

MINUTES OF THE OVERVIEW AND SCRUTINY BUSINESS PANEL

Tuesday, 29 September 2020 at 7.05 pm

PRESENT: Councillors Bill Brown, Sophie Davis, Peter Bernards, Juliet Campbell, Patrick Codd, Liam Curran, Joan Millbank, Kim Powell, John Muldoon and Luke Sorba.

ALSO PRESENT:

Under Standing order:

Councillor Paul Bell, Cabinet Member for Housing

Councillor John Paschoud, Chair of Strategic Planning Committee

Presenting Officers:

Chief Executive, Director of Public Services, Director of Planning, Director of Communities, Partnership & Leisure, Assistant Chief Executive, Principal Solicitor, and Head of Scrutiny.

Clerk:

Senior Committee Services Manager.

Apologies for absence were received from

1. Minutes

RESOLVED that the Minutes of the last meeting held on 26 May 2020 be confirmed and agreed as an accurate record.

2. Declarations of Interests

The meeting noted personal interests in relation to Item 3 “Scrutiny of the Council’s Covid-19 Response – Update Report” as follows:

- Cllr Joan Millbank – declared that she is a member of the Lewisham Local Collaborative.

3. Scrutiny of the Council's Covid-19 Response - Update Report

The Director of Public Services (Director of PS) introduced the report to the Panel, highlighting updates relating to the Council’s response to the COVID-19 outbreak. The Panel noted the report and key developments. It was recognised that there had been further updates since the report was published, and that plans had been adjusted to manage a second wave of the outbreak in the coming months. The Panel understood that as part of the preparatory work going forward, the Council had revised its strategy to include community cohesion. It was noted that initiatives in place to keep local schools open were also being reviewed.

The Panel was advised by the Director of PS that Lewisham undertook a four-day exercise with its south-east London partners to test its strategic response to the

outbreak across borough boundaries. It was noted that the outcome from that exercise comprised of 15 key learning points, which the Council had built into its preparatory plans. It was confirmed that testing outbreak plans had been implemented by the Council, and that front-line staff would continue to receive assistance in regard to coaching and first-aid, and support they might require to help manage their mental health and general wellbeing.

The Panel asked questions about care homes, and suggested that the data metrics in regards of the impact of Covid-19 should be expanded. Questions relating to infection rates and deaths, testing, and finances were also raised by the Panel, including concerns about the disproportionate level of impact of the outbreak on the Black and Ethnic Minority (BAME) group. The Panel further enquired about lessons learnt during the first round of the crisis outbreak, as they could be applied in the second wave into the future if considered appropriate. Officers responded to the issues as follows:

1. **Care Homes**

The Director of PS gave an assurance to the Panel that the Council was closely monitoring the application of processes and procedures in care homes. The level of concern specific to the outbreak continue to remain because of complexity in managing within a care home setting. Notwithstanding that, liaisons between the Council and its partners in hospitals were ongoing, and there were appropriate guidelines for managing discharges relating to Covid-19 patients into care homes.

2. **Data Reporting**

The Panel noted a suggestion by the Chief Executive that it would be effective for officers to continue presenting data metrics which the Council was already collecting for a consistent approach in monitoring trends relating to the Covid-19 outbreak.

3. **Testing & Infections**

The Director of PS advised the Panel that capacity in the lab system had improved, and the number of tests performed were increasing. However, the expectation across London was that infection rates would increase during the second wave of the outbreak, and the trend would be partly the result of increased capacity in the lab system, resulting in more tests being performed than at the start of the outbreak.

The Panel was advised by the Director of PS that there had been concerns that testing data was inaccurate because the results were only effective at the point taken, with no guarantee that individuals considered negative would not be infected minutes after a test reading result. Thus, in order to help minimise infection rates, the message from the Council was that residents should get tested if they become symptomatic and, in the event of a positive result, they should self-isolate for 14 days.

The Panel also noted information by the Chief Executive that plans were underway to implement 36 local operational testing sites across 25 boroughs in London by the middle of October 2020, with a view to increase the total number to 75 by November 2020.

4. **Deaths**

The Director of PS advised the Panel that the Office of National Statistics might hold a slightly different data on deaths across London. However, there had been no deaths in the local population of Lewisham as a result of Covid-19 since July 2020 until last Friday, when 2 were reported, bringing the total to 264 since the start of the outbreak.

5. **Finances**

The Chief Executive advised the Panel that the Council had financial pressures, and was experiencing difficulties in setting its budget for the next financial year. In particular, the Government had not been explicit about further financial support at the point in time. Thus, it was difficult to assess how much the second wave of the outbreak would cost the Council in comparison to the first. Similarly, it was impractical to forecast what the overall costs for Covid-19 would be in light of a prediction that the second wave would be flatter, but longer, other than to state that the current funding gap across London of £1.4m directly as a result of the Covid-19 outbreak would likely increase.

In light of the financial uncertainties, the Panel was advised that Lewisham was modelling the potential cost of the outbreak based on activities undertaken during the first wave, including those relating to loss in revenues. The Chief Executive stated that the modelling approach would enable the Council to lobby for finances and prioritise services according to available funds. She also confirmed to the Panel that the Council would continue to send monthly returns of its activities that were directly related to Covid-19 outbreak to the Government.

6. **Impact on BAME Group**

The Director of PS stated that in relation to the disproportionate impact of the outbreak on the BAME community, the council was utilising its communication campaign to convey messages to the local population about the necessary measures in place, and how to protect against Covid-19. It was stated as part of the initiative, the Council had recruited community champions, and invited local councillors to join in spreading the messages to residents.

The Director of PS also gave an assurance to the Panel that equality consideration was integral to the Council's planning arrangements. Thus, steps had been taken to review risks assessment plans, to enable the Council to apply the right measures to prevent staff from exposing themselves to unnecessary risks in the workplace.

7. **Lessons Learnt**

The Director of PS advised the Panel as follows:

- (a) *Lewisham Local*
That the Council continue to remain reactive in delivering to its residents. Thus, in light of the increase in infection rates, the Council was considering re-implementation of the shielding initiative which it had applied during the first wave of the outbreak, up to the end of August 2020.
- (b) *Communication*
The Panel was advised that in an effort to prevent delays experienced during the first wave in regards to communication arrangements, particularly around re-opening of hospitality premises over the summer months, the Council had organised a team to proactively relay local and national messages in the community. It was stated that the team was meeting on a daily basis to ensure currency in the information they were conveying to residents.
- (c) *Volunteering Scheme*
The Panel was advised that it was difficult for the Council to organise service delivery and support during the first wave. Thus, it had changed from the volunteering scheme it previously implemented to the deployment of staff to deliver in areas previously allocated to volunteers.
- (d) *Information Technology (IT)*
The Panel was advised that to further minimise risks of infections during the second wave, a substantial number of staff had been equipped with IT systems to enable them to work directly from home. Thus, footfall into the Council's offices had been substantially decreased, except for those delivering critical services and/or required attendance in exceptional circumstances.

The Panel also noted a summary from statements to the appendix to the report by the Assistant Chief Executive in relation to proposals for hybrid meetings in light of the current pandemic. It was stated that there had been progress since the report was published, however, the issues were examples of how the Council would manage if the proposals were endorsed for implementation.

RESOLVED that the report be noted.

4. **Update on temporary measures to support safer walking and cycling in response to the COVID 19 pandemic**

RESOLVED that this report be deferred for consideration at the next meeting.

5. Key Decision Plan

The Panel noted the report introduced to the Panel by the Head of Business and Committees in relation to upcoming key decisions to be taken.

RESOLVED that the report be noted.

6. Decisions Made by Mayor on 16 September 2020 - open session

The Chair of the Panel, Councillor Bill Brown, informed the meeting that he had requested for the decision taken by the Mayor and Cabinet on 16 September 2020 relating to the “Review of Statement of Community Involvement during Covid19 Pandemic” to be considered further by Members. Councillor Brown outlined reasons from statements made in a joint letter submitted by local amenity societies in Lewisham.

In response to concerns expressed in the joint letter, the Director of Planning gave an assurance to the Panel that local amenity groups had a vital role in the Council’s democratic decision making process. However, the current measures were necessary to enable the Council manage the backlog of planning applications due to the temporary postponement of planning committee meetings as a result of the lockdown created by the Covid-19 crisis. It was stated that the length of time and resource-intensive process in organising and managing virtual planning committee meetings in public, including the uncertainty of risk associated with IT network failure during the proceedings were also considered in the decision making, as there would have been unnecessary delays if the temporary measures were not applied.

The Panel also received an assurance that the Council was in no way seeking to organise decision-making on planning applications in “closed” sessions on a permanent basis, as the measures were temporary. Also, the recommendations supporting the measures provided specificity as to the threshold of objectors for planning applications with significant impact requiring decisions to be made by planning committees, or ones that could be determined by a senior officer under the Council’s Scheme of Delegation. It was confirmed that the thresholds recognised that any objection or submission in favour of a planning objection received from amenity societies would automatically result in a Chair’s Review meeting for determination.

The Director of Planning continued with her response by acknowledging that not everyone would agree with the temporary measures in place, and that the concerns expressed by the local amenity societies were justifiable, particularly in seeking confirmation that Lewisham’s heritage would not be put as an unnecessary risk. It was also stated that that concerns relating to Members’ political manifesto commitments were also justifiable in the circumstance. However, measures would not form a precedent for dealing with planning applications in the future because the approved extended deadline was for another six months period to March 2021. The Panel also received an assurance from the Director of Planning that the Council’s would continue to support democracy, transparency, and accountability in its decision-making process, in

particular that steps had been taken to ensure that Members' "call-in" procedure remain during implementation of the temporary measures.

The Director of Planning's views, and concerns about the election manifesto were echoed by Councillor Paul Bell, Cabinet Member for housing, and Councillor John Paschoud, Chair of the Council's Strategic Planning Committee. Councillor Paschoud added that planning applications had to be determined in accordance with specific guidelines and policies, and the level and nature of public interests. Thus, it was unlikely that Members and/or officers would pre-judge the outcomes of planning applications outside of those remits.

Councillor Sophie Davies asked that it should be noted that the Local Democracy Review was ongoing, and the output from that would be subjected to scrutiny by Members.

In closing, the Director of Planning welcomed a suggestion by Councillor Joan Millbank in line four of the third bullet point on page 79 of the agenda, to amend the word "speeches" to "contributions" for enhanced community involvement in the decision-making process.

RESOLVED that the report be noted.

7. Decision by Executive Director for Community Services on 17 September 2020

RESOLVED that the report be noted.

8. Work Programmes: Overview and Scrutiny Select Committees 2020 - 21

The report was introduced by the Head of Scrutiny, recommending to the Panel to endorse the work programmes to be undertaken by the Overview and Scrutiny Select Committees in 2020-21.

The Panel noted the report, and that there would be four meetings of each select committee during the current municipal year because of the late start created by the suspension of scrutiny meetings during the initial lockdown period.

Councillor Muldoon, Chair of the Healthier Communities Select Committee (HCSC) also commented on the report. He highlighted topics for consideration at the first meeting of the HCSC that would take place on 11 November 2020 in relation to a joint academic piece of work in relation to the Birmingham and Lewisham African-Caribbean community around inequalities, and a review relating to south-east London pathology service.

RESOLVED that the report be noted.

9 Leisure Management Arrangements - Part 1

The Panel noted a report introduced by the Director of Communities, Partnerships and Leisure in regards to leisure management arrangements. It was recognised that due to a number of factors, including the impact of COVID-19 on the leisure

market as a whole, the Council and Fusion had agreed to end the current leisure management arrangements to allow each party to reshape their activities in light of the significant changes needed due to the pandemic. The Panel understood that the negotiations included all areas of the leisure management arrangements, including debt repayment, service development, building maintenance and contract breakage clauses, with a view to seek best value for the Council across a range of considerations.

On the recommendation by the Principal Solicitor Commercial, Education and Employment, that in accordance with Regulation 4(2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information)(England) Regulations 2012 and 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 of Part 1 of Schedule 12(A) of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information, the Panel moved to consider details of the negotiations in a “closed session”.

RESOLVED: That the report be noted.

10 Exclusion of the press and public

RESOLVED that members of the public and press be excluded from the consideration of the remaining items on the agenda.

Meeting closed at 9.35pm

Chair