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Overview and Scrutiny Committee Agenda

Tuesday, 4 July 2023 **7.00 pm**, 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 Tuesday, 4 July 2023.

Jeremy Chambers, Monitoring Officer Monday 26 June 2023

Members
Councillor Mark Ingleby
Councillor Ese Erheriene (Vice-Chair)
Councillor Chris Best
Councillor Joan Millbank
Councillor Stephen Penfold
Councillor James Rathbone
Councillor James Royston
Councillor Rudi Schmidt (Chair)
Councillor Luke Sorba
Councillor Liam Shrivastava

The public are welcome to attend 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.

MINUTES OF THE OVERVIEW AND SCRUTINY COMMITTEE

Tuesday, 21 February 2023 at 7.00 pm

PRESENT: Councillors Mark Ingleby (Chair), Ese Erheriene (Vice-Chair), Yemisi Anifowose, Chris Best, Natasha Burgess, Will Cooper, Laura Cunningham, Sian Eiles, Billy Harding, Stephen Hayes, Mark Jackson, Liz Johnston-Franklin, Ayesha Lahai-Taylor, Jack Lavery, Aisha Malik-Smith, Joan Millbank, Hilary Moore, John Muldoon, Rachel Onikosi, Rosie Parry, Stephen Penfold, James Rathbone, Rudi Schmidt, Aliya Sheikh, Luke Warner and Carol Webley-Brown

APOLOGIES: Councillors Eva Kestner, James Royston, Luke Sorba and Susan Wise

ALSO PRESENT: Charlotte Dale (Head of Scrutiny and Policy), Natacha Israel (Local and Regional Government Liaison Lead) (Thames Water), Carl Leadbetter (Head of South Region Wastewater) (Thames Water), Dr Catherine Mbema (Director of Public Health) (London Borough of Lewisham), Simon Moore (Head of London Planning) (Thames Water) and Martin Padley (London Water Director) (Thames Water)

1. Minutes of the meeting held on 21 September 2022

1.1 **RESOLVED:** That the minutes of the meeting held on 21 September 2022 be agreed as an accurate record of proceedings, subject to the inclusion of Councillor Moore's apologies.

2. Declaration of Interests

- 2.1 **RESOLVED:** That the following non-prejudicial declaration of interest be noted:
 - Councillor Onikosi is a non-executive director of the Consumer Council for Water, an independent body representing water consumers in England and Wales.

3. Cost of Living programme - Update

- 3.1 Catherine Mbema spoke to the Committee about the Council's cost of living programme, providing updates on the Food Justice Action Plan and Food Justice Alliance; the provision of energy advice including signposting to the GLA Warmer Homes Grant; maximising residents' income streams via housing benefit, pension credits and the council tax reduction scheme; the debt triage service; and the warm welcomes programme.
- 3.2 Councillors Best, Warner and Lahai-Taylor provided updates on the scrutiny carried out by the Healthier Communities, Children & Young People and Safer, Stronger Communities Select Committees respectively.

- Members of the Healthier Communities Select Committee felt that the warm welcomes scheme in libraries had been varied in its success, but there had been some very good activities on offer. The "welcome" element of the scheme was clearly very important to residents.
- The Children and Young People Select Committee had considered reports on the cost of living crisis; heard from invited guests; and gone on relevant visits. Some of the testimony they had heard had been very moving, and in some cases harrowing. Many parents and children were suffering considerably and were living in poverty, and radical action was clearly needed to address this scandal.
- The Safer, Stronger Communities Select Committee had looked at the crisis from an equalities perspective and had considered work to map the activities taking place across the Local Strategic Partnership to support Lewisham's diverse residents in these difficult times.
- 3.3 In response to questions from the Committee, the following key points were noted:
 - The assessment process for VCS organisations to apply for grant funding to run activities to support residents should not be too onerous, in order that smaller grass roots organisations who were well placed to provide high impact interventions were not disadvantaged. The process should be transparent and easy to access, but there would need to be some criteria to ensure the funding was used effectively. Officers would look into how smaller groups could receive assistance with completing applications.
 - Officers were using an equalities screening tool to ensure help was being targeted at those most in need of support. The evaluation process would also take equalities into account.
 - It was likely that there would be further scrutiny of the cost of living programme by the Committee in the new municipal year.
- 3.4 **RESOLVED:** That the updates provided be noted.

4. Thames Water

- 4.1 The Chair introduced the item and welcomed the guests from Thames Water to the meeting: Martin Padley, London Water Director; Simon Moore; Head of London Planning; Carl Leadbetter - Head of South Region Wastewater; and Natacha Israel - Local and Regional Government Liaison Lead.
- 4.2 It was agreed that the two Cabinet Members present, Councillors Bell and Krupski, could ask questions with the consent of the Committee.
- 4.3 A comprehensive presentation was provided by Thames Water, a copy of which has been included with the agenda papers. Thames Water accepted that performance needed to improve and activity to achieve this included:
 - Increasing the number of repair teams to 192
 - Improving communication with customers and partners

- Instituting a new emergency response process
- Replacing 26% of water mains since 2000 based on condition (it was noted that age was not only factor in whether a mains failed, soil condition amongst other things also influenced the rate of degradation)
- Proactively checking valves at least every 5 years.
- 4.4 The following key points were noted in response to questions from Members:
 - Whilst Thames Water was looking to recruit more engineers, it was a competitive market and the company was finding it difficult to attract applicants despite generous rates of pay (it was noted that Thames Water paid slightly above the market rate).
 - The vast majority of residents who had a smart meter fitted saw a reduction in their bills. However, customers were allowed to go back to unmetered bills after one year if they wished to.
 - Ensuring the right level of water pressure in the water system was complex. If set too high, the likelihood of bursts increased, too low and there were customer complaints, as showers etc were ineffective. It was noted that high rise properties could be fitted with boosters if water pressure was an issue.
 - Although Thames Water had made significant profits recently, Martin Padley reported that Thames Water tended to oscillate between large profits and large losses as it was funded through debt; it held bonds with insurers to manage inflationary pressures; and its actual position this year was a cash loss of £1m. Any money it did make was reinvested and its shareholders (mainly pension funds) had not taken dividends for the last 6 years.
 - It was accepted that performance needed to improve and Thames Water was held to account by the regulator who could issue fines. Thames Water's performance for small bursts was on a par with the rest of the country, but poor in relation to large bursts. One off funding had been agreed by the Thames Water Board to try to tackle this; 40 water tankers would be purchased to supply drinking water to residents in the event of a major burst; and specially trained technicians would be used to repair major bursts as soon as possible.
 - In terms of prioritising bursts, bursts which posed significant danger/health and safety issues were dealt with first. After this, the company prioritised bursts which had a high impact on customers and/or which were resulting in a large volume of water loss.
- 4.5 The Committee discussed communication. Although Councillors found Natacha Israel very responsive, the Committee felt that Thames Water's communication in general was poor, especially with customers. It was felt that sometimes, using twitter was the only way to illicit a timely response. This was particularly the case where works were delayed. The Committee discussed two examples which highlighted the company's poor communication when work did not go to plan – works in Vesta Road and Friendly Gardens. Thames Water accepted that performance needed to improve, stated that the Board recognised this and reported that the

Executive Team was intent on driving improvement. An investment programme had been approved (the Board had agreed to an additional £2bn of investment on top of the £9.6bn allowed by the regulator) and community engagement was a priority. In relation to the Friendly Gardens situation, it was noted that the Millennium Water Main had been laid incorrectly and voids had led to failure. It was proving very complex to bring this main back into use, but it was essential to Thames Water's long-term plans and work was being prioritised. There had been a delay as the company had needed to seek approval for a new technique it wanted to use.

- 4.6 Carl Leadbetter spoke to Members about waste water management:
 - Waste water operations had been configured to align with local authority areas and there were good contacts with local Flooding Officers.
 - Locally the system was a gravity system with only a few pumping stations required, which was ideal, and Lewisham was high performing in terms of waste water.
 - There were six sustainable drainage schemes approved in the area and the Tideway tunnel would reduce discharges into rivers.
 - The monitoring system was fairly effective at giving advance warnings of system overloads.
 - Lewisham was not a hotspot for blockages caused by wet wipes or fat and oil, which was positive.
 - Work on the "Super Sewer" under the Thames was progressing (including plans relating to the Deptford Church street site) with completion expected in 2025.
- 4.7 Members emphasised the importance of engaging with the community on flooding, including on the crossness catchment strategy.
- 4.8 The Committee agreed to suspend standing orders so that the meeting could continue beyond 2.5 hours. Members discussed Thames Water's community development / social value work and noted that the company's apprenticeship scheme had gone live a few weeks' ago. It was agreed that more information on Thames Water's social value policy would be provided following the meeting.
- 4.9 **RESOLVED:** That Thames Water be requested to:
 - 1. Develop a SMART improvement plan to address poor performance in Lewisham, including attendance times in relation to emergency events and the length of time excavations are open in relation to both planned and unplanned events.
 - 2. Ensure that the improvement plan includes allocating sufficient resource to deal with emergencies, as when emergency events occur concurrently there are regularly significant delays in attendance.
 - 3. Ensure that all planned and unplanned activity is clearly communicated to businesses and residents.

- 4. Ensure that the compensation policy for businesses and residents affected by water leaks is clear and accessible.
- 5. Commit to working with the Council to:

- deliver required improvements to its emergency response

- produce and deliver costed, joint investment plans for managing surface water, based on detailed local risk maps and modelling going forwards - in line with National Infrastructure Commission recommendations for 2025 and the need for locally agreed targets*

- ensure that Lewisham benefits from its social value policy and that the benefits are in line with agreed priorities, including apprenticeship opportunities.

The meeting ended at 9.32 pm

Chair:

Date:

*The Government has not yet responded to the National Infrastructure Commission recommendations and some of the recommendations might require changes to current flood risk management arrangements. Whilst the council will engage in making plans for the management of surface water this does not currently equate to having responsibility to fund the infrastructure where risk exists.

MINUTES OF THE OVERVIEW AND SCRUTINY COMMITTEE

Wednesday, 29 March 2023 at 7.50 pm

PRESENT: Councillors Rudi Schmidt (Chair), Chris Best, Joan Millbank, Stephen Penfold, James Rathbone, James Royston, Luke Sorba and Mark Ingleby

APOLOGIES: Councillors Ese Erheriene and Liam Shrivastava

ALSO PRESENT: Emma Aye-Kumi (Head of Governance and Committee Services) and Jeremy Chambers (Director of Law, Governance & Elections)

1. Appointments

RESOLVED:

- (1) That Councillor Rudi Schmidt be appointed as Chair of the Overview and Scrutiny Committee for 2023/24 and Councillor Ese Erheriene be appointed as Vice Chair of the Overview and Scrutiny Committee for 2023/24.
- (2) That the following Councillors serve on Select Committees for 2023/24:

Children & Young People Select Committee

Luke Sorba Luke Warner Yemisi Anifowose Hilary Moore Liz Johnston-Franklin Jacqueline Paschoud Jack Lavery Monsignor Nicholas Rothon (non-councillor cooptee) Rev. Erica Wooff (non-councillor co-optee) Brian Strom (non-councillor co-optee) Clive Caseley (non-councillor co-optee) Oluwafela Ajayi (non-councillor co-optee) Monsignor Nicholas Rothon (non-councillor cooptee)

Healthier Communities Select Committee

Chris Best Alyia Sheikh Laura Cunningham Peter Bernards Stephen Hayes John Muldoon Carol Webley-Brown

Housing Select Committee

Stephen Penfold Will Cooper Suzannah Clarke Rosie Parry Natasha Burgess Bill Brown Sakina Sheikh

Public Accounts Select Committee

James Rathbone Billy Harding Eva Kestner Joan Millbank Aisha Malik-Smith Mark Ingelby Susan Wise

Safer Stronger Select Committee

Liam Shrivastava Hau-Yu Tam Ayesha Lahai-Taylor Mark Jackson Oana Olaru Coral Ann Howard Rachel Onikosi

Sustainable Development Select Committee

James Royston Edison Huynh Sian Eiles Tauseef Anwar Liam Curran Eva Stamirowski John Paschoud

The meeting ended at 7.52pm

Chair:

Date:

Agenda Item 2



Overview and Scrutiny Committee

Declarations of Interest

Date: 4 July 2023

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Director of Law and Corporate Governance

Outline and recommendations

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

1. Summary

- 1.1. Members must declare any personal interest they have in any item on the agenda. 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.
- 1.2. Further information on these is provided in the body of this report.

2. Recommendation

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

3. Disclosable pecuniary interests

- 3.1 These are defined by regulation as:
 - (a) <u>Employment</u>, trade, profession or vocation of a relevant person* for profit or gain
 - (b) <u>Sponsorship</u> –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) <u>Undischarged contracts</u> 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) <u>Beneficial interests in land</u> in the borough.
 - (e) <u>Licence to occupy land</u> in the borough for one month or more.
 - (f) <u>Corporate tenancies</u> 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) <u>Beneficial interest in securities</u> 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.

4. Other registerable interests

- 4.1 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.

5. Non registerable interests

5.1. 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).

6. Declaration and impact of interest on members' participation

- 6.1. 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 not 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
- 6.2. 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 6.3 below applies.
- 6.3. 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.
- 6.4. 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.
- 6.5. 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.

7. Sensitive information

7.1. 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.

8. Exempt categories

- 8.1. 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).

9. Report author and contact

9.1. Jeremy Chambers, Director of Law and Corporate Governance, 020 83147648, <u>Jeremy.Chambers@lewisham.gov.uk</u>,

Agenda Item 3



Overview and Scrutiny Committee

Overview and Scrutiny Select Committee Work Programmes 2023 – 24

Date: 04 July 2023

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Director of Law and Corporate Governance (Head of Scrutiny and Policy)

Outline and recommendations

The Overview and Scrutiny Committee (OSC) is asked to review and approve the proposed contents of the work programmes of the Select Committees (attached at Appendix A) as discussed and agreed by members of those committees. As the Safer Stronger Communities and Public Accounts Select Committees are meeting after despatch for this meeting, their work programmes are to follow.

Timeline of engagement and decision-making

The Select Committees discussed and agreed their draft work programmes at the following meetings held in 2023:

- Housing 6 June
- Children and Young People 15 June
- Sustainable Development 19 June
- Healthier Communities 20 June
- Safer Stronger Communities 27 June
- Public Accounts 28 June

OSC is being asked to review and approve the proposed contents of the work programmes at its meeting on 04 July 2023.

1. Summary

1.1. By the time of the meeting, each Select Committee will have met and agreed a draft annual work programme. OSC is asked to consider and agree the proposed work programmes of each of the Select Committees. (As the Safer Stronger Communities

and Public Accounts Select Committees are meeting after despatch for this meeting, their work programmes are to follow).

2. Recommendations

2.1. OSC is asked to review and approve the proposed contents of the work programmes of the Overview and Scrutiny Select Committees (attached at Appendix A) as discussed and agreed by members of those committees.

3. Policy Context

- 3.1. The Council's Corporate Strategy 2022-26 sets out 7 corporate priorities that drive decision making in the Council. Lewisham's corporate priorities have been agreed by full Council and they are the principal mechanism through which the Council's performance is reported:
 - Cleaner and greener
 - A strong local economy
 - Quality housing
 - Children and Young People
 - Safer Communities
 - Open Lewisham
 - Health and Wellbeing
- 3.2. The Select Committees have devised annual work programmes which cover areas of business that fall within, and contribute towards achieving, all corporate priorities. The implementation of the attached work programmes will therefore have implications for all policy areas.
- 3.3. The Select Committees have tried to make sure that their work programmes reflect the diversity of Lewisham's communities and that the views of residents are fairly represented in scrutiny processes. Any recommendations arising from scrutiny work carried out this year, will support the Council's corporate strategy and reflect the needs of local residents.

4. Background

4.1 In accordance with the Overview and Scrutiny procedure rules outlined in Part IV E of the Council's Constitution, the Overview and Scrutiny Committee (OSC) is required to:

Consider the proposed work programmes of each of the Select Committees and devise a co-ordinated overview and scrutiny work programme which avoids duplication of effort and facilitates the effective conduct of business.

- 4.2 The OSC may amend the work programme of any of the Select Committees to secure the most effective use of committee time and Council resources and to prevent overlaps. However, OSC will not normally amend work programmes unless it is necessary to ensure the effective conduct of Council business. Once the OSC has approved the select committee work programmes, the Select Committees will implement them. Nevertheless, select committee work programmes are living documents and re-prioritisation and amendment is expected over the course of the year.
- 4.3 A couple of items in certain select committee work programmes may be of interest to members of another select committee. The Housing Select Committee plans to look at the housing retrofit strategy in September and will invite Members of the Sustainable Development Select Committee to attend their meeting for consideration of that item. The Healthier Communities Select Committee will consider the role of cultural

competency in delivering healthcare services towards the end of the municipal year, most likely in March 2024, and will invite Members of the Safer Stronger Communities Select Committee to attend their meeting for consideration of that item.

4.4 Each Select Committee will meet five times a year, to allow capacity for task and finish groups to be established, which will carry out in-depth investigations into topical issues. The establishment of Task and Finish Groups is the subject of a separate report.

5. Scrutiny Principles and Practice

5.1. Lewisham's *Effective Scrutiny Guidelines* state that, at Lewisham, Scrutiny:

Prioritises

"It is more effective to look at a couple of key issues per meeting in an in-depth way, than skim the surface of a large number of items. We try to focus on issues of concern to the community and matters that are linked to our corporate priorities. We only add items to the work programme if we are certain our consideration of the matter will make a real and tangible difference."

Stays independent

"Scrutiny is led by Scrutiny Members. We are not whipped by our political party or unduly influenced by the Cabinet or senior officers."

Works collectively

"We collectively agree in advance what we want to achieve in relation to each issue we consider, including what the key lines of enquiry should be. We work as a team to question witnesses and ensure that all the required evidence is gathered."

Engages

"Involving residents helps scrutiny access a wider range of ideas and knowledge, listen to a broader range of voices and better understand the opinions of residents and service users. We engage so that our recommendations result in residents' wants and needs being more effectively met."

Makes evidence-based recommendations

"We know that scrutiny has the most impact when our recommendations are based on solid, triangulated evidence – where a variety of sources of evidence point to a change in practice that will positively alter outcomes."

- 5.2. Current scrutiny practice is that:
 - Each Select Committee meets five times per year.
 - Each Select Committee looks at no more than three (ideally two) substantive items per meeting.
 - Select Committees specify what information they would like to see in officer reports to ensure they meet expectations.
 - Select Committees can look at items in an in-depth way. (Methods of conducting in-depth scrutiny can include, but are not limited to: inviting expert witnesses / representatives of user groups to attend meetings to provide evidence; arranging site visits to collect evidence; carrying out engagement activity to inform discussion at meetings).
 - Each Select Committee aims to conclude its business within two hours. (If, in exceptional circumstances, standing orders are suspended to allow the meeting to

continue beyond two and a half hours, the meeting should continue for no longer that a further 30 minutes¹.)

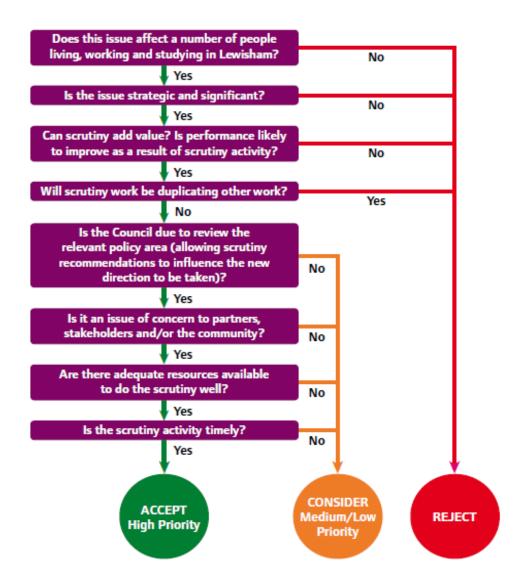
- If they are required, Select Committees can receive information reports (reports to note) outside of the formal meeting cycle. The report is emailed to Committee Members with any questions put to the report author for a written response, via the Scrutiny Manager.
- Task and Finish Groups may be established to look into topical issues of concern and conduct in-depth scrutiny over a set period of time.

6. Select Committee Work Programme Setting 2023-24

- 6.1. In developing their work programmes for 2023-24, the Select Committees have considered:
 - regular items, e.g. annual budget scrutiny
 - topics recommended for scrutiny by select committees at the end of the 2022-23 municipal year
 - topics recommended for scrutiny by senior officers based on recent and future developments
 - suggestions from individual members
 - decisions due to be made by Mayor and Cabinet
 - Issues suggested by members of the public.
- 6.2. In choosing topics to be added to their work programme, Members have taken account of the scrutiny prioritisation process (please see below), which supports members in identifying priorities and managing workloads and the guidelines for effective scrutiny (please see above).
- 6.3. The draft work programmes attached at Appendix A reflect the discussions held at the first round of select committee meetings and present a broad and varied programme of scrutiny over the next few months, focussed on key policy issues, for OSC to consider.
- 6.4. In order to increase public participation in scrutiny, the committees may ask members of the public to contribute to in-depth scrutiny work by submitting evidence via the council website: <u>Open Overview and Scrutiny Investigations.</u>

¹ This is because meetings over three hours, late in the evening, are not effective because it is difficult for everyone to maintain concentration and make valuable contributions.

Scrutiny work programme – prioritisation process



7. Financial implications

7.1. The work programmes will be managed within existing budgets. However, formal recommendations to the Mayor arising out of any specific work items within the respective work programmes will be evaluated in the usual way through the process of formal reports.

8. Legal implications

8.1. In accordance with the Council's Constitution, the Overview and Scrutiny Committee (OSC) is required to consider and co-ordinate an overview and scrutiny work programme which avoids duplication and facilitates the effective conduct of business across the scrutiny select committees. Once OSC has approved the overall work programme, the select committees will implement it.

9. Equalities implications

9.1. The Equality Act 2010 (The Act) legally protects people from discrimination in the workplace and in wider society. It replaced the previous anti-discrimination laws with a single act, making the law easier to understand and strengthen protection in certain situations. It covers the following nine protected characteristics: age, disability, gender

reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 9.2. The Act also imposes a public sector equality duty. This means that in public bodies, of which this Council is designated, they must consider all individuals in carrying out their day-to-day work when shaping policy, in delivering services and in relation to their own employees. It also requires public bodies to:
 - Have due regard to the need to eliminate discrimination
 - Advance equality of opportunity
 - Foster good relations between different people when carrying out their activities
- 9.3. The Council recognises diversity is one of its strengths and is committed to creating a more inclusive community. Therefore, having due regard to the Act, is confirmation of the Council's commitment to eliminating all forms of discrimination against any group within the community and to actively promote an equality of opportunity and positive community partnership.
- 9.4. The delivery of the Council's equalities objectives is to be achieved through the delivery of all of the Council's strategies, plans and procedures. As such, all select committees and other scrutiny bodies, when planning their work and scrutinising items, bear in mind the delivery of the Council's equality objectives.
- 9.5. Scrutiny tries to make sure that its work reflects the diversity of Lewisham's communities and that the views of residents are fairly represented in scrutiny processes. Any recommendations arising from scrutiny work support the Council's corporate strategy and reflect the needs of local residents.
- 9.6. There may be equalities implications arising from items listed in the select committee work programmes and all activities undertaken by the select committees in discharging these items will need to give due consideration to this.

10. Climate change and environmental implications

10.1. There are no direct climate change or environmental implications arising from this report. Select Committee may appoint one of their members to be a climate change champion to work with the Select Committee Chair in order to provide a steer to report authors on how committee reports might encompass climate change considerations, in accordance with a previous recommendation of the Overview and Scrutiny Committee.

11. Crime and disorder implications

11.1. There are no direct crime and disorder implications arising from the implementation of the recommendations in this report. However, the work of the select committees, in particular the Safer, Stronger Communities Select Committee, relates to this area.

12. Health and wellbeing implications

12.1. There are no direct health and wellbeing implications arising from the implementation of the recommendations in this report. However, the work of the select committees, in particular the Healthier Communities Select Committee, relates to this area

13. Background papers

- 13.1. Work programme reports to the following meetings held in 2023:
 - Housing 6 June
 - Children and Young People 15 June
 - Sustainable Development 19 June
 - Healthier Communities 20 June

- Safer Stronger Communities 27 June
- Public Accounts 28 June

14. Glossary

Term	Definition
Members	Members (or councillors) are elected by the community to decide how the Council should carry out its various activities. They represent the wider public interest as well as all individuals living within the area that they have been elected to serve.
Overview & Scrutiny	Overview and scrutiny is the way in which Mayor and Cabinet (the 'Executive'), officers and external organisations are held to account for the decisions that they make. It is led by councillors who are not members of the Executive. They also influence policy development and investigate issues of local concern, making recommendations for improvement.
Overview & Scrutiny Work Programme	An annual programme of work setting out the matters which the select committees will scrutinise over the year.
Overview & Scrutiny Committee	The Overview and Scrutiny Committee is made up of the chair and vice-chair of the Overview and Scrutiny Committee, the chair of each of the Select Committees, and two other non- Executive councillors.
	The main functions of OSC are looking at key strategic and cross-cutting issues; reviewing key decisions once they have been taken but not yet implemented (call-in); coordinating and approving the overall scrutiny work programme; allocating scrutiny work in the event that it crosses the remit of more than one scrutiny body; and establishing task and finish groups.
	Three parent governors and two diocesan representatives sit on OSC, alongside the councillor members, when education matters are discussed. This is primarily when key decisions that are education matters are reviewed (called-in).
Select Committee	Lewisham has six Select Committees (sub-committees of the Overview and Scrutiny Committee), each made up of non- Executive councillors and responsible for scrutinising a specific service area. Select Committees gather evidence to help them review policies and performance and make recommendations to improve outcomes for residents.
Task and Finish Group (TFG)	A time limited scrutiny body which gathers evidence in relation to a topical issue of concern in order to make recommendations to improve outcomes for residents.

15. Report author and contact

15.1. Charlotte Dale, Head of Scrutiny and Policy, 0208 31 48286 <u>charlotte.dale@lewisham.gov.uk</u>

Appendix A: Effective Scrutiny Guidelines

At Lewisham we:

1. Prioritise

It is more effective to look at a small number of key issues in an in-depth way, than skim the surface of everything falling within scrutiny's remit. We try to focus on issues of concern to the community and/or matters that are linked to our corporate priorities. We only add items to the work programme if we are certain our consideration of the matter will make a real and tangible difference.

2. Are independent

Scrutiny is led by Scrutiny Members. Scrutiny Members are in charge of the work programme and, for every item, we specify what evidence we require and what information we would like to see in any officer reports that are prepared. We are not whipped by our political party or unduly influenced by the Cabinet or senior officers.

3. Work collectively

If we collectively agree in advance what we want to achieve in relation to each item under consideration, including what the key lines of enquiry should be, we can work as a team to question witnesses and ensure that all the required evidence is gathered. Scrutiny is impartial and the scrutiny process should be free from political point scoring and not used to further party political objectives.

4. Engage

Involving residents helps scrutiny access a wider range of ideas and knowledge, listen to a broader range of voices and better understand the opinions of residents and service users. Engagement helps ensure that recommendations result in residents' wants and needs being more effectively met.

5. Make SMART evidence-based recommendations

We make recommendations that are based on solid, triangulated evidence – where a variety of sources of evidence point to a change in practice that will positively alter outcomes. We recognise that recommendations are more powerful if they are:

- Specific (simple, sensible, significant).
- Measurable (meaningful, motivating).
- Achievable (agreed, attainable).
- Relevant (reasonable, realistic and resourced, results-based).
- Time bound (time-based, time limited, time/cost limited, timely, time-sensitive).

Children and Young People Select Committee work programme 2023-24

Work Item	Type of item	Strategic Priority	15-Jun	19-Sep	23-Nov	11-Jan	12-Mar
Select Committee work programme 2023/24	Constitutional requirement	All					
Children and Young People's Emotional Wellbeing and Mental Health	Performance monitoring	CP3 and CP5					
Post-16 education and career pathways	Policy development	CP3 and CP4					
Youth violence	Performance monitoring	CP3 and CP7					
Budget proposals	Pre-decision scrutiny	CP3					
Children's social care improvement	Performance monitoring	СРЗ					
Primary and secondary school organisation	Policy development	CP3					
Embedding race equality in education	Performance monitoring	CP3					
School standards	Performance monitoring	CP3					
Houstic school improvement	Policy development	CP3					
information reports, briefings, events and visits]						
Action plan following Joint Targeted Area	For information	CP3, CP5 and CP7					
Note of visit to Green Vale School	For information	CP3 and CP5					
School standards (unvalidated)	For information	CP3					
Admissions numbers	For information	CP3			TBC		
Attendance and exclusions	For information	CP3			TBC		
Children's Safeguarding Partnership Annual Report	For information	CP3			TBC		

Healthier Communities Select Committee: Work Programme 2023-24

Item	Туре	Priority	20-Jun-23	06-Sep-23	02-Nov-23	10-Jan-24	05-Mar-24
Election of Chair and Vice Chair	Constitutional req	CP5					
Work programme 2023-24	Constitutional req	CP5					
Physical Activity Strategy	Pre-decision scrutiny	CP5					
Dementia Strategy	Pre-decision scrutiny	CP5					
Healthcare & Wellbeing Charter	Pre-decision scrutiny	CP5					
Adult Social Care Strategy	Performance monitoring	CP5					
Local Care Partnerships- Priorities and Action Plan	Policy review	CP5					
Lewisham Joint Local Health and Wellbeing Strategy (to have a focus on Whole Life Pathway and Intergenerational Care) and Healthcare and Wellbeing Charter	Pre-decision scrutiny	CP5					
Budget Cuts	Performance monitoring	All					
Health Equalities (to include update on recommendations from BLACHIR)	Performance monitoring	CP5					
Improving our Mental Health Provision (Early intervention, prevention and the physical estate)	Policy review	CP5					
Social Care Institute for Excellence's work on Co-Production	Performance monitoring	CP5					
Lewisham Safeguarding Adults Board- Annual Report	Performance monitoring	CP5					
Learning Disabilities Action Plan	Performance monitoring	CP5					
Role of Cultural Competency in Delivering Healthcare Services	Policy review	CP5					
CQC Assurance (TBC)	Performance monitoring	CP5					
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Information reports, briefings and visits	Туре	Priority					
Lewisham and Greenwich NHS Trust (LGT) quality account	Performance monitoring	CP5					
South London and Maudsley NHS Trust (SLaM) quality account	Performance monitoring	CP5					
Adult Learning Lewisham (ALL) annual report	Performance monitoring	CP5					
Site-visit to Gibbes Court, Mayow Road	Visit	CP5	18.04.23				
Extreme weather, advice and support	Information item	CP5	05.05.23				
Update on the work of POSAC	Information item	CP5					
Health and Wellbeing Board's work on Trans Healthcare	Information item	CP5					
Digitalization in Health Care	Information item	CP5					
GP Surgeries and Capacity (Safe Surgeries)	Informal briefing	CP5					
Update on the Lay Visitor's Scheme	Information item	CP5					

Housing Select Committee: Work Programmme 2023-24

Item	Туре	Priority	06-Jun-23	12-Sep-23	28-Nov-23	04-Jan-24	07-Mar-24
Election of Chair and Vice-Chair	Constitutional req.	CP2					
Work Programme 2023-24	Constitutional req.	CP2					
Housing Assistance Policy	Pre-decision scrutiny	CP2					
Housing Futures Progress Report	Performance Monitoring	CP2					
Emergency Housing	Policy review	CP2					
Regenter B3- Annual Report and Business Plan	Performance Monitoring	CP2					
Housing Retrofit Strategy	Pre-decision scrutiny	CP2, CP6					
Lewisham Homes coming in-house (Insourcing; Governance structure)	Pre-decision scrutiny	CP2					
Proposal for having co-optees on HSC	Governance	CP2					
Building for Lewisham Programme	Performance Monitoring	CP2					
Budget Cuts	Performance Monitoring	All					
Annual Report on Rent and Service Charges Increases	Performance Monitoring	CP2					
Choice-based Lettings	Performance Monitoring	CP2					
Temporary Accommodation- Supply & Pressures	Policy review	CP2					
Update on Emergency Housing and Housing Assistance Policy	Performance Monitoring	CP2					
Repairs Service Update from Housing Providers (incl. Damp & Mould)	Policy review	CP2					
Selective Licensing Scheme (TBC based on response from Secretary of State)	Performance Monitoring	CP2					

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Information reports, briefings and visits	Туре	Priority			
Site-visit to Gibbes Court, Mayow Road	Visit	CP2	18.04.23		
Meeting with relevant Cabinet Members and Officers regarding provision of support for a Renter's Union	Informal meeting	CP2	14.06.23		
Lewisham Homes Annual Report	Information item	CP2			
Building safety and new regulatory requirements/ framework training session for Committee Members as Council becomes a direct provider of housing again	Training session	CP2			
Targets for the Homelessness and Rough Sleeping strategy's action plan	Information item	CP2	21.06.23		
Visit to retrofitted homes in Lambeth [SHDF (Social Housing Decarbonization Fund) Innovation NNZRA (National Net Zero Retrofit Accelerator) project]	Visit	CP2, CP6			
Right to Buy update and Estate Regeneration opportunities	Information item	CP2			
Section 106 and CIL	Information item	CP2			
Update on Article 4 direction for HMOs	Information item	CP2			

Sustainable Development Select Committee work plan 2023-24

-decision cy development	TBD CP6 CP6	Pre-decision	Update				
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Agenda Item 4



Overview and Scrutiny Committee

The Establishment of Task and Finish Groups

Date: 4 July 2023

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Director of Law and Corporate Governance (Head of Scrutiny and Policy)

Outline and recommendations

The purpose of this item is for the Overview and Scrutiny Committee to establish three time limited Task and Finish Groups and agree the membership of each body.

1. Summary

1.1. The intention of this item is for the Overview and Scrutiny Committee to establish three time limited Task and Finish Groups (TFGs) and agree the membership of each body. The TFGs will aim to end by 31 March 2024 (so last for approximately 9 months). However TFGs are intended to be a flexible resource and, following the scoping process, it may become clear that the proposed TFGs require less or more time. TFGs cannot last longer than 12 months.

2. Recommendations

- 2.1 Members are asked to agree that:
 - (a) Three time limited task and finish groups are established to look at improving scrutiny; private renters; and youth provision.
 - (b) The following memberships for each group are agreed:

Improving Scrutiny

- 1. Cllr Mark Jackson (nominated Chair)
- 2. Cllr Sian Eiles
- 3. Cllr Mark Ingleby
- 4. Cllr James Rathbone
- 5. Cllr Aliya Sheikh

Private Renters

- 1. Cllr Will Cooper (nominated Chair)
- 2. Cllr Bill Brown
- 3. Cllr Jack Lavery
- 4. Cllr Rosie Parry
- 5. Cllr Sakina Sheikh

Youth Provision

- 1. Cllr Edison Huynh (nominated Chair)
- 2. Cllr Yemisi Anifowose
- 3. Cllr Laura Cunningham
- 4. Cllr Oana Olaru
- 5. Cllr Hau-Yu Tam

(The membership of any TFG looking at an education matter is open to the statutory parent governor and diocesan representatives. Not all representatives have responded to the invitation to become a member of the Youth Provision TFG yet, their membership will be confirmed at the meeting.)

3. Policy context

- 3.1 The three TFGs will support the Council's corporate priorities (outlined in the current Corporate Strategy 2022-26), in particular:
 - Quality Housing (including supporting private tenants)
 - Children and Young People (including enabling all children to thrive)
 - Open Lewisham (including actively engaging with our communities).
- 3.2 The proposed Scrutiny TFG will build on previous policy work including the Local Democracy Review; the scrutiny review that followed that work and established TFGs; and the more recent LGA Peer Review; and constitution review.
- 3.3 The proposed Private Renters TFG is closely linked to the commitment in the corporate strategy to "provide more support to renters through further landlord licensing and enforcement of poorly managed homes, holding landlords to account and giving a voice to renters across the borough"

3.4 The proposed Youth Provision TFG has links to the Council's emerging youth strategy and the play strategy.

4. Task and Finish Groups

- 4.1 It has been agreed that:
- The Overview and Scrutiny Committee will agree which TFGs should be established and their duration; but TFGs will not last longer than 12 months.
- Each TFG will meet at least twice in public (one meeting to scope out the work required and one to agree a final report and recommendations).
- Evidence will be collected in between formal meetings in a variety of ways. Methods will include, but will not be limited to, desktop research, telephone/MS Teams conferences, site visits, good practice visits and a wide range of engagement activities. Some evidence may be collected at a formal, public meeting of the TFG where expert witnesses are asked to give evidence.
- The Overview and Scrutiny Committee will agree the membership of TFGs on the basis of political party nominations. The membership will be politically proportionate.
- Each TFG will have five members. However, the membership of any TFG looking at education matters will be open to the statutory parent governor and diocesan representatives, who can choose to sit on the group (as full members with voting rights) if they wish. Such TFGS will therefore have more than 5 members.
- TFGs are effectively time limited Select Committees with the same constitutional powers as standing Select Committees. This includes the power to make reports to the Executive.
- The TFG will conduct an investigation into the issue it was established to scrutinise, agree a report on the basis of the evidence heard and report directly to Mayor and Cabinet / the relevant external organisation for a response within two months.
- TFGs will focus on producing a small number of focused, evidence-based recommendations.
- A copy of each TFG's final report will be circulated by email to the Overview and Scrutiny Committee to note, and the Chair of Overview and Scrutiny may suggest that the report is presented to full Council to allow for wider debate, in addition to it being considered by the Mayor and Cabinet for an executive response¹.
- The TFG will be disbanded once it has made its final report. Its final set of minutes will go to the Overview and Scrutiny Committee for agreement.
- The Mayoral response to the TFG will be considered by the Overview and Scrutiny Committee. The relevant TFG Members will be invited to lead the discussion on the response. The Overview and Scrutiny Committee may request an update on the implementation of agreed recommendations in six or 12 months' time to itself or an appropriate Select Committee.

¹ Statutory Scrutiny Guidance suggests that full Council should be informed of the work of scrutiny and that one way in which this can be done is by reports and recommendations being submitted to full Council rather than solely to the executive. It does not, however, prescribe this, stating that "Scrutiny should decide when it would be appropriate to submit reports for wider debate in this way, taking into account the relevance of reports to full Council business, as well as full Council's capacity to consider and respond in a timely manner".

5. Proposed Groups

5.1. Three groups have been proposed:

Improving Scrutiny: *How can we improve scrutiny at Lewisham: participation, performance and outcomes?*

Private Renters: How we can improve our services for, and communication and interaction with, private renters across Lewisham?

Youth Provision: How can we join up youth provision across the borough to ensure an accessible offer for all and how can we prepare young people for opportunities in the future?

- 5.2 The detailed draft proposals for each of these groups, prepared by the proposing councillor, can be found in the appendix to this report.
- 5.3 The following officer comments have been made in relation to the proposals:

Improving Scrutiny:

• Lewisham's approach to scrutiny has been reviewed and considered extensively in recent years. It will be important for this group to build on the work already undertaken, with the aim of building a consensus on any proposed changes in approach.

Private Renters:

- As part of the scoping process it will be helpful to articulate the council's duties and powers in this space. The council has a statutory responsibility to investigate residents' reports of harassment, illegal eviction and disrepair in their properties, and to take action where we find evidence of these issues. We also have a duty to prevent homelessness and provide housing advice to help prevent homelessness. The scoping process/investigation should also articulate the level of third sector support and advice that is available.
- The scoping process should consider homelessness, and the impact this work could have on it. Positive impacts such as tenants being able to access early advice about their tenancy rights and/or support to prevent an illegal eviction helps to prevent homelessness; and also negative impacts. Whilst private rented sector (PRS) enforcement and advice overall has a positive effect on renters, there will be instances in which the involvement of the private sector licensing and housing enforcement team could lead to an increase in homelessness - for example where the coucnil has to prohibit an unsafe property or refuse to license a property which is currently occupied. In these circumstances it is vital tenants are being provided with homelessness prevention support (the PRS team has established good partnership working to support that).

Youth Provison:

• The proforma states that youth services are not a statutory service. However, local authorities have to provide targeted services that can be classed as 'youth services', so it is perhaps more accurate to state that youth services can often be overlooked (and are vulnerable to cuts) due to how they are

viewed alongside other statutory tier 3/4 statutory offers for children, such as social care.

6. Proposed Membership and time frame

- 6.1. Nominations for membership of each of the groups are set out in the report recommendation. The membership of any TFG looking at an education matter is open to the statutory parent governor and diocesan representatives.
- 6.2. Statutory scrutiny guidance suggests that scrutiny bodies may wish to work with independent local experts who can provide advice and assistance in *understanding and evaluating evidence* (not in formulating recommendations this is for members). Such experts would be appointed as technical advisors to the scrutiny body. This is different from engaging experts who *provide evidence*. To date, experts have generally been used to provide rather than evaluate evidence. Appointing technical advisors can have resourse implications as it can require paying a daily allowance (per diem) to cover the advisor's expenses and/or a fee, although some experts may provide support for free as part of their organisation's commitment to Corporate Social Responsibility. It is suggested that technical advisors are not appointed these TFGs, but experts are engaged to provide evidence. However this matter can be further explored during the scoping process.
- 6.3. The TFGs will hold their first formal meetings in early September to allow time for scoping papers to be developed in consultation with Members. It is envisaged that the groups will complete their work by the end of March 2024. They cannot last longer than 12 months. The Overview and Scrutiny Committee will consider the response to any recommendations made by the groups and consider whether any follow up work / progress updates on recommendation implementation are required.

7. Financial implications

7.1. Scrutiny work is managed within existing budgets. Formal recommendations to the Mayor arising out of any TFG investigations; specific work items within select committee work programmes; or items considered by the Overview and Scrutiny Committee are evaluated in the usual way through the process of formal reports. There are no direct financial implications arising from this report.

8. Legal implications

8.1. The Council's Constitution provides at paragraph 6.9, Article 6 that the Overview and Scrutiny Committee may from time to time appoint sub-committees, to be known as task and finish groups which will exist for a period of no less than 3 months, nor more than 12 months from the date of their creation. It further adds that "Any task and finish group shall consist of 5 members and be established for the purpose of examining a particular issue in depth. The terms of reference of any task and finish group shall be agreed by the Overview and Scrutiny Committee which shall also appoint members to it."

9. Equalities implications

9.1. The delivery of the Council's equalities objectives is to be achieved through the delivery of all of the Council's strategies, plans and procedures. As such, scrutiny bodies, when planning their work and scrutinising items, bear in mind the delivery

of the Council's equality objectives.

- 9.2. Scrutiny tries to make sure that its work reflects the diversity of Lewisham's communities and that the views of residents are fairly represented in scrutiny processes. Any recommendations arising from scrutiny work support the Council's corporate strategy and reflect the needs of local residents.
- 9.3. The proposed TFGs will specifically consider matters of equality. As noted in the proformas put forward by Members:

The scrutiny task and finish group will seek to ensure that the council's decisions are more representative and reflective of the needs of the borough's diverse communities.

As part of their investigation into the private rented sector, Members will ensure that their engagement reflects the demographics (including socio-economic position) of Lewisham renters. The group will also consider how to protect renters from discrimination (the Equality Act provides protection to people from direct, indirect, harassment and victimisation discrimination, and this applies to private landlords and letting agents).

Good youth provison can help young people feel included in their local area and enable them to better access the support they need as they progress towards adulthood. Members have indicted that they want to make sure that youth provision in the borough remains accessible to all and that any recommendations made are reflective of the council's commitments to equalities.

10. Climate change and environmental implications

10.1. There are no direct climate change or environmental implications arising from this report. However the work of the TFGs, in particular the private renters group, may encompass consideration of climate change matters. Tenants in the private rented sector are likely to have a lower ability to adapt to climate change and extreme weather events compared to home owners. This is partly as a direct result of their living arrangements and the condition of privately rented housing stock, but also due to the fact that tenants may also have a range of other characteristics, such as lower income levels, which further increase their vulnerability.

11. Crime and disorder implications

11.1 There are no direct crime and disorder implications arising from this report. However the work of the TFGs, in particular the youth provison group, may encompass consideration of crime and disorder issues such as diversion from anti-social behaviour and offending. Good youth provison can empower young people to progress and engage in employment, education and training, and to take a positive active role in their local communities.

12. Health and wellbeing implications

12.1 There are no direct health and wellbeing implications arising from this report. However the work of all three TFGs may have positive health and wellbeing implications via the making of recommendations which increase democratic participation, improve living conditions in the private rented sector,

and improve access to opportunties that will benefit the wellbeing of young people.

13. Glossary

Term	Definition
Overview & Scrutiny	Overview and scrutiny is the way in which Mayor and Cabinet (the 'Executive'), officers and external organisations are held to account for the decisions that they make. It is led by councillors who are not members of the Executive. They also influence policy development and investigate issues of local concern, making recommendations for improvement.
Overview and Scrutiny Committee	The Overview and Scrutiny Committee is made up of the chair and vice-chair of the Overview and Scrutiny Committee, the chair of each of the Select Committees, and two other non-Executive councillors.
	The main functions of OSC are looking at key strategic and cross-cutting issues; reviewing key decisions once they have been taken but not yet implemented (call-in); coordinating and approving the overall scrutiny work programme; allocating scrutiny work in the event that it crosses the remit of more than one scrutiny body; and establishing task and finish groups.
	Three parent governors and two diocesan representatives sit on OSC, alongside the councillor members, when education matters are discussed. This is primarily when key decisions that are education matters are reviewed (called-in).
Task and Finish Group	A time limited scrutiny body which gathers evidence in relation to a topical issue of concern in order to make recommendations to improve outcomes for residents.

14. Report author and contact

Charlotte Dale, Head of Scrutiny and Policy, 0208 31 48286, <u>charlotte.dale@lewisham.gov.uk</u>



Task and Finish Group Proforma

Overview and Scrutiny

This proforma has been designed to capture the information that the Overview and Scrutiny Committee will need in order to decide which task and finish groups to establish.

This proforma can be completed by individual councillors on their own or by colleagues working together and support is available. If you would like support in completing this proforma, you can approach the Chair of Overview and Scrutiny, one of the Select Committee Chairs or any member of the Scrutiny team.

Proposed title This should be written as a question. What is the main question that you are looking to answer? Ideally use "how" I.e. "How can we improveXXX?"	How can we improve scrutiny at Lewisham: Participation, Performance and Outcomes
Overview Provide 2-3 sentences explaining the proposed investigation in more detail including the key areas that you are proposing to look at.	 Building on the 2019 Democracy Review and findings of the 2022 LGA Peer Review, examine current approaches to scrutiny at LBL with a view to improving participation in, performance of and outcomes from scrutiny. Examining: 'Scrutiny culture' – what relationship should scrutiny have with the executive/the organisation; what are each not getting from the other to achieve that relationship; what outcomes scrutiny is seeking to achieve. 'Participation': For scrutiny Councillors – support from the organisation to conduct effective scrutiny; empowering CIIrs to make use of/develop their skills; barriers to participation. For residents – improving resident engagement with scrutiny; support for resident-led reviews/similar approaches; co-optees; learning from e.g. Lewisham DBC. 'Performance' – how scrutiny can be more effective in shaping policy; balance of pre-decision vs. post-decision scrutiny; approaches to scrutiny recommendations are effective; extent to which scrutiny recommendations are effective; extent to which scrutiny recommendations are taken up by executive/the organisation; monitoring and evaluation of scrutiny outcomes. Proposed outcomes: Recommendations to the executive/organisation on supporting scrutiny from councillors/the public

	 Recommendations to Overview & Scrutiny on effective scrutiny – including potential revisions to the Scrutiny Protocol Potential recommendations on constitutional changes to support the above
Reason for proposal Why do you think that a task and finish group is the most appropriate way to address this issue / answer this question? Where has the suggestion come from? (I.e. through resident engagement, casework, external inspection, performance information.)	These issues are cross-cutting and do not sit within the remit of any single scrutiny committee – the proposal is to examine and scrutinise <u>how</u> we do things, not <u>what</u> the Council is doing in any one policy area. Suggestion has come via feedback from councillors on challenges with current arrangements, as well as some findings from the Council's recent LGA Peer Challenge.
Policy Context How does the proposal support delivery of the Lewisham Corporate Strategy; national/regional policies, initiatives; legislation etc.	The investigation will support LBL to deliver its Corporate Strategy, in particular the objectives to ensure "Strong and effective governance" and to ensure the organisation "stays on track and measures success" against internal and external priorities, through offering proposed improvements to scrutiny of governance and performance.
 Criteria for the investigation (Essential) Is the proposed investigation timely? Why? Is it a strategic and significant issue? How? Is it of concern to one or more sections of the population? Who? (Desirable) Is the issue of concern to partners or stakeholders? How? Will the investigation add value in terms of improving the council's or partner's performance or service delivery? How? Will the investigation be duplicating any other work? What? What control or influence does the Council have in this area? 	 The proposed investigation is timely as: Builds on the 2019 Democracy Review as well as findings from LBL's recent LGA Peer Challenge, which <i>inter alia</i> identified "confusion about the role of different levels of scrutiny and relationships with officers" and a need to do more to "embed the principle and practice of a member-led Council." Recent proposals to reform the shape of scrutiny at LBL were not passed, in large part as many ClIrs did not feel sufficient time had been taken to develop these proposals. In the last administration, only a minority (plurality) of then-elected members voted for the current mixture of scrutiny committees. In recent years and particularly at the last election, the Council has experienced significant turnover, with 38% (21/54) of ClIrs being newly elected and 44% (24/54) ClIrs having been in post for less than a full term. It would be timely to revisit support for scrutiny ClIrs given this. The proposal addresses significant and strategic issues, and is of concern to the whole population of the Borough, as improving participation in, and the standard of, political decision-making and scrutiny of decisions will enable LBL to better deliver on its objectives and Corporate Strategy, and to improve outcomes for residents. Examining how to improve and deepen participation by councillors, and to improve both decision-making and scrutiny will aid in improving LBL's performance in delivering its objectives and the ability of political leadership to improve service delivery. The proposal does not intend to duplicate any of the work of scrutiny panels or the Overview & Scrutiny committee.

Sources of evidence Do you have any thoughts/ideas on where you might gather evidence from? e.g. research or site visits. (Officers will be able to recommend suggestions and help with this.)	Evidence can be gathered from examining best practice from and benchmarking against other similar local authorities (both Mayoral and non-Mayoral), conducting interviews/hearings, research, engagement with external partners, monitoring and evaluating past scrutiny recommendations, and other methods.
Co-optees / Technical advisors? Would the task and finish group benefit from having expert input such as an academic or local expert?	The group would benefit from input and insight from the Head of Scrutiny and other scrutiny officers. The group would also benefit from having external input from, for instance, the Centre for Governance & Scrutiny or Local Government Association.
Suggested timeframe Do you estimate / suggest that the investigation take 3, 6, 9 or 12 months? Outline your suggested timetable for evidence gathering.	Propose that the investigation takes 5 months. This would allow for detailed investigation into the issues while also allowing for findings to be acted upon rapidly where identified and within the gift of OSC; and for other recommendations to be proposed to Mayor & Cabinet to be acted upon in time for the next Council AGM.
Equalities Impact Identify any equalities issues that might be applicable.	Improving participation in scrutiny will support efforts to make LBL's decisions more representative and reflective of the Borough, through widening public participation in decision-making and supporting efforts to remove barriers to participation.
Councillor(s) submitting the proposal <i>Please list the names of the</i> <i>submitting councillor(s)</i>	Cllr Mark Jackson, Cllr Rudi Schmidt, Cllr Oana Olaru, Cllr Mark Ingleby, Cllr Sian Eiles



Task and Finish Group Proforma

Overview and Scrutiny

This proforma has been designed to capture the information that the Overview and Scrutiny Committee will need in order to decide which task and finish groups to establish.

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Proposed title This should be written as a question. What is the main question that you are looking to answer? Ideally use "how" I.e. "How can we improveXXX?"	How we can improve our services for, and communication and interaction with, private renters across Lewisham.
Overview Provide 2-3 sentences explaining the proposed investigation in more detail including the key areas that you are proposing to look at.	 This task and finish group will look at the London Borough of Lewisham's services for, and communication and interaction with, private renters in a deepening private rented sector crisis. The task and finish will look across local government to find best practice and innovation in delivering advice and services for private renters in local authorities. We will also ask Private renters across Lewisham about their priorities and what they want to see more of from the council. Our main areas we will be looking in to are: How we make private renters aware of our responsibilities and services we offer as a council How we can use innovation and best practice to transform our online offer for private renters How our advice service funded by LBL can transform advice services for the borough's private renters To explore a permanent forum or network with the borough's private renters
Reason for proposal Why do you think that a task and finish group is the most appropriate way to address this issue / answer this question? Where has the suggestion come from? (I.e. through resident engagement,	We are facing an acute crisis in the private rented sector across the borough and the whole of London. Rightly, on the Housing Select committee and in much of the work of Cabinet leads we have focussed on the enormous task of bringing Lewisham Homes in house whilst maintaining a good standard of housing for our social tenants and homeless residents.
casework, external inspection, performance information.)	After discussions with the Director of Housing, lead officers and Cabinet leads, we felt a task and finish group will be able to give members and officers the space and time to be able to do a deep dive on our offer to private renters, looking at refining our services,

	 communications and interactions to ensure we are offering a well-used, effective service. We are not alone in facing the private rented sector crisis as a borough and this task and finish group will allow us to look for best practice in local government, have discussions with leads in other boroughs and have the time to create recommendations to make our services the best they can be. The task and finish group will also allow us to open channels of previous to previous the private rest and private rest and private recommendation of the private rest and finish group will also allow us to open channels of previous to private rest and private rest.
	communications with private renters, housing advocacy groups and local organisations to see what our residents want us to offer and what private renters expect from the local authority. The T&F also allows us to look at ongoing communication with private renters via forums and networks and the feasibility of this, something we have been unable to do as a large piece of work due to capacity.
Policy Context How does the proposal support delivery of the Lewisham Corporate Strategy;	In our last two manifestos we have had robust policies to support private renters amongst our housing policies, something which is now in our corporate strategy:
national/regional policies, initiatives; legislation etc.	'We will provide more support to renters through further landlord licensing and enforcement of poorly managed homes, holding landlords to account and giving a voice to renters across the borough.'
	Also, when it comes to resident voice:
	'Across Lewisham, we recognise that there are communities whose voices are seldom heard and others who may feel as if they are not heard at all. We will develop an approach to engage our community that is fairer, accessible and even more inclusive, acting as a listening organisation and working in tandem with our residents to improve the services we deliver for them.'
	This task and finish group both supports and expands on these areas of Lewisham corporate strategy, expanding on our support for private renters, whilst also exploring how to put the voice of private renters front and centre.
	It is a tumultuous time in the private rented sector, with a significant amount of new legislation being passed or due to be announced nationally.
	The ending of s21, new damp and mould legislation and laws around disrepair and decent homes present tenants more opportunities to be protected, but in the short term could lead to bad practice from landlords as legislation comes in to effect, we are also unsure of the level of protection for renters from abuse of new legislation.
	It has never been more important that the council is prepared for a potential influx of issues surrounding this legislation, this task and finish group will support us to ensure that we are.
Criteria for the investigation	Criteria for the investigation
(Essential)	(Essential)

 Is the proposed 	 Is the proposed investigation timely? Why?
investigation timely? Why?	 Is it a strategic and significant issue? How?
 Is it a strategic and 	
significant issue? How?	As previously stated, in Lewisham we are currently in the worst housing
Is it of concern to one or	crisis for generations, which just as apparent in our private rented
more sections of the	sector than elsewhere.
population? Who?	The enset of new logislation, our own new licensing schemes and the
(Desirable)Is the issue of concern to	The onset of new legislation, our own new licensing schemes and the ongoing crisis mean LBL needs to be ready to support our private
 Is the issue of concern to partners or stakeholders? 	renters and we are at a crossroads in the way we can transform our
How?	support in the sector.
 Will the investigation add 	
value in terms of improving	Alongside the rapidly changing environment, I have also set out how
the council's or partner's	the T&F supports our manifesto commitments and the corporate
performance or service	strategy earlier in this proposal.
delivery? How?	
 Will the investigation be duplicating any other work? 	 Is it of concern to one or more sections of the population? Who?
What?	Over 30% of the housing stock on Lewisham is privately rented. Private
What control or influence	renters in the borough cover anyone from students to families in
does the Council have in	insecure work and increasingly older adults. Renters are present in
this area?	every demographic and every area of our borough.
	• Is the issue of concern to partners or stakeholders? How?
	The origin in the private reptod easter depends just effect tenents and
	The crisis in the private rented sector doesn't just affect tenants and our council services, it also affects a number of stakeholders and
	partners.
	Our already overburdened advice services have seen a huge increase
	in private renters seeking support with little designated and specific
	services, this is why we have included a look at centrally funded advice
	services for private renters as part of this T&F.
	• Will the investigation add value in terms of improving the
	 Will the investigation add value in terms of improving the council's or partner's performance or service delivery? How?
	In forming this T&F proposal I have met with Cabinet members,
	directors and officers to chat through how this group can best support
	the work of our overstretched teams.
	The aspects set out in the summary of this T&F are agreed key lines of
	enquiry that are most useful for our private sector housing team and
	can support their work.
	The improvement in communication with renters, our interaction with
	renters via forums and networks and our online resources are key
	areas of investigation that we can use to support delivery of the
	corporate strategy and the work already underway to support private
	renters.
	• Will the investigation be duplicating any other work? What?
	We have made sure that our key lines of enquiry compliment other
	work happening at LBL rather than duplicating work already underway.
	What control or influence does the Council have in this area?

	LBL has increasing responsibility in the private rented sector. Alongside the statutory responses to disrepair and rouge landlords, there is now increased responsibility with landlord licensing and in upcoming legislation, such as new powers to tackle damp and mould. We currently have a chance to transform our offer to private renters, ensuring our services reach those who need it the most whilst also ensuring our services are shaped by tenants themselves. LBL continuing to improve in the private rented sector not only improves standards for renters, but ensures that landlords in Lewisham understand the council will take action if properties are not correctly licensed or if they are flouting tenancy law. We can and should stand with our private renters and make our service as robust and effective as possible.
Sources of evidence Do you have any thoughts/ideas on where you might gather evidence from? e.g. research or site visits. (Officers will be able to recommend suggestions and help with this.)	 The Task and finish group will gather evidence from the following places: Othe local authorities in areas with a high number of private rented properties that are similar demographically. Other local authorities that have a strong track record of private sector enforcement and services for private renters Private renter advocacy groups in Lewisham and across London Our advice services across Lewisham. Private renters themselves of which we have engaged a number through consultation for selective licensing
Co-optees / Technical advisors? Would the task and finish group benefit from having expert input such as an academic or local expert?	Yes, the T&F group would benefit from expert advice in legislation that is being introduced affecting our statutory duties toward private renters.
Suggested timeframe Do you estimate / suggest that the investigation take 3, 6, 9 or 12 months? Outline your suggested timetable for evidence gathering.	The suggested timetable for this task and finish group is 9 –12 months due to the size and scope of the investigation.
Equalities Impact Identify any equalities issues that might be applicable.	Part of this task and finish group is talking to our private renter community in Lewisham. In this process we must be robust in ensuring we are connecting with demographics, incomes and vulnerable residents we don't often hear from but who make up a huge proportion of our private rented sector.
Councillor(s) submitting the proposal Please list the names of the submitting councillor(s)	Cllr Will Cooper



Task and Finish Group Proforma

Overview and Scrutiny

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Proposed title This should be written as a question. What is the main question that you are looking to answer? Ideally use "how" I.e. "How can we improveXXX?"	How can we join up youth provision across the borough to ensure an accessible offer for all and how can we prepare young people for opportunities in the future?
Overview Provide 2-3 sentences explaining the proposed investigation in more detail including the key areas that you are proposing to look at.	 This TFG will seek to address these challenges by investigating: What is the current landscape of youth provision (up to age 25) across the borough and where are the gaps (looking at universal, targeted, and specialist provision)? How can we join up the Lewisham youth provision 'offer' more comprehensively, develop partnership opportunities, and make it more accessible? How can we provide young people opportunities to be exposed to the jobs of the future e.g. in AI, analytics, coding etc?
Reason for proposal Why do you think that a task and finish group is the most appropriate way to address this issue / answer this question? Where has the suggestion come from? (I.e. through resident engagement, casework, external inspection, performance information.)	 Youth provision is not a statutory service so it is often overlooked and, in many boroughs, cut all together. This is a shame as it is a key part in reducing the number of NEETS and lack of a youth service means young people are instead exposed to negative influences after school hours and during the school holidays. Lewisham admirable has kept it's youth service but it is currently fragmented between Youth First and many other providers. There currently is no accessible overview of all the different providers, what they provide and when. This makes it difficult for young people to access but it is also difficult for the council to spot gaps in the provision and also opportunities for shared best practice across the youth sector in Lewisham – especially when it comes to looking to the future of youth service and how it can help provide exposure to opportunities and the jobs of the future. This rationale has been bourne out by previous experience as a teacher, being a school governor, and working with young people through my roles in Youth First and being on the board of the Lewisham Youth Theatre as well as

	speaking to young people at the Bank of Things, Circle
Policy Context How does the proposal support delivery of the Lewisham Corporate Strategy; national/regional policies, initiatives; legislation etc.	 Collective, and through the mayor advisors. Have reached out to Chris Barnham and Luke Sorba – have been encouraged to go forward as it will be both timely and useful in feeding into the Youth Strategy for the council. Committed to involving young people in this process and will involve the Young Mayor team and advisors. We need to continue to reflect on how we can better deal on our manifesto commitments to improve early support to enable all children to thrive, and protect young people with a public health approach to tackling exploitation or violence. Links to reducing the number of NEETs (not in education, employment, or training) is a priority and so will have already reached out to the Lewisham Works team. In terms of future opportunities (the 3rd research question), there are links with Goldsmiths which last year one of the first winners of the The Alan Turing Institute's Network Development Awards. As part of that award, they will work to establish/grow an engaged and diverse community working (at all career stages) in data science and AI research – a chance for our borough to help provide that diverse STEM pipeline that organisations are looking for. Connect with the Young Leaders Academy to see what best practice we can learn from them in terms of supporting young black people and to explore the collaborations (between different youth providers) that would enhance that support. If this TFG is selected, will be asking the scrutiny manager to do a landscape analysis of other policy connections/overlaps (e.g. exploring connections with the cultural strategy, community centres/asset management to see if there are
 Criteria for the investigation (Essential) Is the proposed investigation timely? Why? Is it a strategic and significant issue? How? Is it of concern to one or more sections of the population? Who? (Desirable) Is the issue of concern to partners or stakeholders? How? Will the investigation add value in terms of improving the council's or partner's performance or service delivery? How? Will the investigation be duplicating any other work? What? What control or influence does the Council have in this area? 	 other resources we can unlock for young people). Proposed investigation is timely as we have contacts up for re-tending (e.g. Youth First and with Adventure Playgrounds) and also new sites for young people opening up soon (e.g. Riverside) so having a TFG happen beforehand would provide useful research into how we can provide a more comprehensive and joined up offer for young people in our borough. It is strategic and significant as Youth Service is currently a fragmented mix of legacy and new providers. Without a look at the whole borough provision, we are missing opportunities for joined-up work and simply accepting managed decline. This work is of course of primary concern to the young people of our borough – especially those who are most vulnerable. As part of this TFG, we will be looking at what our universal offer is (e.g. available/open to all), what are targeted offer is (e.g. to young people at risk of exclusion, to young carers etc), and what are specialist offer is (e.g. in specialist areas such as mental health)– this will help us better understand what is actually being offered to the most vulnerable young people in our borough. We have a real opportunity for innovative partnership work and improvement of partner's performance. This is also a concern of the youth providers across the borough who have questions about resourcing and how that is shared across our whole borough to ensure that there is youth provision accessible in all wards.

Sources of evidence Do you have any thoughts/ideas on where you might gather evidence from? e.g. research or site visits. (Officers will be able to recommend suggestions and help with this.) Co-optees / Technical advisors? Would the task and finish group benefit from having expert input such as an academic or local expert? Suggested timeframe Do you estimate / suggest that the investigation take 3, 6, 9 or 12 months? Outline your suggested timetable for evidence gathering.	 This investigation will add value in terms of identifying the gaps and also the collaboration opportunities, coordinated service provision, joint funding opportunities, coordinated scheduling across youth service providers) – which will improve the service delivery across our borough and make it a more comprehensive and joined up offer for our young people. This investigation does not duplicate other work and in fact, the CYP chair has said that he has been pushing for this for a long time. The council has contact/influence through tendering contracts but also through asset management (utilising our assets to provide spaces for young people). Site visits at the places where youth provision is carried out across our borough. Surveys with young people/work with Young Mayor etc. Visit to a coding camp, summer computer science courses for students across the summer holidays. Experts in youth provision (organisations, big tech companies, how Lewisham can attract investments). Schools visits/speaking to young people Camilla – Youth Worker at XLP (urban youth charity working in our borough) to be a co-optee. Edison has identified contacts who are involved in tech to advise how young people could be exposed to opportunities of the future and act as technical advisors (esp for 3rd research question). Representatives from tech/philanthropic arms to act as technical advisors too). Attend the Lewisham Youth Summit already planned where all the youth providers across the borough will be present. Make connections and introduce the idea. Over summer holidays: Lewisham site visits across borough. September: private meeting to discuss findings. (ask scrutiny managers to invite certain organisations). October: more site visits over half term (in other London boroughs) November-December: interviews with youth providers outside of the boro
	 recommendations April: public meeting to share findings and recommendations
Equalities Impact Identify any equalities issues that might be applicable.	 Want to make sure the youth provision in the borough remains accessible to all so any recommendations would include a EDI assessment. The report will also align and be compliant with broader Lewisham duties regarding EDI ('A Fairer Lewisham Duty')
Councillor(s) submitting the proposal Please list the names of the submitting councillor(s)	Edison Huynh has submitted. Those who have agreed to be on board so far: Yemisi, Rudi, Aisha.

Agenda Item 5



Overview and Scrutiny Committee

Good Developer Engagement Protocol

Date: 4 July 2023

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Head of Development Management

Outline and recommendations

The purpose of this report is to provide the Overview and Scrutiny Committee (OSC) with an overview for how the Planning Service undertakes statutory consultation on planning applications. The Committee is asked to discuss with an expert panel of representatives undertaking community engagement for examples and methods that could be considered best practice, which would inform Planning Service proposals to publish Developer Engagement Protocol, designed to improve engagement between developers of sites with the public and key stakeholders.

The recommendations of this report are:

- To note the role of the Council in encouraging pre-application engagement to be undertaken by developers and consultation with communities
- To note how the Council undertakes its statutory consultation
- Consider how best practice examples from the Panel could inform a Planning Service Developer Engagement Protocol

Timeline of engagement and decision-making

July 2006 – adoption of the current Statement of Community Involvement was adopted in July 2006.

May 2018 – Mayor Damien Egan promises to launch a review that will make the Council 'even more democratic, open and transparent'

July 2018 – Full Council agrees to establish a Local Democracy Review Working Group consisting of eight councillors. They are tasked with making recommendations about how the Mayor and Council could enhance their openness and transparency, increase public involvement in Council decisions and promote effective decision-making

September 2018 to January 2019 – the Working Group gathers evidence from a wide range of residents, community groups and local councillors (including an online questionnaire completed by over 700 respondents, workshops at four secondary schools and attendance at over 40 events)

January to March 2019 – the Working Group collects their evidence into a final report, which identifies 57 recommendations for change

March/April 2019 – Mayor & Cabinet and Full Council agree the report and recommendations

April 2019 to March 2020 – the retained Local Democracy Working Group oversees delivery of the recommendations

February 2020 – the Local Democracy Working Group welcomed the direction of travel for recommendations 25-30 which propose improvements to the planning service, including "*If required, the Planning Statement of Community Involvement should be reviewed in line with the democratic standards once developed, and the other relevant recommendations made within this report (#30)*"

June 2020 – temporary changes agreed to the Council's Statement of Community Involvement (SCI) to facilitate virtual meetings for a period of 3 months

September 2020 – temporary changes to the SCI are extended for a period of 6 months due to the ongoing pandemic and consultation on permanent changes to those sections addressing planning policy consultation agreed

December 2020 – permanent changes to the SCI to those sections addressing planning policy consultation approved by Mayor and Cabinet.

February 2021 –update to the Local Democracy Working Group (LDWG) on proposals to increase the openness and transparency around the planning process, particularly focused on effective decision making at planning committees which were endorsed by the LDWG. This included the Planning Service preparing a new SCI following the development of proposals and a period of engagement with amenity societies/community groups and Members.

June 2021 – Community Group meeting to, amongst other matters, update on progress with the LDR work programme

November 2021 – Community Group meeting to, amongst other matters, update on

progress with the LDR work programme

January 2022 – a standalone revision agreed to the SCI at Mayor and Cabinet in relation to Design Review Panels

July 2022 – Community Group Meeting where discussions began on a new working relationship with amenity societies and community groups to begin the period of engagement.

October 2022 – Community Group Meeting continuing engagement with amenity societies including the responses received from the July questionnaire.

October 2022 – an update of the Local Democracy Review project to Sustainable Development Select Committee

1 February 2023 – M&C meeting for approval to start public consultation

February 2023 – Community Group Meeting continuing engagement with amenity societies, highlighting ongoing formal consultation of SCI.

20-February – 3 April 2023 – formal public consultation for the SCI undertaken, with questions asked if the public support proactive developer guidance.

1. Summary

- 1.1. Overview and Scrutiny Committee have asked for an overview of the statutory consultation process of planning applications and how preapplication engagement from developers can be improved, learning from best practice case studies which will inform the Planning Services proposed Good Developer Engagement Protocol.
- 1.2. A Panel of experts will present to the Committee with their experience of high quality and innovative community engagement, how this has created collaboration and trust and how this has helped shaped their pre-application discussions and final planning applications.
- 1.3. The review of best practice community engagement is proposed to inform the Planning Services proposed Good Developer Engagement Protocol which is an outcome from the consultation of the new draft Statement of Community Involvement and Local Democracy Review.

2. Recommendations

- 2.1. It is recommended that Overview and Scrutiny Committee:
- note the role of the Council in encouraging pre-application engagement to be undertaken by developers and consultation with communities
- note how the Council undertakes its statutory consultation
- Consider how best practice examples from the Panel could inform a Planning Service Developer Engagement Protocol

3. Policy Context

- 3.1. The content of this report is consistent with the Council's policy framework. The Planning Service is preparing a new Statement of Community Involvement which will set out how the Council will carry out its statutory function in consulting with the public and other stakeholders when preparing its statutory development plan and supporting documents, and how it will consult on planning applications.
- 3.2. The Council must (as a minimum) comply with statutory requirements for consultation set out in relevant legislation and policy including:
 - The Town & Country Planning (Development Management Procedure) (England) Order 2015 – for planning applications
 - The Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended) – for listed building consents
 - Planning and Compulsory Purchase Act 2004 (as amended)
 - The Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended)
 - Localism Act 2011 (as amended)
 - The Neighbourhood Planning (General) Regulations 2012
 - Neighbourhood Planning Act 2017
 - Environmental Assessment of Plans and Programmes Regulations 2004
 - Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020
 - National Planning Policy Framework (NPPF) (2021) and National Planning Practice Guidance (NPPG).
- 3.3. The publication of a Developer Engagement Protocol, whilst not forming new policy, would constitute an important piece of guidance that is designed to be read in association with the Statement of Community Involvement, particularly Part 6 'Planning Applications'.

4. Background

- 4.1. The Council launched the Local Democracy Review in 2018 with a Local Democracy Working Group, comprised of 8 Members tasked with making recommendations about how the Mayor and the Council could enhance openness and transparency in the planning process. In 2020, the Local Democracy Working Group recommended that a new SCI be adopted to replace the out-of-date 2006 adopted version.
- 4.2. Between March and April 2023, the Planning Service carried out formal public consultation on a replacement SCI. This draft document sets out how the Council consults on planning applications and gives great emphasis of the importance that the Council places on effective pre-application engagement and makes a commitment to preparing best practice guidance.
- 4.3. The SCI consultation showed strong support for the preparation of good developer led pre-application engagement protocols.

5. Planning Application Consultation

Pre-application stage - applicant led

- 5.1. While there are statutory requirements relating to consultation for planning applications once submitted, there is no such requirement for pre-application engagement.
- 5.2. The NPPF at Para 40, states that:

'Local Planning Authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engaged with them before submitting a planning application, but they should encourage take-up of any preapplication services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications'.

- 5.3. The accompanying NPPG promotes the use of pre-application engagement, and Local Planning Authorities providing a range of pre-application services, tailored to the nature of the proposed development and the issues to be addressed.
- 5.4. The National Model Design Code provides detailed guidance to expand on the National Design Guide and seeks to promote high quality design in the built environment. It promotes a range of consultation tools to engage local communities and states that engagement processes can have social benefits such as strengthening community cohesion and making connections between people who might not otherwise have met or interacted.
- 5.5. The Council has an established pre-application service, publicised on the Council website. The pre-application web pages explain the benefits of pre-application advice and list the full range of charges to an applicant. There are a range of services available, tailored to the scale and complexity of projects.
- 5.6. The Planning Service can provide advice for householders via Duty Planner request, whilst major and large-scale regeneration schemes can be managed via Planning Performance Agreements. Pre-application services are paid, to reflect the professional input from staff, and the Planning Service handled 392 separate pre-application requests in 2022.
- 5.7. When the Planning Service engages in pre-application discussions, it will include other Council Directorates/ Service Areas as necessary, for example Strategic Housing, Highways and Transport, Economy and Partnerships to ensure that service areas can contribute to development schemes at an early stage of the design process and developers understand the relevant priorities of the Council. This collaboration across the Council at the stage when schemes are being designed enables a full discussion on technical issues prior to submission. However, it is also a vital stage whereby the Council's wider aspirations for Lewisham's places and neighbourhoods can be considered by shaping the type of housing proposed and uses to be included in schemes, plus future job opportunities

as well as community, leisure and cultural opportunities.

Post-submission stage - Council led

- 5.8. The Statement of Community Involvement is a legal document, and its role is to set how the Council will carry out its statutory functions as required by the Development Management Procedure Order (2015) in the consultation of planning applications. This is a formal and legal stage of consultation.
- 5.9. In summary the Council undertakes its statutory functions by:
 - The direct notification of adjoining occupiers (that share a boundary with an application site as a minimum) by letter/ communal foyer notices/ and emails
 - The display of a public Site Notice (in certain circumstances such as works affecting Conservation Areas and Listed Buildings)
 - Publication of a Notice in local press (in certain circumstances such as works affecting Conservation Areas and Listed Buildings)
 - Upload of application documents to the Council website
 - Notification to ward Members
 - Consultation with relevant statutory and non-statutory stakeholders
- 5.10. A report is prepared for each application which summarises the extent of consultation undertaken, and a summary of the content of all representations received. The reports also detail how representations received have informed the recommendation from the case officer to either grant or refuse planning permission.

6. Learning from best practice guidance

6.1. In seeking to prepare Good Developer Engagement Protocol, officers have reviewed examples from across London, seeking to establish principles that are supported from other local authorities.

Southwark – Development Charter

- 6.2. The Southwark Development Charter (SDC) was published in December 2022 and is designed to be read alongside the SCI. The guidance is tailored to Council Schemes (of any size) and major applications.
- 6.3. The SDC defines three key stages of participation for the community to take part in the planning process (Engage 'pre-application', Consult 'planning application' and Inform 'post application') along with an objective for developers and the role of the Council.
- 6.4. At the first part of the process Engage, the SDC sets out that developers should prepare an 'Early Engagement Strategy' for pre-application discussions, which should begin with a Facts-Based Audit of a site which includes stakeholder analysis and a physical appraisal of the site ranging from heritage, accessibility and climate change/ sustainability.
- 6.5. The SDC provides a graphic representation of the Council's expectations for community engagement setting out what is considered in 'normal' and 'exceptional' circumstances.

- 6.6. When a developer makes a formal planning application to the Council, an 'Engagement Summary' document is required to be completed and submitted as a validation requirement. The Engagement Summary will be a public document on the Planning register website.
- 6.7. The guidance also states developers are required to prepare proportionate Equalities Impacts Assessments which should include a brief description of the development proposal; an overview of the users of the site and stakeholders in decision making process; and an equality impact and needs analysis to consider the potential impact to groups with protected characteristics. These are required to accompany planning applications.
- 6.8. The Council website contains template Early Engagement Strategies and Engagement Summaries which can be used by applicants.

Westminster - Early Community Engagement

- 6.9. The Westminster 'Early Community Engagement' (ECE) guidance was published in February 2022.
- 6.10. The guidance set out the requirement for an Early Engagement Strategy, which developers should submit to the Council for review as part of preapplication discussions.
- 6.11. The ECE provides graphic representation of the Council's expectations for community engagement, this promotes householder engagement but is aimed at major development proposals.
- 6.12. Developers are advised to consider how 'vicinity' is defined when scoping out a consultation boundary, and that officers should be engaged at preapplication discussion. The guidance also sets out potential barriers to good engagement being:
 - The capacity and ability of different stakeholders (e.g., visible, and nonvisible disability, childcare/caring commitments, or employment commitments)
 - Being members of typically 'rarely heard from' groups such as young people, older people, minority groups or socially excluded groups.
 - Those with limited computer literacy and/or access to technology; and
 - Those with limited literacy and /or numeracy or dominance of oral culture. Ensuring that an engagement strategy is inclusive and accessible to the widest range of community members contributes to its value and legitimacy.
- 6.13. The guidance includes case studies (major and non-major developments) as an appendix. These provide an overview of the engagement undertaken, how schemes were amended following feedback and what leaning points were taken from the overall project.
- 6.14. The ECE provides a glossary of terms and links to relevant publications such as national government guidance are included as further appendices.

Fordham Park – Goldsmiths led community engagement

6.15. A project is being undertaken between students at Goldsmiths and secondary pupils at Deptford Green School focussed on researching

Fordham Park and improvements needed. The project taught 12 schoolchildren to undertake research in to their local environmental and social issues, conducting research through creativity, allowing young people to speak and participate in place making in their own language. The project involved an initial 'free mirror' creative writing exercise to open up a more honest conversation with students around their environment to identify topics of interest. Next steps involved creating a film group, a visual arts group and a creative writing group to research the originally identified themes using creative methods. Interviews and questionnaires were also undertaken by students as well as research into policies. This led to an advocacy day and establishing short and long term goals as a 'Pledge Card' for Fordham Park. The project has identified projects that are now being delivered such as a community garden.

Summary of engagement review

- 6.16. The review of the Southwark and Westminster guidance shows strong similarities in approaches. Both sets of guidance:
 - List who to engage as a minimum
 - State that developers should provide Early Engagement Strategies to the Council as part of pre-application discussions, which allows officers to comment on engagement strategies.
 - Applicants in both cases are required to submit details of community engagement and how feedback has been addressed in a scheme as a Planning Validation requirement.
 - The monitoring of engagement is required through Planning Application validation, with details and evidence of engagement being published on the Council website.
- 6.17. The need to think about who is engaged in pre-application is captured in both documents in different ways. In the Southwark Development Charter, the focus is on an equalities impact about the scheme itself. There is no specific reference to reporting any monitoring information about the protected characteristics of those who have participated in pre-application engagement. The Westminster ECE Guidance includes specific reference to engaging with those who have protected characteristics as well as those who are disengaged. This recognises broader barriers to participation. There is an expectation on larger development to provide data on consultation responses to Planning officers enabling a level of transparency about those who have participated.
- 6.18. In the case of the Southwark Development Charter, the identification of the role for the developer, the planning case officer, and the opportunities for residents during pre-application engagement, statutory consultation and post decision is considered useful for the public who may not understand the planning process.
- 6.19. As mentioned above, the Westminster guidance flags potential barriers to undertaking good quality engagement. Highlighting these issues directly with developers should enable them to understand the expectations of the Council to undertake to ensure wider participation beyond those who normally participate.

- 6.20. Case studies of best practice as seen in the Westminster guidance are considered useful in giving the guidance real life application and context.
- 6.21. The Parklife Project, although not related to a development proposal, provides a valuable case study into the use of creative tools and methodologies that enable the participation of those who do not usually take part in consultation. It is also a useful example of how valuable discussions are about existing places with those who have local 'ownership' of them to then inform approaches. This is a method of engagement that isn't focussed on seeking views on a project that has been prepared but instead empowers local people to form their views and share them to help shape their environment and articulate the outcomes that they want to see. It is also an important means of recognising the value of our existing places to the community and their feelings about it.

7. Panel discussion

7.1. Three external organisations have been invited to attend to share their experience of resident engagement in planning developments at the pre-application stage:

Jon Watson and Kate Honey, Landsec

7.2. Landsec is a developer which aims to build and invest in buildings, spaces and partnerships to create sustainable places and connect communities. They are one of the largest real estate companies in Europe, with a portfolio of retail, leisure, workspace and residential hubs.

Rod Gonggrijp, Community Plan for Holloway

7.3. Rod is chair of the campaign group which is working to ensure the needs of the community are at the heart of the Holloway Prison redevelopment.

George Perfect, Terrapin Group

7.4. George Perfect is an Account Director at The Terrapin Group. The Terrapin Group works across public affairs and stakeholder relations, supporting property and development businesses to engage with stakeholders at all levels across London, the South East and beyond.

8. Monitoring of effective engagement

- 8.1. Both the Westminster and Southwark guidance refer to the monitoring of engagement. Lewisham Council already monitors community engagement through its adopted Local Requirements List in July 2022, which sets out the necessary documents required to validate a planning application.
- 8.2. Once all required documentation is submitted (and checked by an officer) an application will be validated, meaning that formal consultation is undertaken, and a professional assessment of the proposals made by the

Case Officer.

- 8.3. With regard to community engagement, in Lewisham, the existing Local Requirements List requires:
 - Community Audit the purpose is to identify buildings which have community, social and economic value. Community Audits are required to be part of a community engagement strategy and detailed as a standalone document or as part of another document such as the Planning Statement.
 - Statement of Community Engagement required for all major applications which should:
 - Set out how the applicant has complied with the requirements for pre-application consultation set out in Lewisham's adopted Statement of Community Involvement.
 - How the views of the local community have been sought and taken into account in the formulation of development proposals
 - Identification of the number and type of engagements and number of attendees at those engagements
 - The Local Requirements List states that pre-application engagement with the Council, whilst welcomed, should not be the only engagement that the applicant sets out within the statement and there is an expectation engagement with the wider community is undertaken prior to an application for planning permission being submitted.
- 8.4. These documents are uploaded as publicly visible on the Council Planning register website.
- 8.5. Local Requirements Lists are required to be reviewed every two years.

9. Next steps

- 9.1. Officers, after taking account of comments and recommendations from OSC, propose to draft the Good Developer Engagement Protocol for publication which would come into immediate effect.
- 9.2. It is anticipated that this would include guidance on:
 - Who to consult and at what stage
 - The range of consultation techniques and methods available
 - Preparing engagement strategies and what to submit with a planning application
 - The potential barriers to effective pre-application engagement and how to potentially address them
 - Best practice case studies
 - How to ensure that seldom heard groups have an opportunity to meaningfully engage and the monitoring of equalities information. There are opportunities to highlight the benefit of monitoring beyond protected characteristics and include socio economic backgrounds of participants in accordance with the Fairer Lewisham Duty.

9.3. The final guidance would be published on the website and promoted by the Planning Service, with the aim of increasing trust between the public and developers, and communities who will be able to share their local knowledge and expertise, which should improve the quality of schemes and reduce controversy when applications are submitted.

10. Financial implications

- 10.1. There are no financial implications directly relating to this report as preapplication engagement is led by a developer/ applicant.
- 10.2. There could, however, be financial implications for schemes which are promoted by the Council if the protocol expectations go beyond current Council best practice.

11. Legal implications

- 11.1. The report explains how what is being proposed relates to the Council's statutory and other obligations. There are no specific legal implications arising from the recommendations set out in the report.
- 11.2. The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In summary, the council must, in the exercise of its function, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and persons who do not share it
- 11.3. The duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 11.4. The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

https://www.equalityhumanrights.com/en/publication-download/technicalguidance-public-sector-equality-duty-england

12. Equalities implications

- 12.1. The Council's Comprehensive Equality Scheme for 2020-2024 provides an overarching framework and focus for the Council's work on equalities and helps ensure compliance with the Equality Act 2010.
- 12.2. There are no proposals to change how the Council consults on planning applications as this is a statutory requirement set by the Government. Consultations are carried out in accordance with legislation and on a geographical basis, ensuring that all residents are directly contacted by letter when a proposal is received adjoining their property (or a larger area for schemes of larger scale)
- 12.3. The intention behind the Good Developer Engagement Protocol is that residents are much better informed by developers at an early stage when there is a chance to influence a scheme. Good developer engagement must seek to engage seldom heard voices in the borough and maximise views of the public. The guidance is intended to identify barriers to engagement so that attempts can be made to actively overcome them. It is also intended to identify the need to include equalities monitoring to show who has engaged.

13. Climate change and environmental implications

13.1. The Planning Service expect that developers discuss plans for community engagement with Officers which include an overview for how consultation also considered climate change and environmental implications. For example, the printing of material and use of online methods of consultation.

14. Crime and disorder implications

14.1. There are no crime and disorder implications.

15. Health and wellbeing implications

15.1. There are potential positive health and wellbeing implications from improved consultation. Empowering communities to participate more meaningfully in the shaping of their neighbourhoods can have positive implications on wider determinants of health.

16. Background papers

16.1 Lewisham Statement of Community Involvement 2006

https://lewisham.gov.uk/myservices/planning/policy/ldf/statement-of-communityinvolvement

16.2 Lewisham Get Planning Advice

https://lewisham.gov.uk/myservices/planning/apply-for-planning-permission/getplanning-advice

16.3 Sustainable Development Select Committee October 2022

https://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?Cld=136&Mld= 7915&Ver=4 (Item 4)

- 16.4 Mayor and Cabinet 11 February 2023 <u>https://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?Cld=139&Mld=</u> 7981&Ver=4 (Item 9)
- 16.5 Local Requirements List October 2022 <u>https://lewisham.gov.uk/myservices/planning/apply-for-planning-permission/planning-validation-requirements</u>

16.6 Southwark 'Development Consultation Charter' December 2022

https://www.southwark.gov.uk/planning-and-building-control/planning-policyand-guidance/view-our-statement-of-community-involvement?displaypref=largecontrast

16.7 Westminster 'Early Community Engagement' February 2022

https://www.westminster.gov.uk/media/document/early-communityengagement-guidance-feb-2022

16.8 Parklife project blogs

https://sites.gold.ac.uk/educational-studies-blog/how-can-we-help-youngpeople-improve-their-local-environments-how-can-they-become-agents-ofchange/

https://sites.gold.ac.uk/educational-studies-blog/exciting-developments-withthe-parklife-project-a-community-garden-will-be-coming-soon/

16.9 Parklife project youtube presentation

https://www.youtube.com/watch?v=R3ppVIUMjo8

16.10 Land Securities Community Charter

Landsec Community Charter website.pdf

16.11 Fairer Lewisham Duty Update, November 2021

https://councilmeetings.lewisham.gov.uk/documents/s90981/04Updateonrespon setorecsEqualitiesReviewSSCSC041121.pdf

16.12 Glossary

Term	Definition
Statement of Community Involvement	The SCI forms part of the Local Development Framework and is a legal planning requirement. It sets out the Council's policy for involving and communicating with interested parties in matters relating to the preparation and revision of local development framework documents and the exercise of the authority's functions in relation to planning applications.

Term	Definition
Local Requirements List	A published list of information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions.
Planning Register	Plans for all new developments that need planning permission are made public by the council. Lewisham upload all plans to the website.

17. Report author and contact

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18. Comments for and on behalf of the Executive Director for Corporate Resources

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