



## Mayor and Cabinet

### **Response to Public Accounts Select Committee on Budget Cuts**

**Date:** 3 February 2021

**Key decision:** No

**Class:** Part 1

**Ward(s) affected:** All

**Contributors:** Executive Management Team

### **Outline and recommendations**

Mayor and Cabinet have been asked to consider the comments of the Public Accounts Select Committee of the 2 February 2021, which incorporates the views of the respective select committees. This paper sets out the views of the Public Accounts Select Committee and officers' responses advising as to what has been undertaken, or will be undertaken, to take account of each Committee's comments.

It is recommended that Mayor and Cabinet:

- Notes the response that follows in relation to the Public Accounts Select Committee referral to Mayor and Cabinet on 2 February 2021.

### **Timeline of engagement and decision-making**

26 February 2020 – Budget report to Council

10 June 2020 – Council's response to COVID-19 – financial update report to Mayor and Cabinet (M&C)

9 July 2020 – First 2020/21 financial monitoring report to M&C

7 October 2020 – Financial stabilisation and medium term budget update report to M&C

11 November – 3 December 2020 – Select Committees reviewed and comments on draft proposals for cuts identified to date.

9 December 2020 – Mayor and Cabinet agreed that progress with identifying budget cuts, the £18.9m shortfall against the target for 2021/22 be noted, and that these be brought back in February 2021 for consideration.

2 February 2021 - Public Accounts Select Committee (PASC) collated the comments on the proposals received from Select Committees to refer to Mayor and Cabinet.

## 1. Summary

- 1.1. On 2 February 2021, Public Accounts Select Committee received a report outlining proposed cuts to address persistent service overspending pressure of £10m and the budget gap identified in the medium term finance strategy of at least £40m over the next three years. The majority, £10m overspend and £24m of cuts, are needed for the 2021/22 Budget.
- 1.2. Since the round 1 cuts proposals were considered the provisional Local Government Finance (LGFS) settlement has been announced. The impact of the settlement has reduced the 21/22 gap from £34m to £28m. If all the available measures are agreed as part of the budget, including applying the maximum council tax increases, this could reduce the requirement for cuts next year to £18m plus the overspend £10m, a total of £28m. This would close the gap, subject to the budget decisions for next year and timely delivery of the agreed cuts in full, for 2021/22 and enable the Council to set a balanced budget.
- 1.3. Public Accounts Select Committee also received and collated comments from Select Committees to refer on to Mayor and Cabinet.

## 2. Recommendations

- 2.1. Mayor and Cabinet have been asked to consider the comments of the Public Accounts Select Committee meeting of the 2 February 2021, which incorporates the views of the respective select committees. This paper sets out the views of the Public Accounts Select Committee and officers' responses advising as to what has been undertaken, or will be undertaken, to take account of each Committee's comments.
- 2.2. It is recommended that the Mayor and Cabinet:
  - Notes the response that follows in relation to the Public Accounts Select Committee referral to Mayor and Cabinet on 2 February 2021.

## Policy Context

- 2.3. The Council's strategy and priorities drive the Budget with changes in resource allocation determined in accordance with policies and strategy. The Council launched its new Corporate Strategy in 2019, with seven corporate priorities as stated below:

### Corporate Priorities

- Open Lewisham - Lewisham will be a place where diversity and cultural heritage is recognised as a strength and is celebrated.
- Tackling the housing crisis - Everyone has a decent home that is secure and affordable.
- Giving children and young people the best start in life - Every child has access to an outstanding and inspiring education, and is given the support they need to keep them safe, well and able to achieve their full potential.
- Building and inclusive local economy - Everyone can access high-quality job opportunities, with decent pay and security in our thriving and inclusive local economy.
- Delivering and defending health, social care and support - Ensuring everyone receives the health, mental health, social care and support services they need.
- Making Lewisham greener - Everyone enjoys our green spaces, and benefits from a healthy environment as we work to protect and improve our local

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environment.

- Building safer communities - Every resident feels safe and secure living here as we work together towards a borough free from the fear of crime.
- 2.4. The Medium Term Financial Strategy (MTFS), agreed by M&C on the 7 October as part of the financial stabilisation and budget update report, identified an anticipated funding gap over the next three years of at least £40m with £24m for 2021/22. Added to this there is growing evidence that the base Budget retains a persistent £10m overspend in key service areas. Since the round 1 cuts proposals were considered the provisional Local Government Finance (LGFS) settlement has been announced. If all the available measures are agreed as part of the budget, including applying the maximum council tax increases, this could reduce the requirement for cuts next year to £18m plus the overspend £10m, a total of £28m. This would close the gap, subject to the budget decisions for next year and timely delivery of the agreed cuts in full, for 2021/22 and enable the Council to set a balanced budget.
- 2.5. Not only is the Council obliged to set a balanced budget there is limited room for manoeuvre in terms of using reserves to do this. The Council's reserves will be needed to address the immediate impact of the COVID-19 health pandemic and potentially prolonged slow economic recovery on the Council's finances without further support from government, as well as any impacts arising from the UK's exit from the EU.

## Values

- 2.6. Values are critical to the Council's role as an employer, regulator, securer of services, and steward of public funds. The Council's values shape interactions and behaviours across the organisational hierarchy, between officers, and members, between the council and partners and between the council and citizens. In taking forward the Council's Budget Strategy, we are guided by the Council's four core values:
- We put service to the public first.
  - We respect all people and all communities.
  - We invest in employees.
  - We are open, honest, and fair in all we do.
- 2.7. Very severe financial constraints have been imposed on Council services with cuts to be made year on year on year, and this on-going pressure is addressed here in this report, incorporating further budget cuts for 2020/21.

## 3. Background

- 3.1. The Council's finances have been severely affected by the ongoing pandemic. The cost of coronavirus for Lewisham is estimated to be over £60m. Despite government promises early in the pandemic, up to £20m remains unfunded in this financial year with further budget pressures for future years. Officers have taken management action to make in-year savings of £5.4m as well as introducing additional spending controls. We must now begin the long, difficult process of identifying cuts of at least £40m for the next three years (to April 2024) with £24m to be cut in 2021/22 alone plus tackling the continuing overspend estimated at £10m.
- 3.2. With national restrictions now in place, the Council is acting quickly once again to protect critical services and support vulnerable residents through another very challenging period. We now face the challenge of needing to simultaneously respond to current and any future waves of the pandemic, plan for the long-term recovery of the place and set a balanced budget, establishing the financial basis for the internal recovery of the Council in the coming years. While it seems clear that the Council will

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have to rely on its reserves for some of the impact of COVID-19, reserves by their nature once used are gone. They cannot therefore also be relied on to delay or avoid the difficult budget task of bringing spending into line with available resources.

#### **4. Response to Public Accounts Select Committee comments to Mayor and Cabinet on 2 February 2021**

- 4.1. On Tuesday 2 February 2021, the Public Accounts Select Committee considered a report from officers on budget cuts proposals ([link to the agenda for the Public Accounts Select Committee meeting on 2 February 2021](#)). The Committee heard from the Cabinet Member for Finance and Resources and received a summary of the budget cuts report from the Executive Director for Corporate Resources. It also received written comments from the Healthier Communities, Sustainable Development, Children and Young People and Safer Stronger Communities select committees - following the respective committees consideration of the same report. Chairs of the Healthier Communities and Children and Young People select committees also addressed the Committee.
- 4.2. The Public Accounts Select Committee received the report on proposed budget cuts and asked questions of officers. It also received the views of the other select committees. The Committee agreed to refer its views to Mayor and Cabinet as follows:
  - *The Committee reiterates its concerns about the challenging financial situation facing the Council and it is aware of the difficult task facing officers in identifying and delivering cuts.*
- 4.3. In response to the Committee's first comment, the scale of the cuts required and the ongoing uncertainty with regards to both the long term impact of the pandemic on the borough's residents and the funding for the Council has meant that the approach to developing the officers' draft proposals for cuts this year was intentionally more strategic and collaborative. Not only at the officer level with more collaborative working at Executive Director and Director level across Directorate boundaries but also with Members through a series of sessions on each of the six themes identified to discuss and collect as many perspectives and ideas as possible.
- 4.4. As noted by the Committee, the delivery of these cuts in such a challenging financial situation has been recognised and in response Officers will be applying a programme management approach to delivery. This will ensure robust management of delivery through the use of a newly developed Lewisham PMO framework and tools, and each directorate will have the support of a dedicated Strategic Transformation and OD Business Partner, working in tandem with Finance who will provide assurance, challenge and direction on delivery, and support to ensure the most suitable approach to delivery is being taken for each proposal. Specifically in relation to ensuring that equalities implications are considered in the delivery of every cut the Business Partners will work closely with the policy and communications team to ensure that both engagement and assessment of impact in the planning of delivery is timely, meaningful and considered across the programme. This will provide join up and assurance and identify any further compounding factors that have not yet been identified at the proposal stage.
- 4.5. The new strategic governance process through Thematic Boards and overseen by EMT will provide visibility of progress, risks, challenges and robust governance of the programme as a whole. Alongside, the PMO will be monitoring and reporting on programme-wide delivery of cuts, risks and equalities impact. Clear roles and responsibilities (between the PMO and service Directors) are being drawn up in order to ensure there are clear lines of accountability.
  - *The Committee notes the views of the select committees but it recognises the need to*

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*make the cuts as proposed.*

- 4.6. The following paragraphs set out the comments and clarifications from Select Committees. Officers have provided responses to each of the Select Committees below. The Mayor and Cabinet are recommended to consider the comments of Select Committees and officers' responses.

## Healthier Communities Select Committee views

- 4.7. At its meeting on Wednesday 13 January 2021, the Healthier Communities Select Committee received a report on proposed budget cuts. Following discussion the committee resolved to refer its views to Mayor and Cabinet in the following terms:
- *In relation to proposal **B-08 Review of the Power of Attorney Service** (Round 1) the committee noted that the power of attorney service is an extremely important and trusted service to the small number of very vulnerable people who are supported by it and recommended therefore that the council continues to provide the service in-house, charging users a fair price for its provision.*
- 4.8. In response to the Committee's first comment, the Executive Director for Corporate Services has noted the Committee's comments. Officers are considering options for how this service could be delivered from next year. Costs for managing finances for residents for whom we are responsible under power of attorney are prescribed by central government and one option to cover our costs is to charge those we manage finances for under appointeeship rules. Officers are also exploring whether this service can be provided through external organisations like financial advisors, financial institutions like banks or solicitors. Officers are also exploring existing charities to determine whether or not these organisations can provide support going forward.
- *In relation to proposal **C-02, Adult Learning and Day opportunities** (Round 1) the committee noted that many service users could potentially struggle to find meaningful daytime occupation during the long breaks in adult education that there are, such as during the summer holidays. The committee recommended therefore that the council consider making adult learning available all-year round for service users.*
  - *The committee also recommended that the adult learning service work closely with the council to make sure there are appropriate job opportunities available following any training and education, and that the council consider developing a corporate approach to employing more people with disability itself, particularly those with learning disability – looking to the approach of our local partners, such as health, for guidance.*
- 4.9. The Executive Director for Community Services has noted the Committee's comments. Adult Learning Lewisham is funded by the GLA and staff are on term-time contracts. However we recognise that for some people who use this service, alternative provisions will have to be made for those with eligible needs outside of term-time. This is being developed as part of the integrated model set out in proposal C-02. Supported employment and volunteering opportunities within the Council and key partners are being explored.
- *In relation to proposal **E-04 – introduce charging for certain elements of self-funded care packages** (Round 1) the committee recommended ongoing monitoring of this change to ensure that the council's brokerage service, and bulk purchasing power, continues to provide a financial benefit for users, compared to users approaching service providers as individuals.*
- 4.10. The Executive Director for Community Services has noted the Committee's comments. Where the Council provides brokerage services to people who fully fund their own care, they benefit from quality oversight, support in making changes and benefiting

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from any reduced costs that the Council is able to secure for them. Charges will only apply to people who opt in to this arrangement.

- *In relation to proposal C-13, Sexual and Reproductive Health Services in Primary Care (Round 2) the committee expressed concerns about the possible adverse impacts of reducing LARC (Long-Acting Reversible Contraception) activity and recommended that work continues to be done to monitor and address high levels of abortions and teenage pregnancies in the borough.*

4.11. The Executive Director for Community Services has noted the Committee's comments. The Council will continue work closely with partners to monitor data on abortion levels and teenage pregnancies and to support young people and families in the borough. The Council would continue to fund existing levels of GP LARC activity and seek to ensure that residents across Lewisham are able to access LARC through their GP within their Primary Care Network.

## Sustainable Development Select Committee views

4.12. On Thursday 14 January 2021, the Sustainable Development Select Committee considered a report from officers on budget cuts proposals. Following discussion, the Committee resolved to refer its views to Mayor and Cabinet as follows:

- *Better contract management is key to a number of the cuts proposals. The Committee believes that Mayor and Cabinet should assure itself that through good organisational development and training for senior, mid and junior managers, the Council is able to effectively manage contracts at every stage of the cycle and attain the cost savings as proposed.*

4.13. The Executive Management Team has noted the Committee's comments. As part of the pressures of funding in 2020/21 the procurement service was expanded to include central contract management resourcing and capability. The team is now in place and is able to support staff at every stage of the commissioning and procurement process. This includes both training and specific support. The Council has a commissioning and contract management framework and the central team which works closely with services across the organisation providing advice and support on procurement activity for all employees of the Council. The team provides a focal point for procedures on procurement and best practice commercial approaches to help services achieve value for money for the Council. The Contracts team in Legal Services also provides advice, document drafting and guidance on the legal implications of the procurement process.

4.14. These changes were introduced as part of the organisation's response to PASC's previous reviews of commercialisation and the Council's approach, and this will continue into our developing organisational development strategy with plans to further develop the wider organisation's commercial awareness. It is recognised by EMT that the area of effective contract management is one that requires greater focus so this will also feature in training and development plans as part of the emerging organisational development strategy.

- *The Committee recommends that Mayor and Cabinet asks officers to carry out a review of the Council's online services (particularly those provided by third parties, such as online parking facilities) ensuring a good user experience and quality integration with existing systems.*

4.15. The Executive Management Team has noted the committee's comments. As part of the Council's refreshed approach to strategic transformation, across the organisation there will be a renewed focus on resident experience. This will include the use of digital to ensure resident-focused experiences are built into our online services and those of our partners. Council online parking facilities will also be reviewed to ensure good user experience and quality integration with existing systems.

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- *In relation to **proposal F22 (Motorcycle parking charges)** – the Committee recommends that, if Mayor and Cabinet is minded to agree the proposal to introduce charging for motorcycles, the Council should work with other enforcement partners to ensure those who are illegally parking on the pavement also have enforcement action taken upon them.*
- 4.16. The Executive Director for Housing, Regeneration and Public Realm has noted the committees' comments and confirms that the Council will be able to enforce parking on the public highway, including illegal parking on the pavement, making best use of our relationships and close working with our enforcement partners.
- *In relation to **proposal F20 (Emission based charging for short stay parking)** - the Committee recommends that the Council should move to a cashless parking system as soon as possible. Members of the Committee believe that £400K is too much to spend on upgrading pay and display machines. The Committee also believes that any reference in the budget cuts report to re-investment of parking charges in transport improvements should be removed – because the reality is that the Council will be using the money to support transport costs already contained within the general fund.*
- 4.17. The Executive Director for Housing, Regeneration and Public Realm has noted the committee's comments. Under current legislation (the Road Traffic Regulation Act 1984 Section 55) any surplus raised can only be spent on transport related schemes which are specified in the legislation, such as meeting the cost of providing and maintaining parking facilities, highways improvement works (including schemes to improve conditions for walking and cycling), highways maintenance (carriageway and footway), public passenger transport services - such as concessionary fares, the Freedom Pass and the Taxicard scheme - and the costs of anything approved by the Mayor of London which facilitates implementation of the Mayor's transport strategy.
- 4.18. The £400k is required to upgrade all 65 existing Pay and Display machines to be able to identify permits for motorcycles. This investment in the Pay and Display machines would not be required if a cashless parking system was introduced. Such a decision would require further development and scoping by officers and an amendment to our parking policy.
- *The Committee understands that a large cut needs to be made in waste management and street cleaning and that a comprehensive review will be done to enable this to happen in the most efficient way possible. However, it regrets that this will mean redundancies amongst the Council's lowest paid workers and it highlights that this has been imposed upon us due to Government austerity. The Committee believes that any cuts to staffing must be done with sensitivity and care. The Committee welcomes Mayor and Cabinet's response to its previous referral on staffing cuts, flexible working and redeployment and it reiterates the importance of supporting and redeploying staff wherever possible.*
- 4.19. The Executive Management Team has noted the Committee's comments. There are no blanket redundancy programmes coming forward, only those as part of service redesigns, which allows officers to carefully consider how the service needs can be met, using all of the flexibility measures - such as job shares and flexible working - within our people management framework where appropriate.
- 4.20. A key principle of the Council's Managing Change (service restructure) policy is that every endeavour will be made to avoid redundancies by considering whether it is possible to rely on natural wastage, holding vacancies and reducing the number of agency workers to make reductions. Where posts are deleted the Council will aim to retain employees' skills within the organisation, wherever possible, through the redeployment process. Organisational change will be managed and implemented in line with all legal requirements including the statutory obligation to consult with staff

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and the trade unions and relevant employment legislation

## Children and Young People Select Committee views

- 4.21. At its meeting on Thursday 21 January 2021, the Children and Young People Select Committee received a report on proposed budget cuts. Following discussion the committee resolved to refer its views to Public Accounts Select Committee in the following terms:
- *The Committee, taking into account compelling evidence of the escalating and damaging effect of the Pandemic on children and young people's mental health, warnings expressed by specialist Health Professionals, Academics, Educators, Charities, Parents and Campaign groups, and the indefinite third national lockdown along with prolonged school closures (which were not anticipated when this proposal was initially drafted) recommend not to go ahead with **Proposal C-22 (£250,000 cut in Council contribution to Children and Adolescent Mental Health Services)** in the financial year 2021/22.*
- 4.22. The Executive Director for Children and Young People has noted the Committee's concerns. Since 2018 Lewisham Council has given a high priority to supporting effective mental health services for our young people. This has included working through our partnership with the Clinical Commissioning Group (CCG) to secure improvements in funding and performance. As a result, overall funding has increased from £5.2m in 2018 to £7.1m this year (a rise of 36% in three years). The budget is expected to increase again next year, and we will continue to press for investment to reflect the needs of our young population. Alongside this, the Council has worked closely with the leadership of the South London and Maudsley (SLaM), who provide NHS CAMHS, and we have seen significant improvements to the service, performance and waiting times.
- 4.23. We are also strengthening our early intervention and prevention services, so that children and families in need can so far as possible get support before problems escalate to a level where acute NHS interventions are required. This early intervention approach has been well received and was seen as valuable by head teachers when schools welcomed back more children after the Spring 2020 lockdown. Despite these improvements, there is future uncertainty of need for NHS CAMHS support post-lockdown. There has been speculation that a prolonged school closure might impact badly on some children, although it should be noted that no such surge in demand took place over the course of last year and the previous lockdowns (referrals have remained at a similar level to previous years). However, we take this concern very seriously. Therefore officers have been asked to work up a contingency proposal that would ring fence the £250,000 reclaimed from the SLaM NHS contract against that possible post-lockdown need. If the fears of a surge in demand materialised, the Council would have the flexibility to respond wherever was most effective. For example, it is possible that the stresses of school absence might initially produce a rise in mental health concerns in schools and 'upstream' community services. It would be important to be able to respond to that. On the other hand, if our monitoring of GP referrals to NHS CAMHS showed a worrying increase on what we would normally expect, we could use our commissioning levers to liaise with NHS CAMHS to establish their capacity to respond, and recommend allocating contingency to SLaM as appropriate.
- *The Committee recommends that the **proposal C-23 (that £350,000 of the Health Visitor budget transfers to other parts of the public health budget)** is not made in the financial year 2021/22, considering the risk to families with children under 2 and our existing poor Healthy Child Programme (HCP) coverage. This would enable efforts to be made to improve contract management and recruit and retain health visitors. Failing this, Councillors can be presented with a clear plan for support which will be given to families with 0-*

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*2 year olds to achieve the goals of the HCP in terms of support and surveillance. The Committee feels strongly that a detailed comparison of the public health budget for 2020/21 and 2021/22 and understanding of prioritisation is necessary to fully understand the impact of the proposal before any decision is made.*

- 4.24. The Executive Director for Children and Young People has noted the Committee's concerns. Information about the use of the Public Health grant has been shared with Members. The contract with Lewisham and Greenwich NHS Trust is the final year of the current contract and this contract will need to be recommissioned next year. Improvements in the Healthy Child Programme will form part of the new specification. In addition, through the new Early Help and Prevention strategy we will be looking for opportunities to better align the health visiting service with wider work in this area, including with our developing Family Hubs.
- 4.25. In January 2021 we were able to confirm that the current underspend in this contract is greater than the £350,000 cut that is proposed. This is due to the difficulty in recruiting health visitors, which is a national issue. This underspend remains with the provider and cannot be used by the Council. Proposal C-23 in effect provides an opportunity for the Council to gain back the underspend to offset wider Council budget pressures. The Public Health grant is ringfenced and the saving made here will be used to contribute to the Council's Early Help budget.

## Safer, Stronger Communities Select Committee views

- 4.26. At its meeting on Thursday 14 January 2021, the Safer, Stronger Communities Select Committee received a report on proposed budget cuts. Following discussion the committee resolved to refer its views to Public Accounts Select Committee in the following terms:
- *That Lewisham Council agree in principle the proposed cuts to close the budget gap created by the Government, subject to the completion of Equalities Impact Assessments and feasibility studies as necessary.*
- 4.27. The Executive Management Team note the committee's comments. [Appendix 9 of the budget cuts report to Mayor and Cabinet](#) has an assessment of the impact that all of the cuts proposed has on the Council's corporate priorities, the impact by ward and an assessment of the overall equalities implications of these. This analysis describes the cumulative impact of the cuts on London Borough of Lewisham as a whole.
- *Where possible we would urge the Council to provide additional income generation support to partner organisations and in particular charitable, voluntary and community organisations.*
- 4.28. The Council supports the voluntary sector infrastructure through Lewisham Local. The capacity that is funded is there to support and expand the opportunities for the Voluntary and Community sector in the borough to develop sustainability and resilience. Any further support would require additional cuts elsewhere in the budget.

## 5. Financial implications

- 5.1. This report responds to the comment to Mayor and Cabinet on the Budget Cuts report for 2021/22. The report is concerned with the cuts proposals to enable the Council to address the future financial challenges it faces. There are no direct financial implications arising from the report other than those stated in the report and appendices itself.

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## 6. Legal implications

### Statutory duties

- 6.1. The Council has a variety of statutory duties which it must fulfil by law. The Council cannot lawfully decide not to carry out those duties. Even where there is a statutory duty there is often a discretion about the level of service provision. Where there is an impact on statutory duty that is identified in the report. In other instances, the Council provides services in pursuit of a statutory power, rather than a duty, and though not bound to carry out those activities, decisions about them must be taken in accordance with the decision making requirements of administrative law.

### Reasonableness and proper process

- 6.2. Decisions must be made reasonably taking into account all relevant considerations and disregarding all irrelevant matters. These are particular to the service reductions proposed and are set out in the body of the report. It is also imperative that decisions are taken following proper process. Depending on the particular service concerned, this may be set down in statute, though not all legal requirements are set down in legislation. For example, depending on the service, there may be a need to consult with service users and/or others and where this is the case, any proposals in this report must remain proposals unless and until that consultation is carried out and the responses brought back in a further report for consideration with an open mind before any decision is made. Whether or not consultation is required, any decision to discontinue a service would require appropriate notice. If the Council has published a procedure for handling service reductions, there would be a legitimate expectation that such procedure will be followed.

### Staffing reductions

- 6.3. If service reductions would result in redundancy, then the Council's usual redundancy and redeployment procedure would apply. If proposals would result in more than 20 but fewer than 100 redundancies in any 90 day period, there would be a requirement to consult for a period of 30 days with trade unions under Section 188 Trade Union and Labour Relations (consolidation) Act 1992. The consultation period increases to 45 days if the numbers are 100 or more. This consultation is in addition to the consultation required with the individual employees. If a proposal entails a service re-organisation, decisions in this respect will be taken by officers in accordance with the Council's re-organisation procedures.

### Equalities Legislation

- 6.4. The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following 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 functions, 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 those who do not.
- 6.5. It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed in the

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paragraph above. The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances. 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/advice-and-guidance/equality-act-codes-practice>
- <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

6.6. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty.
- Meeting the equality duty in policy and decision-making.
- Engagement and the equality duty: A guide for public authorities.
- Objectives and the equality duty. A guide for public authorities.

6.7. Equality Information and the Equality Duty: A Guide for Public Authorities. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

- <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1> The EHRC has also issued Guidance entitled “Making Fair Financial Decisions”.
- <https://www.equalityhumanrights.com/en/advice-and-guidance/making-fair-financial-decisions>. It appears at Appendix 4 and attention is drawn to its contents. The equalities implications pertaining to the specific service reductions are particular to the specific reduction.

### **The Human Rights Act**

6.8. Since the introduction of the Human Rights Act 1998 (HRA) the rights set out in the European Convention on Human Rights (ECHR) have been incorporated into UK law and can be enforced in the UK courts without recourse to the European courts. Those articles which are particularly relevant in to public services are as follows:

- Article 2 - the right to life
- Article 3 - the right not to be subject to inhuman or degrading treatment
- Article 5 - the right to security of the person

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- Article 6 - the right to a fair trial
  - Article 8 - the right to a private and family life, home and correspondence
  - Article 9 - the right to freedom of thought, conscience and religion
  - Article 10 - the right to freedom of expression
  - Article 11 - the right to peaceful assembly
  - Article 14 - the right not to be discriminated against on any ground The first protocol to the ECHR added
  - Article 1 - the right to peaceful enjoyment of property
  - Article 2 - the right to education
- 6.9. Some of these rights are unconditional, such as the right not to be tortured or subject to degrading treatment. Others may be limited in finite and well defined circumstances (such as the right to liberty). Others are qualified and must be balanced against the need of the wider community – such as the right to a private and family life. Where there are human rights implications associated with the proposals in this report regard must be had to them before making any decision.

#### **Best value**

- 6.10. The Council remains under a duty under Section 3 Local Government Act 1999 to secure continuous improvement in the way its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. It must have regard to this duty in making decisions in respect of this report.

#### **Specific legal implications**

- 6.11. Members' attention is drawn to the specific legal implications arising in relation to particular proposals set out in the relevant proforma in Appendices 2 to 7 of this report and Appendix

## **7. Equalities implications**

- 7.1. A detailed policy and equality implications have been appended to the report to Mayor and Cabinet as Appendix 9.

## **8. Climate change and environmental implications**

- 8.1. Section 40 Natural Environment and Rural Communities Act 2006 states that “every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions to the purpose of conserving biodiversity” The specific climate change and environmental implications identified as arising from the current cuts proposals will require further consideration, however, those flagged as likely to impact positively on our ability to conserve biodiversity are: E-11, F-15a, F-20, F-21 and F-22.

## **9. Crime and disorder implications**

- 9.1. Section 17 of the Crime and Disorder Act 1998 requires the Council to have regard to the likely effect on crime and disorder when it exercises its functions, and the need to do all that it reasonably can to prevent crime and disorder in its area.
- 9.2. Whilst there are no specific crime and disorder implications as yet identified as arising from the current cuts proposals, a number of these will require further consideration as to whether these will impact either positively or negatively on our ability to reasonably prevent crime and disorder. These are cuts C-09 and C-29.

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## 10. Health and wellbeing implications

- 10.1. The specific health and wellbeing implications identified as arising from the current cuts proposals will require further consideration, however, those flagged as likely to impact either positively or negatively on the health and wellbeing of residents or service users are: A-13, B-11, C-12, C-13, C-14, C-15, C-16, C-17, C-21, C-22, C-23, C-26, C-28 and F-24.

## 11. Glossary

Term	Definition
CPZ	Controlled Parking Zone
CSR	Comprehensive Spending Review
DSG	Dedicated Schools Grant
ECHR	European Convention of Human Rights
EMT	Executive Management Team
FFR	Fair Funding Review
GF	General Fund
GLA	Greater London Authority
HR	Human Resources
HRA	Housing Revenue Account
LGA	Local Government Association
LGFS	Local Government Finance Settlement
M&C	Mayor & Cabinet
MHCLG	Ministry for Housing, Local Government and Communities
MTFS	Medium Term Financial Strategy
PASC	Public Accounts Select Committee
PMO	Programme Management Office
SLT	Senior Leadership Team (EMT plus Directors)
VFM	Value for Money

## 12. Report author and contact

- 12.1. Charlotte Parish, Principal Officer – Policy, Service Design and Analysis

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