

Overview and Scrutiny Committee Agenda

Thursday, 7 March 2019

7.00 pm, Committee Rooms 1 & 2 - Civic Suite

Lewisham Town Hall

London SE6 4RU

For more information contact: Charlotte Dale (020 8314 8286)

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

Part 1

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Overview and Scrutiny Committee Members

Members of the committee, listed below, are summoned to attend the meeting to be held on Thursday, 7 March 2019.

Janet Senior, Acting Chief Executive
Tuesday, 26 February 2019

Councillor Bill Brown (Chair)

Councillor Juliet Campbell (Vice-Chair)

Councillor Obajimi Adefiranye

Councillor Abdeslam Amrani

Councillor Tauseef Anwar

Councillor Peter Bernards

Councillor Andre Bourne

Councillor Suzannah Clarke

Councillor Patrick Codd

Councillor Tom Copley

Councillor Liam Curran

Councillor Sophie Davis

Councillor Colin Elliott

Councillor Alex Feis-Bryce

Councillor Aisling Gallagher

Councillor Leo Gibbons

Councillor Alan Hall

Councillor Carl Handley

Councillor Octavia Holland

Councillor Sue Hordijkenko

Councillor Coral Howard

Councillor Mark Ingleby

Councillor Liz Johnston-Franklin

Councillor Caroline Kalu

Councillor Silvana Kelleher

Councillor Louise Krupski

Councillor Jim Mallory

Councillor Paul Maslin

Councillor Joan Millbank

Councillor Hilary Moore

Councillor Pauline Morrison

Councillor John Muldoon

Councillor Olurotimi Ogunbadewa

Councillor Jacq Paschoud

Councillor John Paschoud

Councillor Stephen Penfold

Councillor James Rathbone

Councillor Sakina Sheikh

Councillor Alan Smith

Councillor Luke Sorba

Councillor Eva Stamirowski

Councillor James-J Walsh

Councillor Susan Wise

MINUTES OF THE OVERVIEW AND SCRUTINY COMMITTEE

Monday, 28 January 2019 at 7.00 pm

PRESENT: Councillors Bill Brown (Chair), Juliet Campbell (Vice-Chair), Tauseef Anwar, Andre Bourne, Patrick Codd, Tom Copley, Liam Curran, Sophie Davis, Colin Elliott, Alex Feis-Bryce, Leo Gibbons, Alan Hall, Carl Handley, Sue Hordijenko, Mark Ingleby, Caroline Kalu, Silvana Kelleher, Louise Krupski, Jim Mallory, Joan Millbank, Hilary Moore, John Muldoon, Olurotimi Ogunbadewa, Jacq Paschoud, John Paschoud, Stephen Penfold, James Rathbone, Sakina Sheikh, Alan Smith, Luke Sorba and James-J Walsh

APOLOGIES: Councillors Obajimi Adefiranye, Suzannah Clarke, Aisling Gallagher, Octavia Holland, Liz Johnston-Franklin, Pauline Morrison, Eva Stamirowski and Susan Wise

ALSO PRESENT: Councillor Paul Bell (Cabinet Member for Housing), Councillor Kevin Bonavia (Cabinet Member for Democracy, Refugees & Accountability), Councillor Brenda Dacres (Cabinet Member for Parks, Neighbourhoods and Transport (job share)), Charlotte Dale (Interim Overview and Scrutiny Manager), Mayor Damien Egan (Mayor), Stephanie Fleck, Salena Mulhere (Overview and Scrutiny Manager), Barrie Neal (Head of Corporate Policy and Governance), Janet Senior (Executive Director for Resources & Regeneration) and Councillor Jonathan Slater (Cabinet Member for Community Sector)

1. Minutes of the meeting held on 30 October 2018

- 1.1 **RESOLVED:** That the minutes of the meeting held on 30 October 2018 be agreed as an accurate record of the meeting.

2. Declarations of Interest

- 2.1 During the discussion on item 3, Councillor Hall declared two non-prejudicial interests:
- Chair of Unite the union community branch for Lewisham, Greenwich and Bexley
 - Member of the Lewisham Trade Union Council.

3. Cabinet Member Question and Answer Session

- 3.1 Councillor Bonavia gave a short presentation and the following key points were noted:
- The way in which elections were run had improved significantly
 - Ways of further improving electoral registration were being considered

- The Local Democracy Review would be producing a series of evidence based recommendations shortly, including recommendations for further work
- The refugee resettlement programme would be expanded as part of establishing Lewisham as a borough of sanctuary; an independent review of the first programme was being carried out; and lots of work was being undertaken with volunteers in preparation. Housing would need to be procured for the new families and a refugee programme manager was being recruited to scale up available support.
- The Shared Service had achieved significant IT improvements, although there was much more work still to be done to get IT fit for purpose.

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

- In order to reach “hard to reach” groups within the borough it was imperative for councillors to go to residents in the places they frequented as part of their daily lives, rather than expect residents to come to councillors.
- There had been a number of telephone issues resulting from the switchover to the new phone system and the restacking of Laurence House and these would be investigated. Issues around the use of voicemail would be specifically looked into.
- The implementation of Brexit held many uncertainties and should the UK leave Europe at a date post the European elections, UK MEPs may have their term of office extended until the date of departure.
- The Democracy Working Group would be meeting representatives from Kirklees to learn from their experience and processes would be put in place to ensure that any recommendations from the review would be implemented and tracked. The precise details of how implementation would be monitored were still to be agreed.
- The Local Democracy Review would consider the updated CIPFA guidance (2018) on audit committees and relevant recommendations with a view to assessing whether the best practice for audit committees put forward in the document should be adopted.
- The Local Democracy Review was concerned with effective decision making and the ability of staff to implement the decisions made by political leaders. Related infrastructure requirements would be considered as part of the drive for better decision making.
- Local Assemblies were being reviewed, with a view to making them more efficient and able to engage a wider spectrum of residents.
- The Cabinet Member did not feel that the Head of Corporate Resources being the Section 151 Officer was a conflict of interest, given the additional duties he was undertaking whilst the Executive Director for Resources and Regeneration was acting as the interim Chief Executive.
- The expansion of the refugee resettlement programme would take place slowly as it was crucial to get it right and learn from the families resettled so far. The first new families were expected to arrive in Spring 2019.

- The Shared IT Service was shared between Brent, Southwark and Lewisham on an equal partners basis, but with Brent as the legal employer. It was clear that there needed to be more resilience locally in Lewisham.
- In order to assess whether individuals were entitled to emergency relief, the Council had to engage with the Home Office and checking the immigration status of individuals was necessary to establish eligibility for this relief. It was not checked for any other reason.

3.3 Councillor Bell gave a short presentation and the following key points were noted:

- The severe weather emergency protocol had been enacted and there was an action plan in place for each of the 14 rough sleepers identified in a recent street survey (which provided a snapshot of rough sleeping in the borough). 30 places were available for rough sleepers and officers were looking to extend the provision available at St Mungos.
- A key priority for the Council was building 1000 new homes but this would take both time and expertise. 500 would be council properties and 500 owned by housing providers. A briefing for each ward would be provided covering: the location of each scheme and the proposed numbers and types of new homes that would be included.
- Meetings had been held with housing providers in the borough to make it clear that lifetime tenancies were the Council's preference.
- A list of Tenants and Residents Associations would be provided to Members so that ward councillors could engage with their local associations.
- Work to secure social housing as part of the re-location of Lewisham Library was ongoing.

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

- A briefing on the implications of the removal of the housing borrowing cap would be provided.
- Viability Statements were, and would continue to be, published.
- Information would be provided on how councillors can participate in street surveys of rough sleepers.
- Any councillors with ideas around land that could potentially be used for housing should let the Cabinet Member or Strategic Housing have the details.
- Information on the budget for repairs and maintenance within the HRA would be provided. It was important to maintain existing properties as well as build new ones.
- Lewisham Homes was in the process of challenging some contractors as the standard of the work they carried out was not acceptable.

- Information would be provided on plans for the ground floor of Place Ladywell, potential landbanking in the borough and potential unauthorised sub-division of Council Housing stock.
- The Council would speak to other public sector owners of land in the borough with a view to potentially using their land for development, although the amount of land likely to be available would be small.
- Rents at Tidemill would be as close to target rents as possible.
- Interim Management Orders would be investigated.

3.5 Councillor Slater gave a short presentation and the following key points were noted:

- Local Assemblies taking decisions on the use of Neighbourhood Community Infrastructure Levy (NCIL) funding was being investigated, as would the provision of a funding pot for small grants to fund projects outside of the scope of NCIL.
- A decision on the feasibility of building a new Lewisham Library would be taken by the end of February.
- An Accessibility Commission would be set up with a focus on co-production and lessons were being learnt from Hammersmith and Fulham's Disability Rights Commission. A job specification for the Chair would be developed.
- The 21 recommendations resulting from the Safer Stronger Communities Review into LGBT+ provision in Lewisham would be implemented and a progress report would be provided to that Committee in March.
- It was hoped that a Private Renters Union would be established.

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

- Officers were enforcing provisions in the contracts for the leasing of community assets relating to maintenance of the buildings but if Members had any specific concerns these should be relayed to the Cabinet Member.
- The Cabinet Member would be happy to meet a representative of the Lewisham Trade Union Council to discuss their concern over budget cuts and the adoption of the International Holocaust Remembrance Alliance (IHRA) definition of anti-Semitism.
- A briefing would be provided on options for the future of Lewisham Library.
- It was important that a reputable, impartial organisation was engaged to help establish the private renters union and give private renters an enhanced voice.
- The Cabinet Member would look into the "Out Late" Campaign with a view to supporting it.
- The decline in footfall at Catford Library following the refurbishment works would be addressed.
- The Cabinet Member would ensure that staff were not charged for a radar key for the proposed inclusive toilet for trans staff.

3.7 It was noted that a letter outlining the actions agreed to be undertaken by the Executive Members, would be sent to each Cabinet Member and a response expected.

3.8 **RESOLVED:** That the responses provided be noted.

4. The Corporate Strategy

4.1 The Mayor introduced the new Corporate Strategy which set out the Council's future direction. It was noted that the Sustainable Community Strategy had been written in 2007 and published in 2008, so a new up-to-date strategy was very much required. A new performance monitoring tool and a communications strategy would also be developed. Janet Senior highlighted that the new strategy had been written and designed with accessibility in mind and reported that the strategy was due to go to Mayor and Cabinet on 13 February and Council on 27 February. There would be a launch event for senior and middle managers who would then be encouraged to meet with their teams to discuss the strategy and its implications for their work.

4.3 The Committee discussed the strategy and Councillor Ingleby proposed additional text to be added to the introductions to chapters 2 and 5 and it was agreed that abridged versions of his suggestions would be added.

4.4 There was a lengthy discussion on the importance of taking action in relation to climate change and the wording in the corporate strategy around the need to move the pension fund away from investments linked to fossil fuels. It was noted that other boroughs, including Southwark, had taken similar decisions, in part driven by ethical concerns, but primarily because they felt significant investments in fossil fuels presented a long term financial risk to their fund. It was agreed that a referral to Mayor and Cabinet would be made on this issue.

4.5 The following comments were also made or noted:

- Any references to BME in the document would be changed to BAME to ensure consistency.
- The Council should broaden the focus of the Lewisham Secondary Challenge and Lewisham Learning in light of proposed changes to the criteria upon which schools are judged good or outstanding by Ofsted. A shift towards looking more closely at what is taught and how it is taught (a 'quality of education' judgement) and loosening the focus on test and exam outcomes was likely.
- The demographic section of the strategy should be expanded to reflect a wider range of diversity strands/protected characteristics than currently included.
- Race should be more explicitly referred to in the document and not just unconscious bias.

- The wording around the proposed borough wide landlord licensing scheme should be looked at again to make sure it is completely accurate.
- 50% affordable housing in developer-led housing schemes might be the target but it is not necessarily achievable and might raise expectations that cannot be met. However, it was suggested that a stretching target was needed to encourage developers to be more ambitious in their affordable housing projections.
- The new performance monitoring tool would be a lot more accessible with infographics and diagrams.

4.6 **RESOLVED:** That a referral as follows be made to Mayor and Cabinet:

1. The Committee requests in the strongest possible terms that the wording in the corporate strategy reflects exactly the wording in the Lewisham Labour Party manifesto in relation to the need to divest the pension fund from fossil fuels. Therefore it should read:

“We will support moving the Council’s Pension Fund away from fossil fuels linked investments in response to climate change and to protect our investments from volatile energy markets”.

We would encourage Mayor and Cabinet to add a line stating that we will do this *“in line with our fiduciary duty”*, as many other boroughs have.

2. The Committee requests that a wider range of diversity strands/ protected characteristics are reflected in the diversity profile in the corporate strategy.

5. Items to be referred to Mayor & Cabinet

- 5.1 **RESOLVED:** That a referral be made to Mayor and Cabinet in relation to item 4 (The Corporate Strategy) as outlined.

The meeting ended at 9.25 pm

Chair: _____

Date: _____

Overview and Scrutiny Committee			
Title	Declarations of Interest	Item No.	2
Contributor	Chief Executive		
Class	Part 1 (open)	7 March 2019	

Declaration of interests

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

1 Personal interests

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

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

2 Disclosable pecuniary interests are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:-
 - (a) that body to the member's knowledge has a place of business or land in the borough; and
 - (b) either
 - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

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

(3) Other registerable interests

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

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

(4) Non registerable interests

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

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

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take 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

Recommendation

The Overview and Scrutiny Committee is invited to consider the following referral made by the Overview and Scrutiny Business Panel on 19 February 2019.

Review of the Council's Procurement Procedures

Business Panel

- i. Notes that the scoring system and the balance between quality and price is not robust nor transparent when awarding contract to organisations;
- ii. 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;
- iii. 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;
- iv. 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.

Business Panel proposes 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.

Agenda Item 4

Overview and Scrutiny Committee		
Title	Cabinet Member Question & Answer Session	
Contributor	Executive Director for Resources and Regeneration (Overview and Scrutiny Manager)	Item 4
Class	Part 1 (open)	7 March 2019

1. Purpose

- 1.1 To allow the Overview and Scrutiny Committee to question Executive Decision Makers on their portfolios.

2. Recommendations

- 2.1 The Overview and Scrutiny Committee is recommended to:

- Ask the Cabinet Members for Health and Adult Social Care; School Performance and Children's Services; Safer Communities; and Parks, Neighbourhoods and Transport, to provide a summary of their current and future priorities and projects.
- Ask the Cabinet Members for Health and Adult Social Care; School Performance and Children's Services; Safer Communities; and Parks, Neighbourhoods and Transport questions in relations to their work and future priorities.

3. Further information

- 3.1 Part of the role of the Overview and Scrutiny Committee is to hold the Council's Executive to account. Therefore, during the course of each year it will hold Question & Answer sessions with the Mayor and each Cabinet Member.
- 3.2 Each Question & Answer session will explore the work Cabinet Members have done in relation to their portfolio, looking at priorities, actions, achievements and impact.
- 3.3 The areas that fall within the portfolio of the Cabinet Members for Health and Adult Social Care; School Performance and Children's Services; Safer Communities; and Parks, Neighbourhoods and Transport are attached at Appendix A. Before taking questions from the Cabinet Members will be invited to make introductory remarks.
- 3.4 The Committee may wish to focus questions on:
- Notable activities and achievements
 - Current priorities
 - Current challenges
 - Any key decisions the Cabinet Members plan take to Mayor & Cabinet over the next 6 months.

- 3.5 Following the session, the Committee may choose to write to the Cabinet Members in relation to what the Committee has heard, including any actions it would like them to consider.

For further information, contact Charlotte Dale on 0208 314 8286

Portfolios

Councillor Chris Best, Deputy Mayor of Lewisham and Cabinet Member for Health and Adult Social Care

- Adult social care, including care home and at-home provision and quality assurance
- Health and social care integration
- Adult safeguarding
- Joint commissioning
- Mental health
- Public health
- Supporting people
- Older people, including representation, active citizenship, combating isolation, housing, technology, aids and adaptations

Councillor Chris Barnham, Cabinet Member for School Performance and Children's Services

- Primary and secondary school performance
- Special educational needs
- Early years
- Children's services, including children's social care and child protection
- Youth services

Councillor Joani Reid, Cabinet Member for Safer Communities

- Youth violence
- Youth justice
- Partnership with police
- CCTV
- Regulatory services
- Environmental health
- Trading standards
- Noise enforcement
- Antisocial behaviour
- Violence against women and girls

Councillor Brenda Dacres and Councillor Sophie McGeevor, Cabinet Member for Parks, Neighbourhoods and Transport (job share)

- Arts, sports and leisure
- Culture
- Night-time economy
- Town centres and high streets
- Highways
- Transport
- Parking enforcement
- Parks and green spaces
- Waste and street cleaning
- Recycling
- Air quality
- Street Scene
- Parking strategy