

MINUTES OF THE OVERVIEW AND SCRUTINY BUSINESS PANEL

Tuesday, 16 November 2021 at 7.05 pm

IN ATTENDANCE: Councillors Paul Maslin, Peter Bernards, Juliet Campbell, John Muldoon and Luke Sorba.

MEMBER(S) UNDER STANDING ORDERS ALSO IN ATTENDANCE:
Councillor Stephen Penfold (Vice Chair – Housing Select Committee).

MEMBER(S) OF THE PANEL ALSO JOINING THE MEETING VIRTUALLY: Councillors:
Louise Krupski, Joan Millbank, Susan Wise and Mark Ingleby.

MEMBER(S) UNDER STANDING ORDERS ALSO JOINING THE MEETING
VIRTUALLY: Councillors Chris Best (Deputy Mayor and Cabinet Members for Health and
Social Care, and Paul Bell (Cabinet Member for Housing and Planning)

NB: Those Councillors listed as joining virtually were not in attendance for the purposes
of the meeting being quorate, any decisions taken, or to satisfy the requirements of s85
Local Government Act 1972.

OFFICER(S) ALSO JOINING THE MEETING VIRTUALLY:
Executive Director of Community Services, Director of Adult Joint Commissioning
(National Health Services Lewisham Clinical Commissioning Group), Assistant Director
(Integrated Commissioning), Director of Housing, Head of Strategic Development, Head
of Housing Partnerships and Strategic Improvements, Planning Development and Land
Manager, Business Partner (Financial Services), Assistant Chief Executive, Head of
Scrutiny, and Head of Committee Business.

Clerk: Senior Committee Manager.

An apology for lateness was received on behalf of Councillor Peter Bernards.
Councillors Luke Sorba and Joan Millbank gave apologies for leaving early.

1. Minutes

RESOLVED that the minutes of the open meetings of the Overview and Scrutiny
Business Panel held on 28 September 2021 and 12 October 2021, be confirmed
as accurate records.

2. Declarations of Interest

Councillor Luke Sorba declared an interest in respect of item 4, as the Council's
appointee to the South London and Maudsley National Health Service Trust, an
organisation that is involved in the drug and alcohol contract decision, which he
had requested should be submitted for further consideration by the Panel.

3. Key Decision Plan

The Head of Committee Business introduced the Key Decision Plan report to the Panel, and it was

RESOLVED that the report be noted.

4. Decisions by Mayor and Cabinet on 3 November 2021

Councillor Paul Maslin, Chair of the Panel announced that he had received requests for the Panel to consider three decisions made by the Mayor and Cabinet on 3 November 2021 as follows:

- Award of Contract Drug and Alcohol Services (Core Contract) **Part 1 (open) and Part 2 (closed)** – from Councillor Luke Sorba
- Shared Ownership: Approval to Market, Sell and Manage – from Councillor Louise Krupski; and
- Consultation Results and Feedback on Proposed New Parking Arrangements on Housing Estate Land **Part 1 (open) and Part 2 (closed)** – from Councillor Mark Ingleby.

1. Award of Contract Drug and Alcohol Services (Core Contract)

Councillor Sorba addressed the meeting in relation to the “Award of Contract Drug and Alcohol Services (Core Contract)” Item, advising that the issues he wanted to address could fall into Part 2 of the report upon which the Mayor and Cabinet decision was based.

The meeting noted that under Section 100(A)(4) of the Local Government Act 1972, the press and public should be excluded from the meeting on the grounds that the matter could involve the likely disclosure of exempt information as defined in paragraphs 3, 4 and 5 of Part 1 of Schedule 12(A) or the Act, as amended by the Local Authorities (Executive Arrangements) (Access to information) (Amendments) (England) Regulations 2006.

The Chair directed that the meeting should move into a “closed” session to consider the matter, and that was at 7.10pm.

Officers who responded to questions raised by Councillor Sorba were the Executive Director of Community Services, Director of Adult Joint Commissioning (National Health Services Lewisham Clinical Commissioning Group), and Assistant Director (Integrated Commissioning). Councillor Chris Best, Deputy Mayor and Cabinet Member for Health and Social Care was in attendance, and also responded to questions raised.

Members noted that the current Core Contract was due to expire on 31 March 2022, and Officers had undertaken a full review and developed proposals to better meet the need of users. Thus, the recommendations that informed the Mayor and Cabinet’s decision were in relation to the procurement approach, which consisted of an open tender exercise for a

three-year contract, with two one-year's extension options. Members also received an assurance that the approach taken by Officers would deliver best value and provide stability within the treatment system. Information that the nature of the contract would allow flexibility in responding to a changing policy landscape was welcomed by Members.

The meeting resumed into an open session at 7.17p.m.

2. **Shared Ownership: Approval to Market, Sell and Manage**

In addressing the meeting following her request, Councillor Krupski welcomed the Council's effort to develop policies aimed at delivering housing for the benefit of Lewisham's residents, and she enquired about the level of engagement undertaken to support the review of the Shared Ownership arrangements. In response, the Head of Strategic Development confirmed to the Panel that the approaches to marketing of Shared Ownership homes would be determined on a site-by-site basis. Notwithstanding that, the Council had taken an approach to utilise local media in the first instance as a means of encouraging local those homes.

Councillor Krupski continued by expressing a concern that the first tranche of shared ownership homes at the Creekside development would be sold under the 2018-2022 Greater London Authority (GLA) Shared Ownership model, and be exempted from any changes resulting from the most recent 'Right to Shared Ownership' guidance. In light of that, Councillor Krupski asked if the Council could, as part of the review, develop a bespoke contract to enable those residents to leave their housing contracts without incurring debts. Councillor Krupski also asked whether the Council could develop a flexible mechanism for those home owners to staircase. In response, Councillor Paul Bell, Cabinet Member of Housing and Planning advised the Panel that it would be financially unviable to retrospectively include the existing Creekside development scheme in the new reforms of the shared ownership regime announced by the UK Government in 2020. Councillor Bell stated that some improvements those residents where it would not impact on financial viability. As an indication, instead of the current 125 years' lease term, the Council could a 999 years' lease term.

Commenting on the response from Councillor Bell, Councillor Krupski commented that she could understand the issue about financial viability of contracts, but remained concerned that nothing could be done by the Council to enable residents on the Creekside development to staircase in smaller increments if they so wish.

Councillor Krupski then enquired about safeguards the Council had in place for managing maintenance contracts for the benefit of its shared homeowners. In response, Councillor Bell confirmed to the Panel that because the Council was working with developers as part of its manifesto to deliver quality homes of a sufficient standard for the benefit of Lewisham's residents, it was unlikely for those housing units to acquire major maintenance problems, other than issues of minor repairs.

The Head of Strategic Development echoed statements by Councillor Bell, advising the Panel that the Council was keen to ensure that residents in shared ownership homes experience a high quality housing management service from Lewisham Homes. It was confirmed that as part of the Council's variation of the management agreement review with Lewisham Homes, officers were taking into account Members' suggestions from discussions at meetings of the Housing Select Committee on matters relating to marketing, selling, reselling, maintenance, and staircasing of shared ownership homes.

Continuing with her response, the Head of Strategic Development confirmed to the Panel that because the work to identify what kinds of level of care and responses to provide to shared homeowners would be on-going, officers would be developing Key Performance Indicators to monitor and strengthen the delivery of maintenance and repairs service after the shared home owners had purchased their properties. It was stated that the pathway for residents to contact Lewisham Homes if they encountered problems after entering into their shared home ownership contract would be circulated to Members after the review. Councillor Bell added that input from Members of the Housing Select Committee on the matter would be welcomed in due course, in order to help the Council assess the shared ownership policy after implementation.

Action: Head of Strategic Development
Action: Scrutiny Team

The meeting noted questions of a political nature from Councillor Stephen Penfold, the Vice Chair of the Housing Select Committee. In response, Councillor Bell stated that he was supportive of good decision-making, and would continue to welcome discussions on any aspect of the report under consideration by Members of the Overview and Scrutiny Business Panel as a means of effective scrutiny and policy-making. Councillor Bell stated that it should however be noted that the Council had to deliver on its housing manifesto and corporate strategy. Thus, it was his decision alone, as Cabinet Member for Housing and Planning, to not take the report under consideration to the Housing Select Committee because the proposals were commercially sensitive and urgent in nature.

On behalf of the Panel, the Chair acknowledged that there could be instances when the scrutiny process would not be the best approach for dealing with reports because of the urgency of decisions to be taken. However, it should be noted that scrutiny Members' aspirations remained to willingly work with the executive in developing alternative arrangements for proper oversight of decisions and contribution to policy development.

Continuing with his response to political questions from Councillor Penfold, Councillor Bell advised the Panel that the Labour Party would continue to oppose the right-to-buy policy because it does not enable councils to build new homes, and was failing local people considerably. In particular, private landlords owned about 40 per cent of homes sold under the right-to-buy policy across London.

Councillor Bell expressed a view that when developing housing schemes, it was sensible to consider what the Council could deliver, and how much it could add, negatively or positively, or breakeven, to the Housing Revenue Account. He stated that although the earlier model of shared ownership policy gave more rights to the freeholder, the new arrangements recently announced by the Government had provided opportunity for the Council to develop a scheme that would enable local people who would not necessarily qualify for the Housing Register to have home ownership. Councillor Bell stated that he welcomed the fact that instead of private out-right sale, the new shared ownership model, when applied effectively, would provide aspirations for tenants.

Commenting on the response by Councillor Bell, Councillor Penfold expressed a view shared ownership was a misnomer because tenants would not own any equity until they had staircased 100 per cent under their purchase agreement. Thus, it would not be aspirational for Council tenants to purchase homes under the shared ownership scheme, when they know that they could benefit from considerable discounts, and receive 100 per cent of the title deeds of their homes under the right-to-buy policy.

In response to views expressed by Councillor Penfold, Councillor Bell asked that the Panel should note that even with the discounts offered under the right-to-buy policy, not all Council tenants would be able to purchase their properties. Therefore, the Council would continue to support its tenants by providing an opportunity for those who would not necessarily have the means to purchase 100 per cent of their homes.

The Head of Strategic Development responded to questions from Councillor Penfold on operational matters, clarifying to the Panel that the mechanisms available to support residents with shared ownership contracts were not dissimilar to other social tenants. It was stated that in addition to other services, the Council was working with tenants who were experiencing financial difficulties to develop payment plan agreements as means of helping them out of rent arrears. The Panel also noted that where necessary, the Council would support shared home owners to downward staircase, so that they would continue to maintain a share of their properties.

Councillor Bell added that the Council would continue to support its residents by working within its legal and financial powers, and with certain exceptions, would engage in a new policy around pepper-potting in order to make the management of Lewisham Home exemplary.

On the issues of 'right to manage' and repayment of capital, the Head of Strategic Development informed the Panel that those issues formed part of the legal advice the Council was seeking as part of the reform, and an update would be circulated to Members in due course.

Action: Head of Strategic Planning

Councillor Susan Wise highlighted her experience in supporting the Council's efforts to deliver homes to residents, and she welcomed information that a policy about pepper-potting would be developed as part of the current review.

Councillor Peter Bernards also expressed a view, highlighting to the Panel that assumptions should not be made when promoting social housing, as some tenants might not be in a position to purchase their own homes. Councillor Bernards stated with the various housing schemes available, the Council should be mindful to ensure equity in the allocation of social housing to residents on its housing waiting list.

The meeting also noted Councillor Bell's response to closing remarks from Councillor Krupski that when compared to housing associations, the Council's democratic control was one of the checks and balances in place to ensure the management of its housing policy after implementation. Councillor Bell also gave an assurance to the Panel by reiterating that instead of out-right sale to homeownership, the Council would continue to offer shared ownership within its eligibility criteria as an option, and in particular to protect its properties from purchases by social landlords.

3. Consultation Results and Feedback on Proposed New Parking Arrangements on Housing Estate Land

Councillor Ingleby addressed the meeting in relation to the "Consultation Results and Feedback on Proposed New Parking Arrangements on Housing Estate Land" Item, advising that the issues he wanted to address were in Part 2 of the report upon which the Mayor and Cabinet decision was based.

The meeting noted that under Section 100(A)(4) of the Local Government Act 1972, the press and public should be excluded from the meeting on the grounds that the matter could involve the likely disclosure of exempt information as defined in paragraphs 3, 4 and 5 of Part 1 of Schedule 12(A) or the Act, as amended by the Local Authorities (Executive Arrangements) (Access to information) (Amendments) (England) Regulations 2006.

The Chair directed that the meeting should move into a "closed" session to consider the matter, and that was at 8.13pm.

The questions raised by Councillor Ingleby were in relation to Cycle Hangars, and the use of a possible generic use of a Traffic Management Orders going forwards for non- Housing Estate areas, with a view to save time and money for the implementation across the Borough.

The meeting resumed in open session at 8.16pm.

RESOLVED that the report be noted.

5. Scrutiny Update Report

The Head of Overview and Scrutiny introduced the report to the Panel, advising that next cycle of scrutiny meetings to commence in January 2022 would be considering budget cuts proposals. The Panel also noted that the next meeting of the full Overview and Scrutiny Committee would take place on 30 November 2021 to consider the climate emergency and the Future Lewisham theme, “A Greener Future”. It was stated that an update on the implementation of the recommendations on improving the resident experience would also be provided at the November meeting. The Head of Overview and Scrutiny concluded by providing an overview of the work of the Council’s task and finish groups to the Panel. It was noted that that the programme of task and finish groups were all progressing well, and a large number of evidence and engagement sessions had taken place.

The Panel also noted comments from Councillor Muldoon that an all-Members’ briefing should be held early in 2022 to consider the Health Bill that was currently going through Parliament. Councillor Muldoon also informed that spaces were still available for Members’ registration to attend the annual conference organised by the Centre of Governance and Scrutiny on 1 December 2021. He also reported that at the last meeting of the London Scrutiny Network, amongst other issues, resident engagement by housing providers was discussed.

Commenting on the date for the conference, Councillor Ingleby pointed out that it should be noted that the Public Accounts Select Committee would be meeting on 1 December 2021 to consider the Council’s Capital Programme initiatives.

RESOLVED that the report be noted.

The meeting closed at 8.19pm.

Chair