

SPECIFIC LEGAL IMPLICATIONS

APPENDIX 8 – Round 2

Ref	Title	Summary / Description	Legal implications
	Theme A: Productivity - Cuts Proformas		
A-01a	Productivity Staff Savings		Not known. This is a saving of approx. 3% across all services and it is for individual service managers to identify the measures to be taken to ensure that staff costs remain within budgets which will not increase with inflation for two years.
A-09	Support to leadership	Review of support functions for senior officers	No specific legal implications.
A-10	Election Services	Chanel shift which reduces postage, paper and door-to-door activities, which increases the productivity of the team and reduces costs.	No specific legal implications.
A-11	Legal and Governance Service Review	Redesign of legal services, elections and committee services which will involve a restructure. The proposal will combine some services/functions/roles which will result in some posts being realigned and some posts being deleted.	Any changes will need to comply with Council procedures including in relation to consultation.
A-12	Rationalising Central Education Services Function	Central Education services budget covers a range of services which support the work the Council does to support our schools including Lewisham Learning. The majority of the service is delivered through temporary agency spend on consultants to support	No specific legal implications.

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		specific education projects and school improvement work. It is proposed that there is a reduction in agency spend including the rationalising of consultancy support for targeted work and projects and to also use a bank of evidence based consultancy through procurement, rather than agency.	
A-13	CWCN Revision	The CWCN Service supports CYP and their families who have complex Special Educational Needs. All services work in a multi-agency way to support CYP and their families with SEN to achieve better outcomes. In the last couple of years there has been a dependency on making use of agency staff to deliver key aspects of the service. It is proposed that there is a redesign of the service with the explicit aim of reducing this dependency by having a secure permanent team of staff.	Any changes will need to comply with Council procedures including in relation to consultation.
A-14	Replace EP Locums / Expand Generic EP Team	In order to meet the increased demand for assessments and Education health 7 care plans and reduce our dependency on agency Educational Psychologists it is proposed to restructure the service and ensure there is increased capacity within the service and so reduced spend on agency staff.	Any changes will need to comply with Council procedures including in relation to consultation.
A-16	Reduction of Workforce Development Budget	Increased amounts of NQSW's generates income. This will be used for workforce development.	Any changes will need to comply with Council procedures including in relation to consultation.
A-17	Care Leaver Accommodation / Housing Costs	Work has already started with Housing to develop accommodation pathways for both young people under the age of 18 who become homeless (Children's Services have a statutory requirement to accommodate	No specific legal implications, beyond identified need to comply with statutory requirements set out.

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		young people in this situation) and also care leavers. It is difficult to quantify how this work with reduce costs at present but a figure assuming a 5% reduction is costs is currently assumed.	
A-18	Library and Information Service	In March/April 2021 proposals on how the service will operate post Covid will be brought to Mayor and Cabinet for consideration. This will need to reflect the financial position of the council and will be seeking a saving of between £300-500k from the Library service budget.	The Council has a statutory duty to provide a library service as per the Public Libraries and Museums Act 1964
	Theme B: Joint Working and Partnerships - Cuts Proformas		
B-11	Improved Usage of Better Care Fund Funding Across Partners	The Better Care Fund (BCF) and Improved Better Care Fund (iBCF) are funding streams that seeks to join up health and social care provision. In Lewisham the combined value of the funds is c£35m spent across health, social care and the VCS. The spend against these funds has evolved over time and so it has been agreed to undertake a strategic review of the use of the funds and release savings.	Any changes to the provision would need to take into account of obligations under the Department of Health funding, and under the s75 Agreements which relate to these funding streams; and statutory obligations to service users.
B-12	Adult Learning Lewisham	Adult Learning provides a wide range of accredited and community learning courses for adults from three dedicated centres and a range of community settings. It is primarily funded through a ring fenced grant from the GLA, however £96k of general fund subsidy that has accrued through salaries inflation allocated to the service. This proposal will remove this and will be managed through a range of back office efficiencies	To the extent that the efficiencies are about staffing approach and changes, normal procedures would apply. Otherwise no specific legal implications.

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		across the service in order to minimise the impact on learners.	
B-13	Early Years Funding Block	<p>The total of the Early Years Funding Block is currently in excess of £24.5 million. There is a requirement to pass through a high proportion of this funding, and that no more than 5% of this block can be retained. The expectation is that the 5% retained funding will be used to pay for central costs in meeting the statutory requirements of the childcare act. The 5% retention amounts to approx. £1.014 million.</p> <p>There is currently a potential to recharge associated costs that support EY from the wider CYP areas to a max of £54k based on current numbers of children accessing provision.</p>	Any approach would need to be compliant with relevant statutory guidance and internal procedures.
	Theme C: Service Reconfiguration - Cuts Proformas		
C-09	Youth Offending Service (YOS) redesign	A saving of £152,000 is proposed to the overall staffing costs across the service. Following the success of the YOS there has been a reduction in the number of young people in the criminal justice system and there are currently a number of vacant posts within the service. It is proposed that the redesign of the service will build on the successes of the service and make the reduction in staffing costs permanent.	<p>Any changes will need to comply with Council procedures including in relation to consultation.</p> <p>Otherwise there are no specific legal implications.</p>
C-10	Housing Services Review	In order to achieve a significant level of reduction in budget, this proposal is to undertake a full restructure of the Housing Needs service in order to streamline existing activity and identify areas where we can realise	<p>Any changes will need to comply with Council procedures including in relation to consultation.</p> <p>Otherwise there are no specific legal implications.</p>

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		the additional efficiencies required. This review will include a look at our processes as well as review of staffing numbers.	
C-11	Reduced Dependency on Agency Staff within Transportation Services	<p>Temporary staff are used to complement the permanent staff establishment, when necessary, in order to deliver service objectives, projects and programmes outside of normal workloads and plans or where staff of a specialist nature are required.</p> <p>The Highways & Transport Service currently have several staff members, who meet the above criteria above and are not paid for directly through specific grants or programmes from 2021/22 onwards. A saving can be achieved through releasing temporary staff and assessing the workload to ensure a continuity of service.</p>	<p>Any changes will need to comply with Council procedures including in relation to consultation.</p> <p>Otherwise there are no specific legal implications.</p>
C-12	Weight Management Services	<p>This proposal will end support to specialist Tier 2 weight management services. By re-investing some of the funding towards piloting new approaches to digital services and services targeted at BAME populations we will seek to ensure that through recommissioning for March 2022 we are able to make best use of limited resources.</p>	<p>Any equalities impacts will need to be considered fully.</p> <p>Otherwise there are no specific legal implications.</p>
C-13	Sexual and Reproductive Health Services in Primary Care	<p>This proposal is to reduce the Sexual and Reproductive Health Service Budget from £523,656 to £423,656. Planned increases in LARC activity in Primary Care would be limited to the new reduced budget.</p> <p>Within this plan we also propose to de-commission the Checkurself service which is available for young people to test specifically for Gonorrhoea and Chlamydia</p>	<p>Any equalities impacts will need to be considered fully.</p> <p>Otherwise there are no specific legal implications.</p>

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		because this is a duplication of online testing which is available through SHL for people of all ages.	
C-14	Substance Misuse Cuts (Public Health Budget)	<p>A proposed £70k cut to prescribing budgets through negotiating with South East London Clinical Commissioning Group (SEL CCG)</p> <p>A £50k cut to reduce the number of people able to access Tier 4 residential rehab (10 places)</p> <p>A £30k cut to the training, involvement and consultation budget.</p>	Any equalities impacts will need to be considered fully. Otherwise there are no specific legal implications.
C-15	Integrated Sexual and Reproductive Health Services	This proposal is to reduce the Integrated Sexual and Reproductive Health Budget from £5,222,940 to £5,072,940. Through increased use of the e-service (self-test kit ordered online, delivered to home address) which was uncapped as part of business continuity measures for Covid-19, demand will be met in a more cost-effective way.	Any equalities impacts will need to be considered fully. Otherwise there are no specific legal implications.
C-16	Reduction of Management overheads for the Social Inclusion and Recovery Service (SLaM Lewisham Community Services)	It is proposed that as a component of the Mental Health Provider Alliance Community Transformation the SIRs team be disaggregated, the roles will be integrated into the generic Community Mental Health Team retaining the functions of the team whilst reducing the overhead costs.	Any changes will need to comply with Council procedures including in relation to consultation. Otherwise there are no specific legal implications.
C-17	Re-configuration of MH Supported Housing pay –	The Social Interest group has specific contracts that are aimed at supporting those individuals with higher levels of Mental Health severity including housing and supporting individuals that are subject to detention	To the extent that achievement of the proposal would require a change to the terms of existing contracts with providers, there will need to be assessment of whether those changes can be imposed unilaterally by the Council or whether

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	Social Interest Group	under the mental health act (Penrose No Hope and Jigsaw project). Whilst demand for these services has been consistent, the level of need amongst the patient cohort has changed and in some circumstances is less severe. In addition the management charges being applied to these services are considerable. Based on the factors above we will reduce the contract value in year and through the re-commissioning process for the Mental Health supported housing pathway reconfigure the services to ensure greater efficiency and value for money in 22/23.	delivery of the outcome would have a compensation implication under the terms of the contract and/or be dependent on reaching agreement with the provider.
C-21	Early Help and Prevention Re-commissioning	<p>"This involves changes to the service offering of three parts of the wider early help offer: i) youth services; ii) children's and family centres and iii) Young People's health and wellbeing services. It is proposed that there is a reduction to the overall value of the three contracts listed below:</p> <ul style="list-style-type: none"> • As part of a move to a more targeted youth offer we aim to support Youth First through the support of a longer lease arrangement with some buildings. The Council provides additional money to support these buildings. This will be reduced by £100,000 as the expectation is that Youth First will generate increased income from the building to support its running costs • Through the development of an in-house Family support service there will be a reduction in the value of the contract for the commissioned Children's Centre service 	To the extent that achievement of the proposal would require a change to the terms of existing contracts with providers, there will need to be assessment of whether those changes can be imposed unilaterally by the Council or whether delivery of the outcome would have a compensation implication under the terms of the contract and/or be dependent on reaching agreement with the provider.

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		<ul style="list-style-type: none"> • Through the re-tendering of the Young People’s Health & Wellbeing Service there will be a small reduction in the value of the contract.” 	
C-22	Reduction to the generic Council funded CAMHS Provision	It is proposed that the LA contribution to the CAMHS generic team (Horizon) of £250,000 is withdrawn from April 2021.	To the extent that achievement of the proposal would require a change to the terms of an existing contract, there will need to be assessment of whether those changes can be imposed or whether delivery of the outcome would have a compensation implication under the terms of the contract and/or be dependent on reaching agreement with the provider.
C-23	Reduction in the Health visiting contract	"To reduce the value of the Health Visiting contract by £350,000 in 2021/22 and a further £550,000 in 2022/23. The funding currently used here from the Public Health grant would support the wider early help and prevention service for the Council. The provider would need to consider the detail of how to implement the proposed cut, although we are aware that the service routinely carries a number of vacant posts, in part due to the difficulty of recruitment in this area, some of the cut is likely to also lead to staffing reductions. We would propose that any reduction in service offer made as a result of these cuts are taken from the ‘universal’ service offer as far as is possible, ensuring that families with additional needs and vulnerabilities, or with known safeguarding concerns, are protected from any significant impact."	To the extent that achievement of the proposal would require a change to the terms of contracts with providers, there will need to be assessment of whether those changes can be imposed or whether delivery of the outcome would have a compensation implication under the terms of the contract and/or be dependent on reaching agreement with the provider.
C-24	Culture Team Salaries & Borough of Culture	"Option 1 is a small reduction to the Culture Team salaries budget removing some additional support that was provided to help the team manage Borough of Culture. The removal of this funding would require	Any changes will need to comply with Council procedures including in relation to consultation.

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		<p>Broadway Theatre staff to be deployed to the Borough of Culture Team and would mean that the Theatre would not be able to fully re-open until after Borough of Culture although some one off events at the end of 2022 could be possible. [£60k]</p> <p>Option 2 is a full reduction of the Culture Team salaries budget, leaving just one officer to act as a link between the council and the cultural sector and a part time officer to support civic events. This option would mean the closure of the Broadway Theatre and Lewisham's withdrawal from the Borough of Culture programme with the loss of £1.3m of GLA funding and a number of associated projects. [£250k]"</p>	
C-26	Reducing leisure spend – Closure of the Bridge	<p>The Bridge Leisure Centre forms part of the Leisure Contract recently awarded to Greenwich Leisure Limited (GLL) following the cessation of the contract previously operated by Fusion Lifestyle and has operated at a significant deficit over recent years. Of the six facilities within the GLL Leisure Contract, The Bridge produces the largest deficit and is in the poorest condition requiring the greatest capital investment to return it to an acceptable condition. The £400k saving is calculated as the annual cost of £100k to mothball rather than the current £500k loss which Fusion suffered. This is a reduction in the cost that would be payable by the council to GLL.</p>	<p>This will be the subject of a separate report to Mayor and Cabinet and specific legal implications will be contained in that report.</p>
C-28	Supported Housing Services	<p>"Cessation of two contracts Adult Placement Service – Mental Health</p> <p>The Adult Placement service was commissioned to provide 12 placements using a Shared Lives model to</p>	<p>To the extent that achievement of the proposal would require a change to the terms of existing contracts with providers, there will need to be assessment of whether those changes can be imposed or whether delivery of the outcome would have a compensation implication under the terms of the</p>

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		<p>support people with enduring mental health needs. This annual contract value is: £188,047 which includes £120,000 carers' payments.</p> <p>This service has not performed as intended, and has not been able to recruit and retain 12 carers. At present the service offers 4 APS placements, and diverts carers' payments for 2 service users to the in-house Shared Lives service. The funding linked with this service effects 6 service users overall.</p> <p>Parent & Child Service:</p> <p>The Parent & Child service was commissioned to provide supported accommodation to young homeless parents between the ages of 16 -25. The annual contract value is £93.554.</p> <p>This service has carried voids across the contract where there does not seem to be any clear demand from the Housing Options Team or Children's Social Care. The small amount of support funding does not enable 24 hour staff cover, and therefore cannot be used to meet the more complex needs of young people requiring more supervision. "</p>	<p>contract and/or be dependent on reaching agreement with the provider.</p>
C-29	Crime, Enforcement & Regulation Service Restructure	<p>This restructure is required to refocus generic officers into specialist areas to enable better management of staff and more effective delivery of those service areas. By restructuring and focusing officers on specific work areas (licensing & trading standards, ASB & nuisance) it will enable a more streamlined work allocation process</p>	<p>To the extent that the efficiencies are about staffing approach and changes, normal procedures would apply.</p>

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		where management can more effectively balance officer workloads and better utilise available capacity.	
C-30	Rationalisation of Business support across Education services	It is proposed to review the wider business support for Education Services which is likely to lead to a reduction in the number of staff providing this support. This would be a target saving of £70,000.	To the extent that the efficiencies are about staffing approach and changes, normal procedures would apply.
	Theme D: Assets Rationalisation - Cuts Proformas		
D-09	Education Assets	It is proposed to reprofile spend to utilise capital grant monies where possible for all spend associated with school buildings, this will allow up to £253k to be saved from the General Fund. Any income from the letting of vacant Premises Officers Houses to Lewisham Homes (£47k) to be taken as an income stream for the council rather than being re-used by the service.	No specific legal implications.
	Theme E: Commercial approach - Cuts Proformas		
E-01a	Improved debt collection		None. The specific legislation relied upon for the charging of the service / raising of the debt will be considered prior to the Council levy such charges.
E-08a	Contract Efficiencies –		To the extent that achievement of the proposal would require a change to the terms of contracts with providers, there will need to be assessment of whether those changes can be

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	inflation management		imposed or whether delivery of the outcome would be dependent on reaching agreement with the provider.
E-11	Environmental Enforcement – Use of Civil Enforcement Officers	The proposal is to supplement the Environmental Enforcement team with Civil Enforcement Officers, appropriately trained to focus on on-street littering.	To the extent that it is proposed to levy or increase charges, decisions will need to take into account statutory powers. There will also need to be full consideration of equalities impacts.
	Theme F: Better demand management - Cuts Proformas		
F-15a	Environmental Operations - Street Cleansing Option 3 – Additional 10% Budget Saving Option for year 2022 - 2023	Reduction of the Street Cleansing Service as set out in the proposal	Under Section 89(1) of the Environmental Protection Act 1990, the Council is under a statutory duty to ensure that open land under its direct control and to which the public have access is, so far as practicable, kept clear of litter and refuse. Under Section 89(2), the Council is also under a statutory duty, so far as is practicable, to ensure that public highways within its area are kept clean. In deciding what standard is required, the Council must have regard to the character and use of the land or highway, as well as the measures which are practicable in the circumstances. Under Section 89(10), the Council is also required to have regard to the code of practice published by the Secretary of State from time to time (the DEFRA Code of Practice). In particular, the code requires the Council to allocate its land into different types or "zones" which must be publicised. The code then sets out cleanliness standards for the different types of land and maximum response times for

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			<p>cleaning an area which has been littered. The duty applies seven days a week. Members of the public may complain to the Magistrates Court where they consider that there is a breach of Section 89. The code of practice is admissible in evidence and the court may take into account any relevant provision in the code of practice. The guidance is provided as a practical guide to the discharge of the duty, but it remains the case that what is appropriate in a particular instance is for the Court to agree. If the complaint is successful, a litter abatement order will be made, failure to comply with which is an offence. The court may also award costs if it is satisfied that there were reasonable grounds for bring the complaint, even if by the time the complaint is heard, the litter has been cleared away or the lack of cleanliness rectified. In considering any savings proposals in relation to these matters, the Mayor must therefore be satisfied that the Council will still be able to comply with its duties under Section 89 and the requirements contained in the code of practice.</p>
F-19	Changes to Children's Social Care Services / CYP reduction in specialist support	<p>"The budget for child placements is significantly overspending at present. This saving activity is in train already and is contributing to a reduction in the overspend in this financial year. The saving will be achieved through a reduction in court proceedings, legal advocacy and specialist assessments for court proceedings."</p>	<p>The Council is required to carry out its statutory functions in respect of Children's Social Care. Where court proceedings are necessary, the Council must therefore undertake and resource these regardless of any target to cut numbers.</p>
F-20	Emission based charging for Short Stay Parking	<p>This proposal considers the particular adverse environmental and health impacts of fossil fuel emissions on short stay parking and proposes</p>	<p>The Council has the power to introduce such measures under the Road Traffic Regulation Act 1984, as amended, and the procedure for doing so is set out in the Local Authorities'</p>

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		implementing an emission based parking regime similar to that for parking permits within Lewisham.	Traffic Orders (Procedure) (England and Wales) Regulations 1996. All income must be applied via the hierarchy specific in Section 55 of the Road Traffic Regulation Act 1984 and cannot be used to raise general Council revenue.
F-21	Road Safety – Enhanced Enforcement	<p>"To complement the proposal for the Council to enforce yellow box junctions, it is proposed that a similar programme of enforcement be undertaken to support the Councils priorities around road safety and local environment.</p> <p>The proposal is to review existing restrictions and initially enforce those with the highest number of contraventions and those contraventions where a high risk of occurrence and personal injury is highlighted. "</p>	The Council enforces moving restrictions under Civil Enforcement powers using the London Local Authorities and Transport for London Act 2003 (as amended by The Civil Enforcement of Traffic Contraventions (Consequential Amendments) (England) Regulations 2018). This specifies the signing which the Council can enforce against and issue PCNs for offences, e.g. by camera. This includes various traffic movements such as banned turns, no entry, bus only routes etc. By virtue of Section 12 of the 2003 Act, all income must be applied via the hierarchy specific in Section 55 of the Road Traffic Regulation Act 1984 and cannot be used to raise general Council revenue.
F-22	Motorcycle parking charge	<p>"Motorcycles currently park free of charge in Controlled Parking Zones (CPZs) and on any permit holder, pay-and-display or dual purpose bay within Lewisham. In addition some motorcycle parking is available in car parks.</p> <p>As part of our commitment to improve local air quality and reduce CO2 emissions in Lewisham, we are proposing to introduce parking permits for motorcycles. This is aimed at tackling air pollution from motorcycles by encouraging people to switch to less polluting models or more sustainable forms of transport. It will also bring all motorcycle parking charges in line with other vehicles, which have had emissions-based permits since last year. "</p>	The Council has the power to introduce such measures under the Road Traffic Regulation Act 1984, as amended, and the procedure for doing so is set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. All income must be applied via the hierarchy specific in Section 55 of the Road Traffic Regulation Act 1984 and cannot be used to raise general Council revenue.

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F-23	Review Transport Services to secure efficiencies / Home to School Transport	<p>"The Council has a statutory requirement to provide home to school transport for children with Educational health & Care Plan where the plan specifies a transport service. There are 2 aspects within the transport service - passenger services (Lewisham buses) and the use of taxis. The annual budget has typically overspent by £2M. The proposal is to review passenger services and use of taxis to identify a strategy to secure a reduction in spend of £250,000."</p>	<p>Proposals will need to address need to ensure compliance with statutory obligations and any legitimate expectations of service users. The consultation approach will also have to be considered.</p> <p>There will also need to be full consideration of equalities impacts.</p>
F-24	Adult Social Care Review	<p>A full scale service wide review will be completed for Adult Social Care with the objective of reducing costs whilst improving the outcomes for our residents. The review will be expected to build on the first round cuts proposed and deliver second round savings of £4m through:</p> <ul style="list-style-type: none"> • Working with our NHS partners to ensure people have access to rehabilitative therapies and recovery • Better demand management through promoting independence and supporting a strength based model, working with service users to determine how their needs are best met through the assessment process • Assessing our performance, productivity and our unit costs by benchmarking against our statistical neighbours • Improved commissioning and contract management arrangements for our domiciliary, residential, nursing 	<p>ASC is a statutory service that implements the legislative guidance accordingly. All decisions made regarding how a care and support plan are changed will be influenced by the re-assessment of needs in line with the Care Act guidance.</p> <p>There are care arrangements in place that have prioritised the choices and aspirations of individual service users and carers when considering how needs can be met.</p> <p>The re assessments of these arrangements will follow care act guidance by taking into account the strengths and assets that individuals can contribute to support themselves, for example, looking at what family and community networks can provide, and whether there are sufficient finances to self-fund support required.</p>

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		<p>and day care services to ensure the services delivered are of good quality and offer value for money</p> <ul style="list-style-type: none"> • To assess the providers in the market place to determine whether the alternative offer is better placed to meet our residents' needs (to include a review of Enablement & Linkline services – replacing F-07 & F-08) • Modernising and transforming our building based day centre provision 	