

Appendix 7

Specific Legal Implications – new proposals

Reference	Description	Savings 2022/23 £'000	Legal implications
	Theme C: Service Design		
C-35	Specialist social care support review	177	No specific legal implications
C-36	Reduction in cost of commissioned care leaver housing	600	No specific legal implications
C-38	Strategic development team cost capitalisation	100	No specific legal implications
C-39	Aligning the Kickstart scheme with Government plans	25	No specific legal implications
C-40	Substance misuse - contract review and staffing	92	No specific legal implications
C-44	Removal of graffiti from private property	5	The Council can address offences which have a negative impact on a community's quality of life by serving a Community Protection Notice (CPN) in accordance with Section 43 of the Anti-Social Behaviour, Crime and Policing Act 2014. Any behaviour that is detrimental to a community's quality can result in a CPN. This can include offences such as noise nuisance, rubbish on private land, graffiti and antisocial behaviour. A CPN can be issued to an individual aged 16 or over if an authorised person is satisfied that the behaviour: has a detrimental effect on the quality of life of those in the locality; is unreasonable and is of a persistent nature. A written warning must first have been given.

	Theme D: Asset Optimisation		
D-10	Commercial Estate Review	0	No specific legal implications
D-11	Business Rates revaluation of Council owned premises	100	No specific legal implications
D-12	Asset Use Review and Regularisation	0	Where there are existing leases, the Council may only make changes where this is permitted by the lease. If there is no provision in an existing lease for rent review, the Council is unable to make changes to the rent during the lease term.
D-13	Review of commercial opportunities for nurseries within children's centres	11	There is a statutory duty to consult on any proposal to cease using a building as a children's centre. Any proposal is therefore expressly subject to that consultation and a decision on closure being taken by Mayor & Cabinet.
D-14	Facilities Management	0	No specific legal implications
	Theme E: Commercial Approach		
E-12	Building Control Service Efficiency	20	No specific legal implications
E-14	Changes to leisure concessions for older people	95	No specific legal implications
E-15	Seek corporate sponsorship for Festive Lighting	30	No specific legal implications
	Theme F: Demand Management		
F-25	Road Safety – New Yellow Boxes	150	London Boroughs enforce moving traffic violations by virtue of the London Local Authorities and Transport for London Act 2003. Levels of fines are fixed London wide via the joint committee with the London Boroughs and TfL and have

			<p>to be set having taken into account of</p> <p>(a) any reasonable costs or expected costs incurred or to be incurred in connection with the administration of the provisions of the enactment under which the particular fixed penalty offence is created; and</p> <p>(b) the cost or expected cost of enforcing the provisions of the relevant enactment.</p>
F-26	Subscriptions	20	No specific legal implications

Specific Legal Implications – previously agreed proposals

Reference	Description	Savings 2022/23 £'000	Legal implications
	Theme A: Productivity		
A-01	Productivity Staff Savings	3,000	No specific legal implications
A-02	Enforcement Review – New Ways of Working	50	No specific legal implications
A-03	Review of work related travel arrangements to reduce costs	150	There will need to be a procurement process to identify a car and bike club scheme that would partner up with the Council
A-04	Process automation in Revenues and Benefits	100	No specific legal implications
A-06	Process automation in Revenues and Benefits	400	No specific legal implications

	Theme B: Joint Working and Partnerships		
B-02, C-03, E-06, F-03, F-05	Changes to Children's Social Care services	600	No specific legal implications
B-06	Main Grants Programme	800	Full legal consideration will be given as the proposals are developed. It is clear as stated in the proposal that there will need to be consultation and full consideration will need to be given to the potential equalities impacts both when formulating the detailed proposals and when taking future decisions.
B-07	Council Events	30	No specific legal implications
B-10	Assemblies	178	The Assembly Programme is part of the Council's Constitution so this proposal, if accepted, would require that document to be amended.
	Theme C: Service Reconfiguration		
C-02	Day Service and Supported Learning integration	100	Legal implications will depend on the detailed approach to be taken, but it is likely that matters to be considered will include consultation requirements, consideration of equalities impacts and (where appropriate) contract change.
B-02, C-03, E-06, F-03, F-04, F-05	Changes to Children's Social Care services	215	No specific legal implications
C-07	Review of Short Breaks delivery	50	No specific legal implications
C-08	Mobile Telephony	10	No specific legal implications
C-10	Housing Services Review	300	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 –	150	To the extent that achievement of the proposal would require a change to the terms of existing contracts with

	Social Interest Group		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.
C-28	Supported Housing Services	84	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 contract and/or be dependent on reaching agreement with the provider.
	Theme D: Assets Rationalisation		
D-02, D-05, D-07, D-08	Generating greater value from Lewisham's asset base – Miscellaneous Items	140	The Council's functions in respect of homelessness are contained in Part 7 of the Housing Act 1996. A tenancy granted to a homeless household as part of any function under Part 7 of the Housing Act 1996 will not be secure, unless the local authority has notified the tenant that it is to be regarded as a secure tenancy. This enables the Council to grant short term non secure tenancies of TA for people where the Council is exercising its functions under Part 7.
D-06	Catford Campus - Estate Consolidation	697	Local authorities are required to holding public meetings in person. Unless the legislation is amended and the Council also agrees to move to virtual meetings, any proposal to mothball the Civic Suite will need to ensure that the Council will continue to be in a position to hold public committee meetings.
	Theme E: Commercial approach		

E-01	Improved debt collection	250	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-02	Income from Building Control	15	No specific legal implications
E-05	Traded Services with Schools	50	Detailed proposals will need to take account of the Council's statutory obligations and powers to trade and make charges.
B-02, C-03, E-06, F-03, F-04, F-05	Changes to Children's Social Care services	100	No specific legal implications
E-07	Housing – Bring rents for Private Sector Lease (PSL) and Private Managed Accommodation (PMA) in line with London Housing Allowance.	375	No specific legal implications
E-09	Realising the Benefits of the Oracle Cloud Solution	100	To the extent that the proposal is for the onward selling of some services to schools consideration will need to be given to the Council's powers to undertake that activity, at the point more detailed proposals are formulated.
	Theme F: Better demand management		
F-02	Changes to Children's Social Care services	500	No specific legal implications
B-02, C-03, E-06, F-03, F-04, F-05	Changes to Children's Social Care services	250	No specific legal implications
F-15	Street Cleansing – 5% Budget Saving Option for year 2022 – 2023	330	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

		<p>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 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>
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F-15a	Environment – environmental operations review	567	See F15
F-17	Road safety enforcement	250	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.
F-20	Emission based charging for Short Stay Parking	120	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.
F-21	Road Safety Enforcement	375	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 Schedule 2 of the 2003 Act (similar to Section 55 of the Road Traffic Regulation Act 1984) and cannot be used to raise general Council revenue.

F-22	Motorcycle parking charges	80	<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.</p>
F-24	Adult Social Care cost reduction and service improvement programme	430	<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>

