

MINUTES OF THE OVERVIEW AND SCRUTINY BUSINESS PANEL

Tuesday, 29 January 2019 at 7.05 pm

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

ALSO PRESENT: Councillor Silvana Kelleher, Councillor John Paschoud and Councillor Olurotimi Ogunbadewa.

163. Minutes

RESOLVED that the minutes of the meeting held on November 13 2018 be confirmed and signed as a correct record.

164. Declarations of Interests

Councillor Juliet Campbell declared a personal interest in Item 9 as an employee of carers Lewisham 18 years ago.

Councillor Jim Mallory declared a personal interest in Item 9 as his wife had previously worked as a volunteer for Carers Lewisham for 10 years.

165. Outstanding Scrutiny Matters

RESOLVED that the report be noted.

166. Notifications of Late and Urgent Items

RESOLVED that the report be noted.

167. Community Infrastructure Levy neighbourhood CIL Strategy - report to follow

The report, made available for pre-decision scrutiny, was presented by the Planning Programme and Infrastructure Manager.

The Chair pointed out the report had already been discussed at the Sustainable Development Committee and an informal presentation and discussion open to all Councillors had taken place.

The Chair reported he had received a written question from Councillor Walsh Asking what advice had officers sought from the Department of Communities and Local Government (and/or other appropriate government agencies) about the redistribution of CIL (including NCIL) away from communities/localities that are directly affected by the impacts of developments, where the charges

are levied? In response Planning Programme and Infrastructure Manager. Said advice had not been required from the DCLG or DHLG but that legal input had been obtained internally.

In answer to a concern raised by Councillor Millbank, the Planning Programme and Infrastructure Manager said work would be undertaken in conjunction with colleagues from the Community Services Directorate to establish relationships and assess potential impacts as Neighbourhood Plans once adopted would be a consideration in determining infrastructure priorities.

In answer to a request from Councillor Curran suggesting a longer timeframe might prove beneficial, the Planning Programme and Infrastructure Manager said the process had already been ongoing for a number of years and that a successful pilot had already been undertaken in the Evelyn Ward. He further pointed out the Mayor & Cabinet consideration, originally programmed for November 2018, had been delayed to March 2019 at the earliest.

Councillor Mallory stated he had seen a draft allocation formula elsewhere which he welcomed. He cautioned against Local Assemblies regarding NCIL as revenue to be added to the main budget process. He suggested greater centralisation of the allocation process might be required.

Councillor Feis-Bryce sought information about the outcome of the Evelyn pilot. The Chair indicated that information had previously been circulated by officers on this pilot and he said he would see if he could recirculate the relevant email.

Councillors Sorba and Curran both made suggestions about the role elected members should play in decision making and the Chair advised a conclusion on that area would be reached elsewhere.

Councillor Muldoon asked for any agreed mechanism for the allocation of funds should be proportionate to the amount being given.

In conclusion, the Panel welcomed the greater time being taken which would allow the emergence of a modified allocation formula. The Panel agreed all comments received, including the extensive ones submitted by the Sustainable Development Committee, should be the subject of further discussion. The Panel further asked that once funding had been allocated the process should be clear, transparent and timely.

RESOLVED that the report be received.

168. Decisions made by Mayor and Cabinet on 16 January 2019

No open decisions taken by the Mayor & Cabinet on January 16 2019 were identified for further discussion.

169. Overview and Scrutiny Select Committees Programmes 2018/19

The Overview & Scrutiny Manager reported that all Select Committee Work

programmes were reaching completion.

She confirmed the Overview & Scrutiny Committee had made a submission to the Local Democracy Review.

She advised the Panel that the Government was yet to publish statutory scrutiny guidance.

She informed the Panel that the Our Healthier South East London joint overview and scrutiny committee would next meet on February 20.

Councillor Sorba reported that unusually the Children and Young People's Select Committee's in depth review would not be completed in this Municipal Year.

170. Exclusion of the Press and Public

Councillor John Paschoud questioned the justification for exempting the Mayor & Cabinet report which was at issue from consideration in the open part of the meeting. He said the redaction of a recommendation and a page of commercial information would remove any need for restriction. The Panel considered his representation but concluded it would not be prudent to proceed along the lines suggested without comprehensive legal advice. The Chair asked that Legal Officers prepare a briefing for him prior to the next meeting.

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:-

9. Decisions made by Mayor and Cabinet on 16 January 2019.

171. Decisions made by Mayor and Cabinet on 16 January 2019

The report on the Award of Contract for the Carer Information Advice and Support Service was presented by two of the joint NHS/Council Commissioning Officers.

Councillor John Paschoud expressed surprise that the service was marked as 'boroughwide' when it had offices in his Perry Vale Ward. He went on to question the soundness of the bid evaluation process which placed a 60% weighting on price and only 40% on quality when it was widely known an emergent Social value would suggest weighing both factors equally.

The Commissioning Officer responded by saying the Service was expected to operate on a boroughwide basis and that advice taken from Legal and Procurement colleagues stated current weightings were to be used until

replaced by any new factors.

Councillor John Muldoon asked if in-house provision had been considered in line with a Mayoral Manifesto commitment and was informed officers believed Carer support should always be independent of the Council.

Councillor Susan Wise said she lacked confidence in the rankings being used and believed forthcoming changes to procurement rules would ensure there was greater emphasis on quality and a possible change to the recommended provider for this contract.

Councillor Luke Sorba sought information on the staffing implications and was informed four staff were eligible for TUPE to the new provider. Councillor Olurotimi Ogunbadewa expressed concerns about the ongoing job security for any staff transferred to any new provider.

Councillor Juliet Campbell expressed a preference for the contract to be awarded to a specialist carers agency and was informed officers had looked more widely at agencies offering information, advice and support services.

Councillor Jim Mallory recognised the need for advisors who were independent of the Council. He queried any separation between advice for Young Carers and advice for Adult Carers. Officers stated this was because Young Carers were funded separately by CYP Commissioning.

Councillor Juliet Campbell raised concerns about any transition to a new provider and believed a seamless service was unlikely to be achieved.

Councillor Feis-Bryce quoted a Mayoral Manifesto commitment to obtain services locally which appeared to be at variance with the decisions taken at Mayor & Cabinet.

The Panel concluded that given their misgivings about this contract award they should agree a formal call-in and refer the decisions back to Mayor & Cabinet for reconsideration. The reasons for the call-in were proposed by Councillor Mallory and after being read back to the Panel, were agreed unanimously.

RESOLVED that the decision taken by the Mayor & Cabinet on January 16 in respect of the award of contract Carer Information Advice and Support Service be called-in and referred back to the Mayor & Cabinet for Reconsideration for the following reasons:

- i. that the scoring system and the balance between quality and price was not robust given the decision to award the contract to an organisation which was 1st on Price and 4th on Quality over another which was 2nd on Price and 1st on Quality;
- ii. that the Panel was not convinced there would be continuity of provision for Carers during the transition period;

iii. given the strong interconnections between the Adults and Young Carers Contracts, the Panel was not persuaded separate awards should be the preferred option;

iv. in accordance with the Manifesto commitment to use an in house provider whenever possible, a prominent section of the report should have examined the advantages and disadvantages of in house provision. The Panel would further ask that all future contractual reports should contain this consideration;

v. the recommendation appears contrary to the Manifesto commitment to secure services locally whenever possible.

The meeting closed at 9.25pm