES OF THE OVERVIEW AND SCRUTINY COMMITTEE

Thursday, 7 March 2019 at 7.00 pm

PRESENT: Councillors Bill Brown (Chair), Juliet Campbell (Vice-Chair), Abdeslam Amrani, Andre Bourne, Patrick Codd, Aisling Gallagher, Leo Gibbons, Alan Hall, Carl Handley, Octavia Holland, Sue Hordijkeno, Coral Howard, Mark Ingleby, Liz Johnston-Franklin, Silvana Kelleher, Louise Krupski, Jim Mallory, John Muldoon, Jacq Paschoud, John Paschoud, Stephen Penfold, James Rathbone, Alan Smith, Luke Sorba and James-J Walsh

APOLOGIES: Councillors Obajimi Adefiranye, Peter Bernards, Tom Copley, Liam Curran, Colin Elliott, Paul Maslin, Joan Millbank, Hilary Moore, Pauline Morrison, Olurotimi Ogunbadewa and Susan Wise

ALSO PRESENT: Stephanie Fleck, Councillor Chris Barnham (Cabinet Member for School Performance and Children's Services), Councillor Chris Best (Deputy Mayor and Cabinet member for Health and Adult Social Care), Councillor Brenda Dacres (Cabinet Member for Environment and Transport (job share)), Charlotte Dale (Interim Overview and Scrutiny Manager), Mayor Damien Egan (Mayor) and Councillor Joani Reid (Cabinet Member for Safer Communities)

1. Minutes of the meeting held on 28 January 2019

- 1.1 The minutes of the last meeting referred to an inclusive toilet. Councillor Walsh commented that it was important that the proposed toilet was a gender neutral toilet and not a disabled toilet, labelled inclusive.
- 1.2 The Chair reported that the corporate strategy had been amended in line with the referral made by the Committee at the last meeting; and had now been agreed by full Council.
- 1.3 Updates on Cabinet Member actions agreed at the last meeting, were tabled.
- 1.4 **RESOLVED:** That the minutes of the meeting held on 28 January 2019 be agreed as an accurate record of the meeting.

2. Declarations of Interest

- 2.1 Councillor Hall declared a non-prejudicial interest as a Member of the Lewisham Trade Union Council.

3. Referral from the Overview and Scrutiny Business Panel on the Council's Procurement Procedures

3.1 The Vice-Chair introduced the referral from Business Panel. It was reported that on 29 January 2019, Business Panel had considered a Mayor and Cabinet report on the Award of a contract for the Carer Information Advice and Support Service and had decided to call the decision in. On 6 February 2019, Mayor and Cabinet considered the Call-In but were satisfied that due diligence had been undertaken and that the correct decision had been delivered. The decision was upheld although it was agreed that the contract would be closely monitored. On 19 February 2019 Business Panel agreed to make a referral to the Overview and Scrutiny Committee asking it to support a review of the Council's Procurement Procedures, as it was not satisfied that its concerns regarding underlying issues with the way in which procurement was being carried out, had been addressed.

3.2 The committee discussed current procurement procedures and the following views were expressed:

- The ranking system was simplistic and should be more complex to allow better analysis.
- Contracts were sometimes underbid in order to win the contract, but then not fulfilled at a cost to the council. There needed to be a thorough interrogation of the prices put forward in bids.
- Contract reports were usually entirely exempt, whereas a better approach might be to redact the truly exempt information or put this information in a part 2 appendix with the main report being part 1. This would better accord with the Administration's stated aims of openness and transparency.

3.3 It was agreed that the referral from Business Panel requesting a review of the Council's procurement procedures would be endorsed, with one amendment regarding best practice, and forwarded to Mayor and Cabinet.

3.4 **RESOLVED:** That the following referral be forwarded to Mayor and Cabinet:

Business Panel:

1. *Notes that the scoring system and the balance between quality and price is not robust nor transparent when awarding contract to organisations.*
2. *Calls for the Council to re-examine its process of quality versus cost, and ensure there is a thorough examination of the factors within both price and quality.*
3. *Is not convinced continuity or proximity of provision are given sufficient thought in the transition period as part of the evaluation and that needs to be weighted accordingly.*

4. *In accordance with the Administration's Manifesto commitments to use an in-house provider and secure services locally whenever possible, prominent sections of the process should examine the advantages and disadvantages of in-house and local provision.*

It is proposed that:

- *The scoring system should be very clear and easy to understand.*
- *Mayor and Cabinet should take time to consider proposals from officers before making a decision.*
- *Sufficient time and consideration must be given to responses to scrutiny in recognition of the need for parity of esteem.*
- *In future: quality, location, continuity and in-house consideration should feature largely when awarding contracts.*

The Committee also asks that Mayor & Cabinet asks officers to consider best practice, including with regard to social value, from other local authorities and report back to Mayor & Cabinet and the Public Accounts Select Committee. Salford City Council is cited as a potential example of good practice.

4. Cabinet Member Question and Answer Session

- 4.1 The part of this item pertaining to legal advice (paragraphs 4.2 and 4.3) was considered directly after item 1, *Minutes of the meeting held on 28 January 2019.*
- 4.2 The Committee noted that written reports had not be provided by the Cabinet Members present as requested; the letters sent to the Cabinet Members who attended the last Question and Answer Session had not been published; and formal responses from those Cabinet Members had not been received and published. It was noted that the receipt of legal advice pertaining to Cabinet Member Question and Answer sessions had prevented this from happening in time for the meeting, but that a procedure would be developed to allow written reports to be received for future meetings, with legal and financial implications as required. Letters sent to Cabinet Members and their responses would also be published.
- 4.3 The Committee requested that a report be prepared by the Head of Law explaining what had happened and the procedure going forward.
- 4.4. Councillor Best gave a short presentation and the following key points were noted:
 - Managing a tight budget against a backdrop of rising demand and complex needs was difficult, but officers were trying to work in innovative ways and to manage demand.
 - The Care at Home Model had been approved by Mayor and Cabinet in November 2018 and it involved the integration of a number of health

and social care services via a Section 75 agreement between the Council and the Lewisham and Greenwich NHS Trust.

- Lewisham was the first local authority to become sugar smart and it was also taking part in the childhood obesity trailblazer programme. 11,000 children in 35 Lewisham schools were taking part in the daily mile initiative.
- The borough had achieved UNICEF baby friendly accreditation.
- A new Sexual Health Strategy was about to be launched and the Council was working closely with Southwark and Lambeth in this regard, including jointly procuring some services.
- The Council had signed the UNISON Ethical Care Charter.

4.4 In response to questions from Members, the following points were noted:

- The Director of Public Health was retiring after ten years' service, having changed the landscape of public health.
- Although cafés in parks were generally successful, the selected bidder had pulled out of Mountsfield Park. A report to the Executive Director of Customer Services was expected shortly on the fresh procurement exercise and the Friends of Mountsfield Park and other stakeholders would be consulted. The Cabinet Member would arrange a meeting with ward councillors to discuss this issue further.
- Vacant posts were always reviewed before they were advertised and recruitment of a new Director of Public Health and a new Executive Director for Community Services was underway.
- The Cabinet Member would raise the issue of people with learning disabilities not understanding how their money and benefits were being managed, with officers. The advocacy service *Speaking Up* could be helpful in this regard.
- Although not aware of anyone being unable to get through to the Council to report safeguarding issues, The Cabinet Member would ask officers to make sure that members of the public could get through to the appropriate team in a timely manner.
- The Cabinet Member for Health and Adult Social Care and the Cabinet Member for School Performance and Children's Services liaised regularly on public health matters affecting children (the budget for which fell within the portfolio of the former).
- Responsibility for the Early Years Review lay with the Cabinet Member for School Performance and Children's Services.

4.5 Councillor Barnham, gave a short presentation and the following key points were noted:

- The two areas of upmost priority were Children's Social Care (keeping children safe) and Education (giving children a good chance in life).
- The overspend in Children's Social Care was an ongoing issue but management action to stabilise the budget was addressing this, and the Cabinet Member was attending monthly budget meetings. It was hoped that the overspend would be down to £6.9m this year and would be eliminated next year.

- Improvements to Children’s Social Care practice needed to take place, as recognised by OFSTED. An improvement plan was in place to drive the changes required, with fortnightly meetings of the improvement board taking place.
- The image of Lewisham schools had historically been an issue of concern, although applications to Lewisham schools were up this year.
- The Cabinet Member was supporting the school led programme of improvement; efforts to reduce permanent exclusions; and a review of early help services.
- Attainment at age 11 had improved and was above the national average and GCSE performance had also improved considerably, although more improvement was required.

4.6 In response to questions from Members, the following points were noted:

- The Early Years Review would look at how different services work together and assess how further integration might lead to better outcomes. It would also assist in an assessment of where cuts might be made with as minimal impact as possible.
- Work would commence on a new CYP Strategy and Plan via a reinvigorated CYP Partnership. The strategy would be considered by Full Council in the summer following consideration by scrutiny.
- Serious youth violence had to be tackled in partnership with different directorates and organisations working together. Silo working had to end.
- Agency social workers cost more than in-house social workers and one of the improvement plan’s targets was to get to 90% permanent, well-qualified children’s social care staff, but this would take time.
- There had been a concerted communications effort last autumn to get parents to consider those Lewisham schools with an, often unwarranted, poor image. This had paid off with only 25 secondary school places currently un-offered.
- Progression to higher education was high amongst Lewisham young people, although they were not always progressing from Lewisham secondary schools.
- The Cabinet Member would look into a potential insufficiency in childcare places in the borough.
- Any members with information on parents being asked to fund things that were traditionally funded by schools (e.g. text books) should alert the Cabinet Member. Funding for schools was more or less frozen, although Lewisham schools were still highly funded compared to the national average.
- Although reducing the budget was not an explicit part of the Early Years Review, it would help Members assess where cuts that have to be made might be made with as minimal impact as possible. A £0.8m cut was pencilled into the General Fund. Scrutiny would be involved in the review from the earliest stage.
- More information would be provided on social worker pay and its role in the recruitment and retention of staff.

- Although not aware of foster carers being provided with insufficient background information on the children they were being asked to look after, the Cabinet Member would look into the level of information that was being provided.
- Ofsted had assessed Lewisham's PRU as doing a good job, although the aim was to help children before they got to the point of permanent exclusion from a mainstream setting.
- The Cabinet Member would look into reports of some schools pulling out of the service level agreement with Lewisham for payroll services.
- Deciding to become an Academy was a decision for schools, although the Council did try to ensure that schools had alternatives to the support and financial incentives that came with academisation. Lewisham Learning offered a free menu of support to schools which many schools, especially primaries, were very positive about. Some schools were looking towards joining a federation as an alternative to becoming an academy.
- The Cabinet Member would clarify whether pupils with no recourse to public funds were eligible for free school meals.
- The Council was expecting the children's social care service to be the subject of an OFSTED inspection shortly, the self-assessment had indicated that the service was moving in the right direction, although the quality of social work was only 40% and needed to be over 50% for the judgement to improve.

4.7 Councillor Reid, gave a short presentation and the following key points were noted:

- The anti-social behaviour teams were due to be restructured again but there would be no forced redundancies and the teams were performing well against key performance indicators, with the exception of the 28 day limit for environmental health input into planning applications.
- The Youth Offending Service had been found to be unsatisfactory in a few areas when it was inspected in 2016 but it had improved significantly since then. Re-offending was down to 16.5%, the biggest reduction in London.
- The trauma informed and restorative justice approach to serious youth violence was very important and officers were looking at the Glasgow model.

4.8 In response to questions from Members, the following points were noted:

- A strategy on the public health approach to youth violence would be launched in April, following comprehensive, multi-agency collaborative work.
- The Cabinet Members for Safer Communities and for School Performance and Children's Services worked closely together on youth offending.
- The Cabinet Member would look into the support offered to young people who witness serious crime, in light of a recent incident.

- The Cabinet Member would liaise with the Police and see if a six monthly update on serious cases of crime could be provided to councillors.
- The provision of additional security at council meetings had been achieved without needing to divert staff from their usual tasks.
- The Cabinet Member would look into reports that some young people did not feel safe in the council's secure estate (the three types of secure accommodation reserved for children and young people in custody - youth offender institutions, secure training centres and secure children's homes).

4.9 Councillor Dacres, gave a short presentation and the following key points were noted:

- The new Local Implementation Plan was an important document looking at the medium and long term infrastructure of the borough, including comprehensive walking and cycling support.
- Support for the Bakerloo Line extension was a priority.
- Funding had been provided by Transport for London towards 31 bikehangars across 9 wards with 30 more to be in place by the spring.
- A new parking strategy which would favour low emission vehicles would be coming to Mayor and Cabinet soon.

4.10 The Cabinet Member thanked the Council's Air Quality and Night Time Economy Champions for the important work that they had been carrying out in support of her portfolio. In response to questions from Members, the following points were noted:

- Ward members would be consulted on Healthy Neighbourhood Partnerships including on ideas around resident engagement.
- Visits were planned to schools in relation to sustainable travel and idling, including schools in superzones (zones around schools where work is carried out to create healthier and safer places for children and young people to live, learn and play). The schools in areas of high pollution would be prioritised. The Cabinet Member agreed to circulate further information on this, and on any upcoming air quality events, to the Committee.
- London's Low Emission Zone was due to be expanded to the whole of London in October 2020, with strict emission standards applying to buses, coaches and lorries across the whole of London, including Lewisham. The Ultra Low Emission Zone would begin in central London on 8 April 2019 and be expanded up to the North and South circular roads on 25 October 2021. The Cabinet Member agreed to provide a note on this matter.
- The Cabinet Member agreed to meet Councillor Gibbons to discuss a pedestrianised school zone in Forest Hill.

4.11 Councillor Best provided an update on Councillor McGeevor's part of the portfolio, which she was covering whilst Councillor McGeevor was on maternity leave. It was noted that recycling rates were the highest they had

ever been in Lewisham, in part due to new food waste collections; that a briefing on fly tipping had been provided to Members; that a survey of London Local Authority parks in 2018 had ranked Lewisham first (the Good Parks for London Report 2018) and that Beckenham Place Park had benefitted from nearly £7m of investment in recent years; and that a new Air Quality app had been launched. In response to questions from Members it was noted that:

- The investment in Beckenham Place Park was linked to projects located in specific areas of the park. The Eastern side of the Park had been set to benefit from investment from the Environment Agency but their proposed flood scheme was no longer going ahead. The Council would re-assess how to improve this section of the park and was developing designs and looking to secure funding for the east side of the park.
- The aim was to keep ward members informed about developments in the park and it was noted that ward councillors had not be consulted on the Naked City Festival on 27 June 2019. The Cabinet Member agreed to consult officers on any plans for pre-decision scrutiny of the report planned for Mayor and Cabinet on the re-development of the park.
- The Cabinet Member agreed to discuss the information being provided to residents on reporting fly-tipping, with officers.

4.11 **RESOLVED:** That the updates be noted and that a referral be sent to Mayor and Cabinet requesting that a report be prepared by the Head of Law explaining why written reports had not been prepared for this meeting, including a timeline of events; outlining the current legal advice pertaining to Cabinet Member Question and Answer Sessions; and explaining the procedure going forward.

5. Items to be referred to Mayor and Cabinet

RESOLVED: That two referrals be made to Mayor and Cabinet as outlined above in sections 3 and 4.

The meeting ended at 9.40 pm

Chair:

Date:
