

<b>Item No.</b> 9.	<b>Classification:</b> Open	<b>Date:</b> March 28 2007	<b>Meeting Name:</b> Council assembly
<b>Report title:</b>		Motions – Comments from officers	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Director of Legal and Democratic Services	

**1. MOTION FROM COUNCILLOR PAUL NOBLET** (seconded by Councillor Mackie Sheik)

Please note that, in accordance with council assembly procedure rule 3.10(3), council assembly shall consider this motion.

**Legal Aid**

Council assembly notes:

- (1) The plans by the government, led by Harriet Harman MP and other ministers, for changes to the funding regime for legal aid cases;
- (2) That changes will involve a move towards national fixed fees on a 'type of law' basis with no additional London weighting;
- (3) That the demands on legal aid have increased sharply since 1997 as a result of the increased number of offences on the statute book; and,
- (4) That spending on civil legal aid has fallen in real terms by over 20% since 1997; and,
- (5) That nine legal firms in Southwark have stopped undertaking legal aid cases in the past 12 months due to past changes in the funding regime and that this represents a fall of 43%.

Council assembly believes:

- (6) That higher costs and longer case lengths in London will act as a disincentive to firms to undertake legal aid work under the new funding regime;
- (7) That black and ethnic minority firms are worried that they may be forced into mergers, which interfere with their identity or that leading lawyers will no longer be able to head up firms, providing important role models for their communities;
- (8) That fewer firms undertaking legal aid will have an adverse effect on the residents of Southwark who will find it more difficult to find a solicitor willing to take on their case;
- (9) That the cost of providing services for people for whom English is not a first language is likely to be higher and consequently that fewer firms will be willing to take them on; and,
- (10) That black and minority ethnic populations could suffer disproportionate cuts in their access to services as a result of these changes.

Council assembly resolves:

- (11) To ask the executive to campaign to urge Harriet Harman MP and the government to halt the move towards the fixed fee funding regime for legal aid cases; and,
- (12) To ask the executive to make local groups who have an interest in these matters aware of the changes and the potential effect on them and to urge them also to have their say.

### **Comments of the Strategic Director (Regeneration and Neighbourhoods)**

Southwark Council and the Southwark Community Legal Services Partnership (CLSP) has been aware of the planned changes to the funding regime for legal aid cases since the government's publication of Legal Aid: A sustainable future in July 2006.

The council has facilitated local consultation with partners on the implications of the proposed changes for the delivery of legal aid services in Southwark. This has been informed by the views of national network organisations including Citizens Advice, Law Centres Federation, Advice Services Alliance, Advice UK and individual law firms.

The council and partner agencies have taken a number of actions to draw the government's attention to the potential negative impact on the supply of legal aid services in Southwark.

The council as a major funder of legal advice services submitted a response to the Legal Services Commission consultation expressing the following concerns:

- The proposed reforms will reduce the number of legal aid firms offering legal aid advice in Southwark;
- The proposal to implement a national fixed fee model fails to take account of higher costs in London and higher levels of need;
- The implementation of fixed fees is likely to act as a disincentive for complex cases involving the most vulnerable clients being taken on;
- An audit of advice needs in Southwark found that there are significant levels of unmet need for generalist and specialist legal advice;
- The viability of not for profit advice organisations may be threatened by the loss of legal aid contracts;
- The loss of legal aid suppliers and contracts is likely to increase the number of people in Southwark facing social exclusion.

In addition London Councils' Community Legal Services Forum, representing London local authorities, has written to Martin Seel, Director of London & South East Legal Services Commission to argue that the proposal to implement a national fixed fee funding model would be detrimental to the supply of legal aid in London.

At the Southwark CLSP on the October 10 2006, Pierce Glynn solicitors attended to explain the impact that the changes would have on the provision of legal aid services by private practitioners, and to invite advice providers to attend a meeting that had been arranged with Harriet Harman MP, from the Department for Constitutional Affairs. The meeting took place on December 11 and was attended by Southwark solicitors firms, advice agencies and the council's community legal service (CLS) officer.

Those present put forward the case against national fixed fee funding, and asked that in the event the changes went ahead, that consideration be given to tempering the likely detrimental impact on Southwark (and London) by introducing a system of premiums linked to identifiable need, that would reduce the disincentive to take on the most complex cases.

Harriet Harman replied to the points made by Southwark's delegation in a letter dated January 15, addressed to the Director of Southwark Law Centre.

Simon Hughes MP met with the legal aid firms and advice providers on the January 18 to hear their concerns. He has arranged to visit a number of the providers to examine what effect the changes will have on current practice.

Further to the meeting with Harriet Harman, a delegation from Southwark met with the government minister with responsibility for legal aid, Vera Baird on March 5, again to raise concerns.

**Note:** If the motion is agreed, any proposals will be submitted to the executive for consideration.

**3. MOTION FROM COUNCILLOR CAROLINE PIDGEON** (seconded by Councillor Bob Skelly)

Please note that, in accordance with council assembly procedure rule 3.10(3), council assembly shall consider this motion.

**Southwark Schools for the Future**

Council assembly welcomes:

- (1) The commitment from the Executive to providing the best possible learning environment for Southwark's children and young people;
- (2) The detailed pupil place planning work which shows the need for additional secondary school places, particularly in the north of the borough;
- (3) The exceptional performance by Southwark pupils and many schools, in particular Boutcher, Beormund and Cobourg primary schools which came at the top of their respective league tables;
- (4) The success of Southwark's bid to the Department for Education and Skills (DfES) for approximately £186 million for state of the art school buildings through the Southwark Schools for the Future programme
- (5) The addition of £20 million of Southwark's own capital funds to the schools building programme; and,
- (6) The commitment to opening a temporary site for the new Harris Boys Academy East Dulwich for September 2008 and on its permanent site in September 2009.

Council assembly believes that the best way of ensuring that every Southwark child receives the best possible education is for all local schools to be of a high quality.

Council assembly requests the executive:

- (7) To continue to work with the Harris Foundation and other interested parties to ensure that the new Harris Boys school opens on its temporary site in September 2008 and on its permanent site in September 2009;
- (8) To press ahead with the plans for a new secondary school in the Rotherhithe area and another in the Walworth area, to ensure that the borough meets the projected demand for secondary school places;
- (9) To ensure that one of the new secondary schools is an eco-school, where the environment and sustainability is at the heart of the curriculum, as well as the build and to press the government to release funds to build schools to higher eco-standards;
- (10) To ensure where possible, that school facilities are opened up to the wider community out of school hours, ensuring that schools are genuinely at the heart of the community and a resource for adult and family learning; and,
- (11) To lobby the government finally to change the legislation to ensure that VAT is not payable on new school buildings if they are rented out to community groups for extended school activities.

### **Comments of the Strategic Director (Children's Services)**

The Southwark Schools for the Future programme is an exciting, transformational programme intended to accelerate progress in improving learning outcomes for Southwark's children.

The Department for Education and Skills (DfES) funding will allow Southwark to complete capital investment projects in all secondary schools (mainstream and special) that have not received investment to date. The investment will focus on delivering high quality learning environments and state of the art ICT facilities. It will also allow us to reorganise special schools which will maximise the impact of Southwark's inclusion strategy. This is a once in a lifetime opportunity for the borough of Southwark to significantly improve the educational environment for our children and young people.

It is the council's intention that all these schools will have an extensive community programme and changes to the VAT regime around school lettings could only encourage greater community usage. It is our intention to work with the developers to include sustainability as a key aspect in all contracts.

**Note:** If the motion is agreed, any proposals will be submitted to the executive for consideration.

#### **4. MOTION FROM COUNCILLOR VERONICA WARD** (seconded by Councillor Martin Seaton)

Please note that, in accordance with council assembly procedure rule 3.10(3), council assembly shall consider this motion.

### **Youth Provision**

Council notes that Southwark already spends more money on youth services than many other boroughs and that some additional funds were provided for in the budget.

Council assembly notes evidence of dissatisfaction with services provided highlighted in the MORI poll of service users presented to the executive in November 2006.

Council notes that some voluntary organisations, often black and minority ethnic (BME) groups, providing a wide variety of provision are underfunded and struggling to maintain vital support they are giving to young people within their own communities.

Council assembly notes the present Young Southwark and partnership initiatives and the hard work of many staff, agencies and members of the local community in working together and listening to young people.

Council believes there is evidence of a mismatch between services provided and activities that young people can and want to use. Overall use of resources needs to be examined.

Council assembly recognises that young people and their parents will look for a wide variety of appropriate services and activities – some through extended school activities, some through local leisure centres, churches, tenant and resident associations (T&RAs) and the many voluntary and community groups, theatre, sports and art groups in the borough.

Council assembly believes that the youth service has a coordinating and supportive role as well as providing many activities both centre based and through outreach.

Council assembly also believes that the channels for direct involvement by young people in decisions made about activities for them should be strengthened, mainstreamed and formalized, so that their views directly influence the planning of youth services.

Council assembly therefore calls on the executive to carry out a full review of all current youth provision in the borough that listens to young people and those working with young people, taking an overview of all provision and how best to meet the aspirations and interests of young people with the resources available.

Council assembly also calls on the executive to carry out a full review of the youth engagement strategies, including youth councils and other forums, to assess how more of the borough's young people can be involved and engaged in influencing youth provision in the borough.

Council assembly reasserts the need to ensure that all of these reviews must take care to include the views of all communities in the borough and that measures should be taken to ensure that BME young people are fully represented.

### **Comments of the Strategic Director (Children's Services)**

The Children and Young People's plan sets out as one of its five key priorities "more for children and young people to do". This was one of the five priorities established in response to what children and young people said were most important to them. Officers are currently working on a youth offer mapping all current youth provision and talking to children and young people about what

they want in their localities. This will agree the criteria and funding for projects for the next two years for young people and will be reported to the executive member for children's services and education in April.

This is part of a longer-term service modernisation, integrating the youth service into the localities. The aim is to ensure that activities are properly planned with young people and coordinated at a local level. We expect some services will be decommissioned because they are not what young people want and new activities will be required to meet unmet demand. Those proposals will be brought to the executive in spring. The children's trust work on participation was praised in last year's annual performance assessment and work continues to deepen and make more systematic our engagement with a broad range of young people and involve them in consultation and decision-making. Black minority and ethnic (BME) young people are fully represented in this work.

Youth facilities will be further enhanced by the £2,500,000 identified by the council in the capital programme for 2007/2008. This, in conjunction with the youth offer, will allow us to develop youth provision across the borough to meet the needs of Southwark's young people.

**Note:** If the motion is agreed, any proposals will be submitted to the executive for consideration.

## BACKGROUND PAPERS

Background Papers	Held At	Contact
Member Motions	Town Hall Peckham Road London SE5 8UB	Constitutional Team 020 7525 7228

<b>Lead Officer</b>	Ian Millichap, Constitutional Team Manager
<b>Report Author</b>	Cameron MacLean, Constitutional Officer
<b>Version</b>	Final
<b>Dated</b>	23/03/07