

Overview & Scrutiny Committee

Tuesday 12 May 2020

5.00 pm

Virtual/Online Meeting

Supplemental Agenda No.1

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Contact

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Date: 6 May 2020

Item No. 5.	Classification: Open	Date: 12 May 2020	Meeting Name: Overview and Scrutiny Committee
Report title:		Scrutiny Call-in: Contract Award – generalist community legal advice services 2020-2025 (Cabinet member decision – 8 April 2020)	
Ward(s) or groups affected:		All	
From:		Head of Overview and Scrutiny (Acting)	

RECOMMENDATIONS

1. That overview and scrutiny committee consider the call-in request set out at paragraph 8 of the report.
2. That having considered the call-in request, the overview and scrutiny committee decide on the appropriate course of action as outlined in paragraph 10 of the report (potential outcomes available to the call-in meeting).

BACKGROUND INFORMATION

3. On 8 April 2020 the Deputy Leader and Cabinet Member for Culture, Leisure, Equalities and Communities considered a report (attached as Appendix A) on the contract award of generalist community legal advice services 2020-2025 and resolved:
 - That the contract award for generalist external community legal advice services, to Citizens Advice Southwark (CAS) for an estimated annual sum of £600,000 over a period of up to five years (three years plus option to extend for two years), from 1 May 2020 to 31 March 2025, making a total estimated contract sum of £3m, be approved.

KEY ISSUES FOR CONSIDERATION

4. The overview and scrutiny committee can “call-in” any executive decision which has been made but not yet implemented by the following:
 - a) the cabinet
 - b) an individual member of the cabinet
 - c) a committee of the cabinet
 - d) an executive decision taken by an individual member
 - e) a key decision made by an officer with delegated authority.
5. This enables the overview and scrutiny committee to consider whether the decision is appropriate.
6. It is for the committee to decide what evidence to consider and take into account when considering the call-in. The committee should however be mindful of the

grounds for call-in and the specific decision(s) the call-in relates when considering whether the decision is appropriate.

7. The committee should also be mindful of the provisions contained in the Council constitution which enable interested parties to make representations to a decision maker ahead of a decision and the onus of the decision maker to have regard for representations received when taking a decision. The committee should therefore as far as practicable not introduce new issues or rehearse points that have previously been made to the decision maker.

Call-in request

8. On 17 April 2020, Councillor Jane Salmon requested a call-in of the decision. The call-in request was supported by Councillors Humaira Ali and Victor Chamberlain. The call-in request is set out below:

I would like to call-in this decision because I believe there is evidence that the decision maker may not have taken the decision in accordance with the principles of decision making as set out in the constitution.

In particular, I believe that the decision to award the contract based upon the service specification included at Appendix 1 has not been made in accordance with principle c) of the principles of decision making listed in Article 1.3 of the council's constitution, which is "respect for human rights, law and probity".

Specifically, I consider that the Cabinet Member, as the decision maker, has failed to comply with their legal duties under the Equality Act 2010 to have due regard to advancing equality and limiting discrimination.

At paragraph 17 the report outlines that this contract award implements a 15% reduction on the annual budget for community legal advice services for 2019-20, of which 18% is from the generalist service covered by this report.

At paragraph 22 the report outlines that the contract is intended to "assist the council to meet its public sector equality duty (PSED) to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities."

At paragraph 23 the report outlines that the equalities impact assessment carried out, in relation to the effect of the budget cut implemented by this decision, outlined that there was a likelihood of a negative impact on a number of the Equality Act protected characteristics, including those who fall under more than one protected characteristic. This would mean that the council was failing to carry out its public sector equality duty, putting it in breach of the Equality Act 2010.

Paragraph 23 goes on to list a number of mitigating acts which the council proposes in relation to this equality impact assessment.

It is clear, however, that in the current crisis caused by the Coronavirus and Covid-19, the need for generalist legal advice services has increased and the nature of the advice services needed has become more acute.

The decision maker has sought to rely on an equality impact assessment carried out in December 2019. As a result of the current crisis, this assessment is now entirely out of date and, without an up to date assessment, and corresponding proposals for mitigating acts, it cannot be said that the decision maker had due regard to their legal duties under the Equality Act 2010 when making this decision.

It is highly likely that the impact on people, with Equality Act protected characteristics, of the budget cut implemented by this decision has become significantly higher, to such an extent that the proposed mitigating actions are no longer sufficient, putting the council in breach of the Equality Act 2010 as detailed above.

Failing to take these changing circumstances and increased risk of acting unlawfully into account means that this decision has not been made in accordance with the principle of respect for the law.

I believe that further scrutiny of this decision by the Overview and Scrutiny committee will encourage additional investigation of the likely impact of this decision on people with Equality Act protected characteristics in the current extraordinary circumstances, giving the council a chance to adapt the contract award for generalist legal advice services to ensure that the council is adequately meeting its public sector equality duties in this area.

Comments of the Head of Overview and Scrutiny (Acting)

9. The reasons given for call-in are considered valid as the decision was taken based on an equalities impact assessment that had been undertaken prior to the Covid-19 pandemic. As such the cabinet member when taking the decision did not have up to date information on the likely impact the decision would have on the users of the service.

Potential outcomes available to the call-in meeting

10. If, having considered the decision and all relevant advice, the overview and scrutiny committee may either:
 - a) refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or
 - b) refer the matter to council assembly if the decision is deemed to be outside the policy and budget framework, or
 - c) not refer the matter back to the decision making person or body but decide to undertake a subsequent scrutiny review of a policy or service issue, which shall not affect the implementation of the decision, or
 - d) not refer the matter back to the decision making person or body.
11. In an outcome of c) and d) above the decision shall take effect on the date of the scrutiny meeting. Notice of the decision will be issued to all councillors and published on the council's website.

REASONS FOR URGENCY

12. The overview and scrutiny committee is required to consider a scrutiny call-in as soon as possible. This meeting has been arranged to consider the call-in.

REASONS FOR LATENESS

13. It has taken longer than anticipated to prepare the report for scrutiny due to other work pressures.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
IDM Report and decision, Contract Award – generalist legal advice services 2020-2025 – (attached as an Appendix)		

APPENDICES

No.	Title
Appendix A	Contract Award – generalist legal advice services 2020-2025 Report and decision

AUDIT TRAIL

Lead Officer	Everton Roberts, Head of Overview and Scrutiny (Acting)	
Report Author	Everton Roberts	
Version	Final	
Dated	6 May 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	No	No
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Scrutiny Team	6 May 2020	

Item No.	Classification: Open	Date: 20 March 2020	Meeting Name: Deputy Leader and Cabinet Member for Culture, Leisure, Equalities and Communities
Report title:		Gateway 2 - Generalist community legal advice services	
Ward(s) or groups affected:		All	
From:		Strategic Director of Housing and Modernisation	

RECOMMENDATION

1. That the deputy leader and cabinet member for culture, leisure, equalities and communities approves the contract award for generalist external community legal advice services, to Citizens Advice Southwark (CAS) for an estimated annual sum of £600,000 over a period of up to five years (three years plus option to extend for two years), from 1 May 2020 to 31 March 2025, making a total estimated contract sum of £3m.

BACKGROUND INFORMATION

2. The cabinet member for culture, leisure, equalities and communities approved the Gateway 1 procurement strategy for the delivery of generalist community legal advice services from 1 April 2020 to 31 March 2025 on 27 January 2020. That report set out the business case for contracting with providers of community legal advice services. This Gateway 2 report details how the strategy has been implemented and the outcome of the commissioning process.
3. The current contracts have been extended for one month to cover the month of April 2020 and the new contract will now start on 1 May 2020 to allow sufficient time for the procurement process to be completed.
4. As well as generalist advice services the council also commissions specialist community legal advice services. This report concerns the generalist advice services only. A separate report covers the award of contract for specialist level services.
5. The current contract with CAS includes a dedicated service targeted at Southwark Leaseholders which is in part funded through a contribution from the Homeowners Council. In 2019-20 this contribution was £60,000. Following the council's review of resident involvement in 2019, Homeowners Council have approved the extension of this funding for six months up to October 2020 at £30,000. This covers the period that the recommendations of the review will be implemented.
6. The procurement strategy that was approved by way of a Gateway 1 report has been followed. A single supplier negotiation has been carried out with CAS.

7. The negotiations have taken into account the budget reduction which is a 15% reduction on the annual budget for community legal advice services for 2019-20. For the generalist service the reduction is 18%.
8. The negotiations focussed on the new service specification which is attached as Appendix 1. The negotiations have covered the following:
- Areas of social welfare advice to be included
 - Provision of advice in community languages
 - Advice to leaseholders
 - Access channels and accessibility through a range of contact methods: Face to face drop-in and appointments, at 3 offices across borough, including evening appointments; Southwark advice line; email advice and links to national Citizens Advice online resources and web chat
 - Partnership working with smaller VCS organisations
 - Reporting requirements and data.

Details of the outcomes of the negotiations can be found at paragraph 26.

9. CAS have expanded their services since October 2019 to include premises at Westmoreland Rd SE17 previously occupied by Advising Communities. As set out in the Gateway 1 report, Advising Communities closed in April 2019 and their two contracts – generalist advice, west of borough and advice in community languages, were transferred to CAS.

Procurement project plan (Key Decision)

10.

Activity	Completed by/Complete by:
Forward Plan for Gateway 2 decision	02/03/2020
Briefed relevant cabinet member (over £100,000)	26/02/2020
Approval of Gateway 1: Procurement Strategy Report	27/01/2020
Completion of documentation for revised service specification	13/01/2020
Issue documentation brief for revised service specification	13/01/2020
Completion of clarification meetings	06/02/2020
DCRB Review Gateway 2:	04/03/2020
CCRB Review Gateway 2:	19/03/2020
Notification of forthcoming decision – Five clear working days	23/03/2020
Approval of Gateway 2: Contract Award Report	31/03/2020
Scrutiny Call-in period and notification of implementation of Gateway 2 decision	08/04/2020
Contract award	08/04/2020
Add to Contract Register	01/05/2020

Activity	Completed by/Complete by:
Contract start	01/05/2020
Publication of award notice on Contracts Finder	06/04/2020
Contract completion date	31/03/2023
Contract completion date – if extension(s) exercised	31/03/2025

KEY ISSUES FOR CONSIDERATION

Description of procurement outcomes

11. As stated in the Gateway 1, the business case for the procurement: although not a statutory requirement, the Council has commissioned these services with the objective of access to free independent advice, advocacy and casework services. These services promote individual rights, responsibilities and access to justice.
12. Through the new contract the council will provide resources to CAS to provide advice and legal services in the following categories of social welfare law:
 - Welfare benefits
 - Housing
 - Debt
 - Employment
 - Immigration
 - Consumer.
13. These services will be available to all Southwark residents and those who work or study in the borough.
14. The new service specification aims to ensure that the services provided will be:
 - Free, independent and non judgemental
 - Able to provide information, advice and casework services quickly and easily according to need
 - Advice Quality Standard accredited
 - Preventative and able to tackle complex, multiple problems at an early stage to avoid escalation and reduce litigation
 - Available via multiple access channels
 - Available in community languages according to need – no language barriers to accessing advice
 - Empowering of informed choice and self help
 - Joined up working with effective referrals the specialist legal advice provider and other agencies.
15. The services will provide added value through partnership working. CAS currently convene or co-ordinate the following:
 - Southwark Legal Advice Network – quarterly meetings of contracted organisations and other partners, which leads on the development of an

advice strategy for the borough and look at emerging needs and issues among advice clients.

- Southwark Advice Forum – training available to all front line advice workers in the borough as well as sharing information on legislation which may be changing frequently, in areas such as Universal Credit, disability benefits; housing law; and immigration issues including EU settlement.
 - Financial Inclusion Forum which CAS have just re-launched – multi-agency forum to co-ordinate and plan financial inclusion-related activities.
 - Advice and information roadshows – quarterly events, organised jointly with the council and other agencies in outreach venues across the borough aimed at residents having problems with benefits.
 - Outreach services with smaller VCS organisations working with specific communities.
16. The contract funding enables CAS to lever in additional funding to provide specific additional services. This includes hospital-based advice to people with cancer and support to those in fuel poverty to save energy and switch energy providers.

Policy implications

17. The overall objective of the community legal advice services is to support residents to understand their rights and responsibilities; improve resilience, access to services and engagement. The services reduce and prevent the effects of social, financial and digital exclusion, through the provision of free and independent advice available to those who live or work in the borough.
18. The service contributes to the achievement of key Council Plan objectives in the areas of health, wellbeing, equalities, community engagement and community safety as well as finance and resources. The challenges of continuing austerity and the impact of Brexit are causing a high level of uncertainty.
19. As a key partner the VCS is helping to shape local priorities and provide services to address them. The services are in line with the vision of the Council which is: 'Ensuring that the places where people live, now and in the future, create new opportunities, promote wellbeing and reduce inequalities so people have better lives, in stronger communities and achieve their potential.'

They support the council's aims of

- Building strong, resilient and cohesive communities.
 - Promoting health, wellbeing and addressing inequalities.
20. This service will support achievement of the following Southwark strategies:
- Economic Wellbeing Strategy 2012-20
 - Southwark's Joint Mental Health and Wellbeing Strategy 2018-2021
 - Ambitions of Common Purpose Common Cause, the 2017-22 Southwark Voluntary and Community Strategy:

- Better partnership working to improve outcomes for residents
- More connected communities that are more connected and resourceful

Meeting the Common Outcomes Framework including:

- Safer communities: Residents have an improved understanding of their rights and responsibilities resulting in greater community ownership.
 - Safer communities: Residents feel more able to access services at an early point and in times of crisis.
 - Engaged communities: Residents have increased opportunities and support to volunteer.
 - Engaged communities: Residents have the skills and confidence to increase their use of online services and there is less digital exclusion.
 - Engaged communities: Residents are supported to maximise their income and manage their money better.
21. The VCS is playing a key role in supporting communities with national policy change including roll out of Universal Credit; changes to disability benefits and EU settlement. The Care Act 2014 sets out a key role for the voluntary sector to support the council and local residents to meet its requirements.
22. This contract will support the council in actively promoting cohesion in the context of Southwark's diverse communities. It will also assist the council to meet its public sector equality duty (PSED) to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.
23. An equalities impact assessment has been carried out and is available as Appendix 2. This includes evaluation of the possible impact of the budget reduction. It was considered that there was a likelihood of a negative impact on a number of the Equality Act protected characteristics, including those who fall under more than one protected characteristic. The following mitigating actions are proposed:
- CAS is required in the new service specification to work in partnership with smaller voluntary and community sector groups, in particular Common Purpose groups which provide general help level advice and signposting to specific groups with particular needs. These include those who fall under the protected characteristics of age, disability, race and sexual orientation and include groups that support older people, the Latin American community, the Somali community, refugees, asylum seekers and migrants; and people experiencing mental health issues. These organisations are in turn required to demonstrate that they are working with the advice providers to ensure smooth signposting.
 - Minimum service access requirements have been reviewed to ensure that issues such as disability and digital exclusion are no barrier to access to the services.

- The Advice in Community Languages service has been integrated within the generalist service provided by Citizens Advice Southwark. CAS will have access to Language Line (provided via their Debt Free London contract) and trained professional interpreters.
- Monitoring requirements are being reviewed to ensure that the data and narrative provided continues to be robust and will be used to identify changing needs and areas of vulnerability.
- The longer contract period of three + two years is intended to provide more certainty to providers and enable them to continue to lever in funds from other sources to provide specialist services to highly vulnerable groups.
- This contract will be compliant with the Fairer Future Procurement Framework.

Key/non-key decisions

24. This report deals with a key decision.

Tender process

25. Single Supplier Negotiation was undertaken in line with Councils Contract Standing Orders. The Gateway 1 report sets out the areas to be covered by the negotiation:
- A new service specification as described in paragraphs 14 and 23 above, covering: areas of social welfare law; provision of services to people who need advice in community languages; advice to Southwark leaseholders
 - Monitoring requirements: reviewed as described in paragraph 23 above.

Tender evaluation

26. CAS were required to provide method statements setting out their approach to service delivery and improvement for the new contract. These meet the council's minimum requirements in terms of quality.
27. CAS were also required to provide a pricing schedule. This included indicative costs for the advice in community languages services, and costs of providing outreach sessions. This is within the budget envelope as set out in paragraph 7.

Plans for the transition from the old to the new contract

28. It is envisaged that the transition from the old to the new contracts for the generalist community legal advice service will be seamless. CAS as the incumbent provider will be delivering the new contract. This will maintain service continuity both in terms of service access and current casework.
29. The advice in community languages service was previously provided by Advising Communities via a separate contract that was transferred to CAS after Advising Communities closed in April 2019. The service has now been integrated within the generalist advice contract. CAS will be required to provide advice in non-English languages spoken in Southwark and to monitor and report on need.

Plans for monitoring and management of the contract

30. The community and voluntary sector engagement division will continue to manage and monitor the community legal advice services contracts. They will evaluate any changes in outcomes that may result from any budget reduction as well as any potential equality impacts that could give rise to the need for an equalities impact assessment.
31. At the time of the previous re-commissioning a revised performance management framework setting out Key Performance Indicators (KPIs) and contract deliverables was put in place. The KPIs are set below together with the figures across the two existing contracts from 2018-19:
- Clients seen: 13,696
 - Benefits income raised for clients / compensation (i.e. employment compensation or compensation for housing repairs) raised: £1,603,117
 - Debt rescheduled: £385,389
 - Housing possession avoided - cases: 193
 - Immigration outcomes – cases: 335.
32. The number of clients seen has increased significantly since the start of the current contracts and is anticipated to continue to increase. In the context of this increased demand both organisations are performing satisfactorily in relation to the other KPIs.
33. The KPIs are being reviewed in advance of the start of the new contracts to ensure they continue to provide robust monitoring data.
34. Payment for the contract is currently made on a quarterly basis in advance, subject to receipt of satisfactory monitoring reports. Contract performance reports will be carried out in line with Contract Standing Orders.

Identified risks for the new contract

35.

Risk No.	Risk Identified	Risk level	Mitigation
R1	Risk of challenge	Medium	Soft market testing has taken place. Engagement with providers at a pre-procurement stage has also taken place. Officers were satisfied that there are no other organisations that could deliver the services that the council requires and that the grounds for a negotiated procedure without a call for competition under the EU procurement regulations have also been satisfied.
R2	Failure to provide value	Low	A benchmarking exercise carried out in June 2019 found that the

Risk No.	Risk Identified	Risk level	Mitigation
	for money through new contract		<p>proposed contract amount set out in paragraph 1 is comparable to levels of local authority funding for generalist legal advice services in other inner London boroughs with high levels of need.</p> <p>The contract will continue to be monitored and managed to ensure that outputs and outcomes are achieved as per the service specification. Quarterly payments will continue to be made on provision of satisfactory monitoring information.</p> <p>The provider holds a relevant quality mark i.e. the Advice Quality Standard. It is also registered with the Office of the Immigration Services Commissioners.</p>
R3	Current provider ceases trading, goes into administration or liquidation	Low	<p>The financial health of the provider is monitored and there are currently no concerns. Citizens Advice Southwark's 2018-19 audited accounts show a healthy position with over £1 million in reserves and a ratio of current assets to current liabilities of 7:1.</p>

Community impact statement

36. The provision of these services supports the council in meeting the public sector equality duty (PSED) by promoting access to justice for those who may experience discrimination and by advancing equality of opportunity for those who share relevant protected characteristics and those who do not. Ongoing contract monitoring is carried out to ensure that services are reaching those who fall into the protected characteristics and may be experiencing discrimination in one or more of those categories.
37. Headline monitoring data across the two contracts for 2019-20 (first 3 quarters) shows that:
- 51% of clients were female; 49% were male.
 - Age breakdown of clients was as follows, reflecting the fact that the majority of clients are of working age: 5% 17-24; 20% 25-34; 35% 35-49; 30% 50-64 10% over 65.
 - Black African clients represent the largest number accessing services at 30%, followed by White British at 19%, Black Caribbean at 12% and Other White Background at 11%. Other white background would include the significant numbers of Latin American residents who access the services.
 - Nearly half of clients (45%) identified themselves as having a disability.

38. Changing patterns of access are monitored against data on demographic trends to ensure that services continue to be accessible to those in greatest need.
39. Community legal advice services will provide the communities of Southwark with access to free independent advice, advocacy and casework services. These services promote individual rights, responsibilities and access to justice. Challenges faced by communities include:
- Lack of knowledge of rights and responsibilities
 - Income poverty caused by low wages, insecure employment and unemployment
 - Changes to benefit entitlement and welfare reform
 - Homelessness and risk of homelessness
 - Educational disadvantage including limited literacy, numeracy, digital and budgeting skills
 - Discrimination in access to services and employment
 - Illness, disability and incapacity for work
 - Language barriers
 - Non-engagement with statutory services
 - Having unmanageable debt and unaffordable credit
 - Difficulty paying for basic services such as fuel and water bills
 - Irregular immigration status which may lead to potential destitution and a No Recourse to Public Funds application / assessment.
 - Digital exclusion which limits resident's capacity and exacerbates the above issues.
40. The delivery of free and independent information to residents provides a safety net and enables them to understand their rights, resolve their problems and move their situation forward.

Social Value considerations

41. The Public Services (Social Value) Act 2012 requires that the council considers, before commencing a procurement process, how wider social, economic and environmental benefits that may improve the well being of the local area can be secured. The social value considerations included in the tender (as outlined in the Gateway 1 report) are set out in the following paragraphs in relation to the tender responses, evaluation and commitments to be delivered under the proposed contract.

Economic considerations

42. The service will continue to contribute to the local economic benefits set out in the fourth strand of the council's Economic Wellbeing Strategy 2017-22: financial wellbeing. In addition it will increase economic activity and opportunity by:
- Providing volunteering opportunities for residents that will build skills and support pathways to employment

- Supporting people in low paid work and short term contracts to remain in paid employment by providing support with claiming tax credits and other in work benefits
- Supporting migrant communities through pathways to full economic participation and integration.

43. In addition the services help mitigate negative impacts on the council's finances of residents falling into rent or council tax arrears. By preventing homelessness they also mitigate costs to the council. By reducing stress and anxiety for residents they may mitigate costs to other services including health services.

Social considerations

44. The service will improve outcomes for residents in the areas of health and well-being and independence, skills, financial inclusion, access to justice and volunteering opportunities.
45. The council is an officially accredited London Living Wage (LLW) Employer and is committed to ensuring that, where appropriate, contractors and subcontractors engaged by the council to provide works or services within Southwark pay their staff at a minimum rate equivalent to the LLW rate. The contractor already pays LLW and will continue to do so.

Environmental/Sustainability considerations

46. The services to be commissioned will not have a high impact in this area in terms of buildings or services to be delivered.
47. CAS provides separately funded domestic energy efficiency advice to residents, which the contract funding enables them to lever in.
48. The spread of services across the borough, including outreach services, helps to reduce travelling distance to face to face services.

Market considerations

49. As set out in the Gateway 1 report there is a lack of any viable, potential alternative suppliers in Southwark. There is no evidence to indicate that other potential providers are entering the market to offer services of this nature.

Staffing implications

50. The letting of this new contract will have no staffing implications.

Financial implications

51. The funding for this service comes from the general fund.
52. The current budget for Community Legal Advice Services is £1.021m. In addition to the £82,000 saving applied in 2019-20 there is a further reduction of £83,000 from April 2020 as part of the 2020-21 budget setting.

53. The budget reduction has been applied across generalist and specialist services with this proposed Citizens Advice Southwark contract of £600,000 helping to deliver savings to generalist advice reducing the total community legal advice budget to £936,000, within the 2020-2021 budget envelope of £938,000 (with the specialist advice reduction making up the remainder of £336,000 covered by a separate Gateway 2 report).
54. As described in paragraph 5, Homeowners Council have approved a contribution of £30,000 towards Citizens Advice Southwark's leaseholders advice service to cover the six-month period April 2020 to September 2020. This amount is in addition to £600,000 contract amount.

Legal implications

55. Please see the concurrent report of the director of law and democracy below.

Consultation

56. Consultation on this service has been carried out with internal and external stakeholders including:
- Users of the services
 - Residents
 - Councillors
 - The council's Equalities Lead
 - Children's and Adults' Services
 - Housing Solutions
 - No Recourse to Public Funds team
 - Chief Executive's Office
 - Finance and Governance
 - Public Health
 - VCS organisations.
57. Findings from the consultation have informed the new service specification.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance and Governance (PW19/058)

58. This report is requesting approval from the cabinet member for leisure, culture, equalities and communities for the award of the generalist external community legal advice services, contract to Citizens Advice Southwark (CAS) for a total estimated annual sum of £600,000 over a period of up to five years (three + two years), from 1 May 2020 to 31 March 2025, making a total estimated contract sum of £3m.
59. The strategic director of finance and governance notes that the £600,000 funding for the generalist community legal advice services procurement is to be met from the community legal advice services revenue budget.
60. The strategic director of finance and governance also notes that an additional £83,000 of savings has been applied to the Community Legal Advice Services

budget for 2020-21, approved as part of the council's 2020-21 budget setting process. It is noted that the remaining budgets will be sufficient for the proposed contracts of generalist (this report) and specialist (covered by a separate report) contracts within community legal advice services .

61. Staffing and any other costs connected with these recommendations are to be contained within existing departmental revenue resources.

Head of Procurement

62. This reports seeks approval from the cabinet member for culture, leisure, equalities and communities to award the contract for generalist legal advice services to CAS for a period of three years commencing 1 May 2020 with the option to extend by a further two years for a total cost of £3m.
63. The generalist legal services to be procured via a single supplier negotiation have been tendered in accordance the Public Contract Regulations 2015 (PCR15) and the Council's standing order and the strategy proposed in the relevant Gateway.
64. The report confirms the monitoring and management arrangements that will be in place during the life of the contract as per paragraphs 30 to 34.

Director of Law and Democracy

65. This report seeks approval of the award of a contract to Citizens Advice Southwark for the provision of generalist external community legal advice services, the details of which are summarised at paragraph 1.
66. The proposed contract award follows a procurement process described in the Gateway 1 report involving direct negotiation with a single supplier. The nature and estimated value of these services is such that their procurement is subject to the requirements of the (EU) Public Contracts Regulations 2015 and the council's Contract Standing Orders (CSOs). The EU Regulations permit the use of a negotiated procedure in a limited number of circumstances, including where the services can be supplied only by a particular economic operator for one of several prescribed reasons, including where competition is absent for technical reasons, where no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement.
67. Similarly, CSOs make express provision for exemption from the usual tendering requirements where exceptional circumstances exist. The business case and justification for direct negotiation in this instance had been explained in the Gateway 1 report.
68. The proposed contract award is consistent with other legislative requirements, including the Public Sector Equality Duty (PSED) imposed by section 149 of the Equality Act 2010. Paragraph 23 advises that an equality analysis has been conducted in order to ensure and demonstrate continued compliance with the PSED.
69. The decision to approve the report recommendation is one which is reserved to the cabinet member in line with the constitution and CSOs.

BACKGROUND DOCUMENTS

Background documents	Held At	Contact
Southwark Community Legal Advice Services – Service Evaluation 2013-19	Community and Voluntary Sector Engagement 160 Tooley Street London SE1 2QH	Katherine Pitt 020 7525 1579

APPENDICES

No	Title
Appendix 1	Southwark Community Legal Advice Services – service specification 2020-25
Appendix 2	Equalities Impact Assessment – November 2019

AUDIT TRAIL

Lead Officer	Michael Scorer, Strategic Director of Housing and Modernisation	
Report Author	Katherine Pitt, Commissioning Officer, Community and Voluntary Sector Engagement Division	
Version	Final	
Dated	12 March 2020	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	Yes	Yes
Head of Procurement	Yes	Yes
Director of Law and Democracy	Yes	Yes
Cabinet Member	Yes	Yes
Contract Review Boards		
Departmental Contract Review Board	Yes	Yes
Corporate Contract Review Board	Yes	Yes
Date final report sent to Constitutional Team		20 March 2020

BACKGROUND DOCUMENT – CONTRACT REGISTER UPDATE - GATEWAY 2

Contract Name	Community Legal Advice Services
Contract Description	Generalist advice and advice in community languages
Contract Type	Services
Lead Contract Officer (name)	Andy Matheson
Lead Contract Officer (phone number)	020 7525 7648
Department	Place and Wellbeing
Division	Community and Voluntary Sector Engagement
Procurement Route	Single Supplier Negotiation
EU CPV Code (if appropriate)	N / A
Departmental/Corporate	Departmental
Fixed Price or Call Off	Fixed price
Supplier(s) Name(s)	Citizens Advice Southwark
Contract Total Value	£3,000,000
Contract Annual Value	£600,000
Contract Start Date	1 April 2020
Initial Term End Date	31 March 2023
No. of Remaining Contract extensions	2
Contract Review Date	October 2021
Revised End Date	31 March 2025
SME/ VCSE (If either or both include Company Registration number and/or registered charity number)	VCSE Southwark Citizens Advice Bureaux Services Charity registration no.: 1070263 Company number 3507093
Comments	
London Living Wage	Applicable

This document should be passed to the member of staff in your department responsible for keeping your departmental contracts register up to date.

Southwark Community Legal Advice Services

Service specification 2020-25

Providing information, advice, casework and legal services for Southwark residents.

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1. Delivery standards and contractor requirements

The following are applicable to both Citizens Advice Southwark and Southwark Law Centre.

Delivery standards

Contractors must comply with approved Advice Quality Standards (AQS) and demonstrate their ongoing suitability to deliver the service at the appropriate level by providing details of their compliance with those standards at the council's request. The council recognises the definitions developed by the Advice Services Alliance. Further information regarding this is available at: <http://www.advicequalitystandard.org.uk/>

Contractors must ensure the following:

- That staff/volunteers delivering the service have relevant skills, competence and training to provide up to date accurate advice on all enquiries
- That appropriate case file records are maintained providing a clear audit trail of advice given
- Systems and procedures are in place to ensure the quality and accuracy of advice including arrangements for supervision and file review
- Where debt advice is proposed the organisation holds a group debt licence
- Where immigration advice is proposed the organisation holds the appropriate OISC certificate
- Up to date knowledge on social welfare legislation and case law and social policy impacting on advice services
- That they respond to client need when developing their services
- Effective use of the analysis of client data and case monitoring information to recognise trends and voice emerging social welfare issues
- Appropriate electronic management information system capacity to meet the recording and monitoring requirements
- That they provide self help information, support in accessing online services and maintain data of local and national information and advice provision for signposting and referral purposes
- Compliance with the General Data Protection Regulations (GDPR) 2018 and ensure client confidentiality and privacy.
- That all staff and volunteers are recruited under the requirements of the Disclosure and Barring Service and that policy is in place to ensure compliance with Safeguarding Vulnerable Adults and Safeguarding Children Policy
- That they maintain an equality and diversity policy
- That they maintain a complaints policy
- That they carry out an annual customer satisfaction survey.

Contractor requirements

Service location and access

Both contractors deliver services from premises that are fully accessible in line with the Equalities Act 2010. They are in locations with good public transport links.

Both contractors must provide services which are available and accessible to all residents of the borough.

For the generalist advice services, Citizens Advice Southwark will provide services in areas of greatest need. Their premises are currently in SE15, SE16 and SE17.

Changes to the service specification

This specification may be subject to alteration. We will consult with contractors about any changes and will give reasonable notice. If there are significant changes to the provision of advice services in the borough due to loss of funding to agencies from third party funders, the council may wish to review the overall contract specification and the service packages it contains.

Other sources of funding

Both contractors shall continue to endeavour to obtain funding from other sources and shall report these to the council.

2. Generalist advice service

Type of service

Citizens Advice Southwark must deliver generalist level advice services to all those who live, work or study in the borough through:

- Access to a telephone service for all initial generalist level enquiries
- A website portal www.southwarkadvice.org.uk
- Face to face open access services including triage
- Advice in community languages
- Advice for Southwark leaseholders (see page 10)
- Community outreach services

Areas of social welfare advice

Citizens Advice Southwark will provide advice in the following areas:

- Benefits and Tax Credits
- Housing and homelessness
- Debt and Money Advice
- Immigration advice at OISC level 1
- Consumer rights
- Utilities and communications

Citizens Advice Southwark shall provide basic information, advice, guidance and signposting in the following areas:

- Employment
- Tax and insurance
- Education
- Relationships and family
- Legal, including personal injury
- Health and community care
- Discrimination
- Travel and transport

Advice in Community Languages

Citizens Advice Southwark shall provide face to face advice in the most commonly spoken community languages in the areas of social welfare listed above, to those with limited English.

- Provide services in the main Southwark community languages (Spanish, Turkish, Somali, Portuguese) as well as others as required
- Monitor and report need

- Provide a triage service or Level 1 information and advice to all in the form of a diagnostic interview, provision of brief advice, and onward referral where needed to the appropriate provider.
- Provide links to services offering English teaching

Southwark's Advice Line Service

Citizens Advice Southwark will offer a single telephone number for generalist advice service initial advice and triage. Citizens Advice Southwark is required:

- To ensure service users are able to access the information, help and support they need in a timely way
- To ensure that routine or common enquiries can be answered without the need for face to face advice
- To ensure that the most effective signposting and referrals are made for face to face services based on accurate and up to date information about capacity and expertise
- To coordinate access to and awareness of the network of organisations providing advice services in Southwark including community organisations providing advice at a general help level
- To fast-track emergency situations through to the appropriate service and advocate on behalf of the service user as appropriate
- To provide a system able to monitor and report demand for telephone advice, to prevent long waiting times or high abandonment of calls
- To provide appropriate out-of-hours information
- To maximise use of resources by reducing the need for service users to call separate agencies for generalist level and triage enquiries
- To signpost and guide service users to make effective use of the advice portal www.southwarkadvice.org.uk
- Send out leaflets and factsheets to service users

Reporting requirements

Citizens Advice Southwark shall report on a number of delivery standards as such may be specified from time to time by the council. These will include:

- Proportion of calls answered first time
- Recorded information in place
- System of quality control that covers diagnosis of caller's issues and follow up action
- Complaints handling process
- Production of performance data

Service requirements

The council's expectation is that the telephone service will be delivered to maximise access to service users with a minimum requirement of:

- 30 hours a week of service access distributed over 5 working days

Citizens Advice Southwark shall deliver the services in a flexible manner adjusting the hours of operation in response to demand.

The advice line meets a range of service user needs e.g. young people, working people, elderly and housebound people, people with disabilities. The advice line operates a local rate telephone charge.

Citizens Advice Southwark shall provide follow-up information in the form of leaflets, information sheets and web resources to users of the advice line.

Web Portal

Citizens Advice Southwark will be responsible for maintaining Southwark advice portal www.southwarkadvice.org.uk which is a single entry point to the services.

Through the portal they will provide:

- Referrals through an online referral form for statutory and community organisations
- Service access information
- Access to national trusted online resources and self-help materials to enable residents to resolve problems for themselves
- Accessibility standards

Citizens Advice Southwark will also ensure their own website is maintained with information on services kept up to date <https://www.citizensadvice.org.uk/southwark/>

Email advice

Citizens Advice Southwark shall provide email advice via a form on the Citizens Advice website.

Face to face advice

Requirements

Coverage

Citizens Advice Southwark must provide face to face services across the borough and particularly in the localities of highest need.

The areas of highest need fall within the following postcodes SE1, SE5, SE15, SE16 and SE17. There are however pockets of deprivation within all areas of Southwark.

In reporting to the council, Citizens Advice Southwark will demonstrate how it is making services accessible to localities and populations with highest need.

Delivery methods

Citizens Advice Southwark shall ensure the following:

Open Door Access

- A minimum of 15 hours per week
- Each session to last a minimum of 2 hours
- Sessions to be spread throughout the week

Appointments

- 24 hours appointment sessions per week minimum
- At least one session per week outside normal working hours. (This session should be from 5-7pm one day a week and can be provided in the form of appointments. The availability of this service should be publicised on all service information)

Outreach

Citizens Advice Southwark shall provide alternative forms of access for people unable to make use of open door access. This shall include:

- Telephone & email advice Services
- Home visits for vulnerable/referred clients if needed – or looking at other ways of helping housebound people eg telephone advice
- Outreach services where there is evidence of open door services not being accessed by a particular community – subject to availability of resources. Citizens Advice Southwark shall also look at ways of improving referrals from other organisations that are working with vulnerable people, and promoting awareness of advice services among particular communities.

Partnership working with smaller voluntary and community sector (VCS) groups

Citizens Advice Southwark works with other VCS organisations in the borough, including Common Purpose funded organisations providing advice and signposting for specific communities with particular needs. These communities include, for example, Latin American and African communities and refugees and asylum seekers from numerous countries of origin. By working with these smaller VCS organisations Citizens Advice Southwark will take a lead role in:

- Working with organisations that have appropriate quality standards accreditation
- Offering access to services and support to organisations without quality standards accreditation
- Outreach across the borough
- Reach migrant communities who may have particularly high levels of need
- Support for interpretation, translation and form filling
- Jointly organise workshop sessions on specific issues where there is a high level of need for advice

3. Leaseholders' independent advice service

Requirements

Citizens Advice Southwark is required to provide each of the following:

Access to Service

Service provision: indicative total number of clients to be advised on a yearly basis.

Annual target of 150 clients.

Citizens Advice Southwark shall report to the council on a quarterly basis on:

- New cases - number
- Ongoing active cases - number
- Cases closed - number
- Geographical coverage – the service is to be provided to Southwark leaseholders in all postcodes.
- Methodology for ensuring borough wide access through effective communications and publicity

Citizens Advice Southwark shall ensure that the service can be accessed via:

- Telephone
- E-mail
- Appointment in person

Citizens Advice Southwark must report on the number of clients per access channel accepted per quarter.

Level of service

Enquiries by Service Charge Issue

Citizens Advice Southwark shall provide advice in the following areas relating to service charges:

- Apportionment of costs
- Reasonableness / Liability – Annual Service Charges
- Limit to recovery
- Statutory Consultation – Major Works
- Interpretation of Lease
- Ability to Pay
- Other

Enquiries by Non-Service Charge Issue

Citizens Advice Southwark will also provide advice in the following areas:

- Reasonableness / liability - major works charges
- Disrepair
- Supply of works
- Interpretation of Lease
- Forfeiture
- Right to buy
- Fire safety
- Buying freehold
- Mortgage arrears
- Debts
- Claiming benefits
- Housing and homelessness
- Repossession (non forfeiture)
- Relationship breakdown

Levels of advice

Citizens Advice Southwark will provide the following services to Southwark leaseholders:

- Triage
- Advice & information
- Advice and casework / advocacy
- Advice and referral

Advice Outcomes

Citizens Advice Southwark shall deliver the following advice outcomes:

- Completion/resolution of advice issue
- Financial outcomes:
 - Award of welfare benefits
 - Grants obtained for clients
 - Service charges written off or reduced
 - Awards from legal proceedings
- Successful challenge to service charge issue
- Referrals to other services

4. Specialist advice service

Type of service

Southwark Law Centre will provide specialist level legal casework services for all those who live, work or study in the borough.

Requirements

Southwark Law Centre shall:

- Provide specialist level triage, information and advice and casework services
- Provide second-tier advice to community organisations and offer support in diagnosing and taking forward resolvable complex casework up to and including representation.
- Provide training and support to VCS organisations delivering general help with advice through a network forum structure.
- Provide specialist level categories of law in the priority areas of welfare benefits, housing, immigration and employment. It will not provide debt casework services as these are provided by the generalist level advice services. However, complex cases across categories of law, for example involving housing arrears and welfare benefits overpayments, can be provided through the specialist level services. Southwark Law Centre will be required to prioritise taking on referrals and cases which involve specialist level legal issues in more than one category of law.

As and when requested to do so by the council, Southwark Law Centre shall provide evidence of compliance with quality standards and supervision processes that support the provision of each proposed category of law at casework level.

Coverage

Borough wide.

Delivery methods

Southwark Law Centre is primarily a referral-only organisation.

Southwark Law Centre will provide services through the following methods:

- Referral arrangements: referral protocol for referrals from other advice agencies, community groups, council departments, other statutory agencies, etc.
- Telephone Access: specialist second-tier advice to other agencies in the borough. Effective triage for clients and referring agencies. Telephone line available 30 hours per week: Monday to Friday 10am-1pm and 2pm-5pm.
- Appointments: an effectively managed appointment system.
- Representation: effective monitoring of number of hearings attended and successful outcomes. Review of percentage of cases where substantive outcome of benefit to client is achieved.

- Southwark Law Centre must implement arrangements for alternative ways to access services, including home visits and emergencies.
- Southwark Law Centre will work in partnership to develop effective advice services to tackle child poverty.

Advice definitions

Southwark Council uses the Advice Quality Standard (AQS) and Lexcel definitions to define the type of advice provision referred to in this document.

The levels of advice to be delivered by Southwark Law Centre are at **Advice with Casework** and **Specialist Casework** levels as set out below.

1. Advice (the expectation is that this will have been carried out via the generalist contract)

This comprises an interview and follow up:

- A diagnosis of the client's enquiry and legal issues involved
- Giving information and explaining options
- Identifying further action that the client can take
- Some assistance such as form filling or contacting a third party to seek information.

2. Advice with Casework

As well as including the elements of the first category it also involves taking action on behalf of the client to move the case on. It will involve Southwark Law Centre taking responsibility for follow-up work.

This category includes:

Taking action to obtain detailed information from a third party in order to:

- Resolve a client's problem
- Challenging the decision or action of a third party
- Corresponding or negotiation with a third party (beyond simple information requests)
- Representation at a court or tribunal where there are no complex matters of law to present e.g. presenting facts to a DLA appeal.

3. Specialist Casework

This will normally be for complex cases which require a high level of expertise and skill to resolve which may include:

- Acting for and representing a client at a court or tribunal hearing (written and oral submissions)

- An application to a higher court or tribunal and instructing experts such as barristers
- Representation at hearings
- Negotiation with the other side to a dispute or with relevant third parties.

4. Advice with Casework and Specialist Casework

Southwark Law Centre shall offer casework and representation in the following areas of law:

- Welfare Rights – to cover all benefits.
- Housing – including disrepair, rent arrears, possession proceedings, evictions and homelessness.
- Employment – including rights at work, discrimination, dismissal and redundancy.
- Immigration and Asylum – including asylum claims and appeals, family reunion and citizenship.
- Other – areas of law not covered in other categories, but not including debt work except as indicated under 'Requirements' above.

It is recognised that a significant amount of casework cuts across more than one area of law.

Annual targets for specialist and casework provision in each area of law are shown below. These are based on current local demand and anticipated trends.

- Welfare rights: 170 (34%)
- Housing: 200 (40%)
- Employment: 50 (10%)
- Immigration and asylum: 80 (16%)

These will be reviewed on an annual basis.

5. General Advice

It may on occasions be necessary to provide advice at a non-specialist level - for example where clients present with multiple problems. However, this service is already provided by Citizens Advice Southwark which offers primary face to face generalist legal advice service for residents and other local organisations also provide advice at this entry level.

Southwark Law centre will be expected to complement rather than duplicate the generalist advice service while ensuring that clients receive a seamless service and are able to access appropriate services at the first point of contact. However, it is recognised that it may be necessary to provide similar advice to maintain capacity in areas of law experiencing high levels of demand.

Southwark Law Centre is required to take triaged referrals from other local generalist advice services if it is appropriate and if there is capacity. This should eliminate the need to provide a general advice service other than to meet the needs of an existing client whose is already being helped at casework and specialist casework levels.

Challenge to the council

Southwark Law Centre will not use council contract funding to take judicial review proceedings where the council is the respondent.

If Southwark Law Centre becomes aware of any trends or patterns relating to a particular council service that are giving rise to challenge, the Law Centre will inform the contract monitoring officer via the quarterly contract monitoring reports and work with the relevant part of the council to address the areas of concern.

For reviews and first level appeals against local government decisions, such as housing benefit, and council tax reduction, the Law Centre can make use of Southwark contract funding.

5. Summary and overview of services

Partnership approach to service planning and provision	
Generalist advice service	Specialist advice service
Multiple access channels Single telephone advice line and web portal	Complex casework across priority categories of law – welfare benefits, housing, employment, immigration
Diagnosis and initial assessment of the need for advice	Representation at first and second tier tribunals
Generalist level of casework in priority categories of debt, housing & welfare benefits	Second tier support, advice and training to other agencies
Early intervention and preventative work	Coordination of social policy work
Advice in community languages	Referrals protocol
Dedicated leaseholders' advice service	Emergency casework
Referrals and signposting to specialist agencies, following an agreed referrals protocol	

6. Outcomes

Both contractors shall, through the provision of services described earlier, seek to achieve the following broad outcomes for Southwark residents. These are taken from the Southwark Common Outcomes Framework. The outcomes and how they will be measured and reported are set out below:

Outcomes From Common Outcomes Framework	Key Performance Indicators	How reported
1. Residents have an improved understanding of their rights and responsibilities	Improved understanding of: <ul style="list-style-type: none"> • Benefit entitlement • Duty to pay charges • Priority / non priority debt • Need for timeliness in responding to official correspondence ➤ Supporting welfare benefits / housing / debt / immigration / employment outcomes.	Quarterly reports – quantitative data and case studies.
2. Residents are able to access services in the way most appropriate to their needs	Multiple access channels in place Advice provided in community languages Spread of face to face services across borough Outreach & partnerships with smaller VCS orgs	Quarterly reports – qualitative data. Annual monitoring visits. Annual client survey.
3. Residents feel more able to access services at an early point and in times of crisis	Homelessness prevented Council tax enforcement avoided Debt rescheduled.	Quarterly reports – quantitative data.
4. Residents are supported to maximise their income and manage their money better	Financial gains: <ul style="list-style-type: none"> • Benefits income & compensation raised • Debt rescheduled 	Quarterly reports – quantitative data.
5. Residents are supported to resolve problems to improve their independence, health and wellbeing	Clients report increased confidence in ability to deal with problems for themselves in future, or to prevent problems arising in first place. Clients report reduced anxiety as a result of advice and support received. Housing outcomes.	Annual client survey. Quarterly reports – quantitative data & case studies.
6. Residents have the skills and confidence to increase their use of online services and there is less digital exclusion	Clients supported to access 'My Southwark'. Welfare benefits – Universal Credit claims.	Quarterly reports – quantitative data.

7. Residents have increased opportunities and support to volunteer	Volunteering opportunities provided by both contractors. Both contractors have policies & standards to ensure volunteering opportunities are good quality.	Quarterly reports – qualitative data. Annual monitoring visits.
8. Residents who may be experiencing discrimination are supported to have access to justice	Welfare benefits outcomes – disability benefits. Immigration outcomes. Employment outcomes.	Quarterly reports – quantitative and qualitative data including case studies.
9. Residents from disadvantaged groups are enabled to tackle access barriers to information about rights and services.	Advice provided in community languages. Multiple access channels. Partnership working with small VCS orgs.	Quarterly reports – quantitative and qualitative data including case studies.

Contract monitoring

A performance monitoring framework is in place. This comprises:

- Quarterly contract reports including both quantitative data, qualitative information, case studies and copies of trustee minutes
- An annual monitoring visit covering organisational governance, policies and procedures
- Contractors provide annual reports, audited accounts, copies of external audit reports as required
- Council monitoring officer attends AGM.

Draft part A (quantitative data) and part B (qualitative information) monitoring templates are attached as Appendix 1 and 2.



Southwark Community Legal Advice Services:

Equalities Impact Assessment December 2019

Section 1: Equality analysis details

Proposed policy/decision/business plan to which this equality analysis relates	Southwark Community Legal Advice Services 2020-2025 Gateway 1: Procurement Strategy Approval		
Equality analysis author	Katherine Pitt		
Strategic Director:	Kevin Fenton		
Department	Place & Wellbeing	Division	Community and Voluntary Sector Engagement
Period analysis undertaken	July –December 2019		

Section 2: Brief description of policy/decision/business plan

1.1 Brief description of policy/decision/business plan

This equalities analysis relates to the decision to approve award of contracts for the delivery of community legal advice services for the period 1 April 2020 to 31 March 2025.

The Gateway 1 reports set out that borough wide services will be delivered by 2 contractors through 2 packages:

- Generalist level advice services
- Specialist level legal advice services

The Gateway 1 reports also set out that the services will be procured via single supplier negotiations with the current contractors.

For the financial year 2020-21 onwards there is a budget reduction of £165,000 across all services. This represents a reduction of 15% of the 2019-20 budget. The reduction will be met by an 18% reduction to the budget for the generalist services and a 10% reduction to the budget for the specialist services. The rationale for this differentiated reduction is:

- The current generalist service provider, Citizens Advice Southwark, holds the contracts for both the East and West of borough generalist advice services. There were previously two providers and having one provider will provide economies of scale by reducing organisational infrastructure costs
- The service evaluation and consultation findings
- Some elements of the current generalist services, including welfare benefits advice / income maximisation support are also provided by internal council teams including the Local Support, Financial Inclusion and Sustain teams.
- However the council does not provide the specialist legal advice which is provided by the current specialist legal advice contractors.

The negotiations with the contractors will assess the impact of this reduction on the services and working with the providers will consider how it may be mitigated.

The decision maker is the Strategic Director of Place & Wellbeing.

Section 3: Overview of service users and key stakeholders consulted

2. Service users and stakeholders	
Key users of the department or service	<p>Users of the service will be residents of Southwark, who are facing significant difficulties in one or more of the following areas:</p> <ul style="list-style-type: none"> • People facing income poverty and financial exclusion • People needing independent advice and advocacy • People impacted by welfare reform • Lack of knowledge of basic rights and responsibilities • Legal problems relating to access to services • People with limited literacy, numeracy and digital skills • People with language barriers • People with no recourse to public funds • People experiencing possible discrimination • Lack of engagement with statutory services <p>Advice and advocacy will be provided in the following areas</p> <ul style="list-style-type: none"> • Welfare rights • Housing • Debt • Employment • Immigration or asylum • Consumer rights <p>Data from monitoring provision of services provided through the current contracts for the period 2013-19 indicated that people who fall within a number of the identified protected characteristic groups are key users of the services. However, monitoring data does not capture each of the protected characteristics. Monitoring data captures information relating to:</p> <ul style="list-style-type: none"> • Age • Disability • Gender • Race <p>There is no systematic monitoring of pregnancy and maternity, gender reassignment, marriage/civil partnership or religion/belief. Sexual orientation is monitored by 1 provider but it is considered that the very small number declaring LGBTQ+ status is unlikely to reflect the complete picture. Information about service users falling within these protected characteristics is available where there is self-disclosure or where issues raised may directly relate to the grouping. An example of this is when pregnant women seek advice about maternity benefits or employment rights.</p> <p>The services commissioned provide access in a range of different ways. In considering how these services are commissioned account has also been taken of other services provided either directly by the council or through other commissioned programmes. A number of other services are specifically targeted at residents who fall within one or more of the protected characteristics.</p> <p>Monitoring data collated indicates there are a number of key</p>

	<p>characteristics of clients using the services.</p> <p>In 2018-19 approximately 81% of clients, ie 11,588 out of a total of 13,696, were from BME communities. This is significantly higher than the proportion of Southwark residents from these communities which, according to the Southwark Joint Strategic Needs Assessment (Public Health) was 46% in 2017-18. This level of take-up by BME communities is clearly a key factor when considering how best to commission services able to meet client needs.</p> <p>In terms of disability, in 2018-19 one quarter of service users reported having a disability (self defined). This indicates a significant level of need relating to ill-health and disability.</p> <p>There is a likelihood that the cuts to the budget outlined in section 1.1 may have a disproportionate impact on clients who fall into one or more of these protected characteristics. Any likely impact and possible mitigation is considered in section 4 below.</p>
<p>Key stakeholders were/are involved in this policy/decision/business plan</p>	<p>Client survey</p> <p>A survey of advice service clients was carried out over 3 weeks in August to September 2019. This involved both current advice contract holders, and smaller VCS groups funded via the council's Common Purpose programme who also have or host a discrete advice service. While waiting to be seen by their advisor, clients were asked to complete a brief one page paper survey with the option to complete it online if they preferred. The following organisations who support a range of diverse communities participated in the survey:</p> <ul style="list-style-type: none"> • Blackfriars Settlement • Cambridge House Law Centre • Citizens Advice Southwark • Latin American Disabled People's Project • Southwark Law Centre • Southwark Day Centre for Asylum Seekers • Southwark Pensioners' Centre. <p>These represent a range of the large advice contract holders and smaller voluntary sector groups who provide advice services to specific, often vulnerable groups - all located in areas of high need. A total of 377 completed surveys were returned.</p> <p>The questions were focussed around how clients had found out about the services and how they had accessed them. The findings reflect the unmediated voices of clients at various advice locations around the borough.</p> <p>Key messages from the survey have been fed into the development of the commissioning plan and the service specification for the delivery of advice services. Key findings included:</p> <ul style="list-style-type: none"> • Most common method of finding out about services was word of mouth followed by online • Approximately half of clients had tried to get advice from somewhere else first • Almost one quarter of clients were presenting with more than one problem (or a problem that crossed over several categories of law) • Around half of clients were repeat clients.

	<p>Online Stakeholder survey</p> <p>An online survey of advice services stakeholders was carried out over 6 weeks in July to August 2019. 34 responses were received; respondents were as follows</p> <ul style="list-style-type: none"> • Common Purpose grant funded: 12 • Other VCS organisation: 2 • Tenant and Resident Associations (TRAs): 7 • Council officer: 6 • Other funder: 1 • Resident: 2 • Current advice provider: 3 • Not known: 1 <p>Key issues raised were as follows:</p> <ul style="list-style-type: none"> • Not enough provision to meet huge demand • Digital exclusion a huge problem affecting even those with digital skills • Groups who are most in need find it hardest to access advice • Negative long term impacts on not having advice, both for vulnerable individuals and also public services (increased costs) • Need for help at the right time at early stages before the problem escalates; support with medical assessments and help with appeals • Multiple access channels are needed; face to face continues to be vitally important and there is need for home visits • Continued need for advice in other languages, interpretation and translation. <p>In addition separate specific comments were received from the</p> <ul style="list-style-type: none"> • No Recourse to Public Funds service manager (re immigration advice) • Council's Equalities Lead. <p>Specific messages from the consultation that have influenced the commissioning process include:</p> <ul style="list-style-type: none"> • Migrant communities' needs • Language needs • Needs of those claiming Universal Credit <p>The Gateway 1 reports and subsequent service specification specifically address these identified needs and prioritised the services to be commissioned.</p>
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Section 4: Pre-implementation equality analysis

Age - Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

Potential impacts (positive and negative) of proposed policy/decision/business plan

Monitoring data shows that there is relatively lower take up of advice services by younger people.

There is also some evidence that older people make relatively less use of the services; however according to feedback from stakeholders the numbers of those aged around 55 and above, up to retirement age, appears to be increasing. One of the reasons for this is the requirement to claim Universal Credit online. Current contractors have been consistently reporting that the fact that many other services are increasingly accessible online only is having a negative people aged around over 55, particularly men who have worked in manual trades.

For older people there are a range of targeted services commissioned by Adult Social Care and via the Common Purpose grants programme which include some advice services and there is therefore less of an identified gap.

There is some evidence that younger people may be more likely to be impacted by increased conditionality within the benefits system resulting in a greater number of benefit sanctions. However, it should not be assumed that younger people will automatically be able to access on-line services, or that they prefer this form of access. Young people who are NEET (not in education, training or employment) are likely to be disproportionately affected by the impacts of Welfare Reform. At the same time, they are likely to find it more difficult to access services. Ensuring that these people are able to access independent advice is important for maintaining young peoples' engagement with the benefits system and routes into employment.

Equality information on which above analysis is based

Organisations' equality & diversity policies
Monitoring data collected
Monitoring information from other programmes e.g. Common Purpose programme
Research and analysis of impacts of Welfare Reform (Southwark Council, Exchequer Services)

Mitigating actions to be taken

Some welfare reforms are not being applied to pensioners; for example the 'bedroom tax' and council tax benefit reduction. Under 16s and over 65s are not affected by changes to Disability Living Allowance.

Any impact of the 15% budget reduction on older people may be mitigated by the older people's service hub which is currently being procured by the council's adult social care team (alongside a disability service hub) and is due to go live in June 2020. This hub model will equip the council to manage its "front door" by assisting vulnerable populations to access information, advice, navigation and facilitation support that will link with preventative community opportunities to support independence and wellbeing.

The council's Local Support team provides an income maximisation service which prioritises older adults as well as those with disabilities. It offers home visits if needed and provides outreach appointments across the borough.

In addition to the web portal, contractors are required to provide

- A telephone advice line – a single telephone access point
- Face to face triage and generalist advice. This is to include both open door access and an appointments system, including one evening (5-7pm) session per week.
- Outreach services

It is intended that this range of access routes will meet differing needs among users, including different age groups. For example, older people are more likely to be digitally excluded and therefore would access services via the telephone line or face to face. Contractors are also required to provide information in printed i.e. leaflet form as well as on-line. For frail older people with limited mobility, the outreach services would be more appropriate to their needs. The need for home visits for vulnerable or referred clients will be assessed and either provided or referred on.

Younger and middle aged people are more likely to be at work in the daytime. Those at work during office hours would be not able to access services at that time. In addition to providing telephone and email advice, the generalist contractor is required to provide 2-hourly evening advice sessions (5pm-7pm) once a week, in both the east and west of the borough.

Contractors will be required to work with other voluntary and community sector organisations in the borough, in particular Common Purpose funded organisations that provide generalist advice and signposting to specific groups with particular needs. These include Southwark Pensioners' Centre, Latin American Disabled People' Project, and Southwark Day centre for Asylum Seekers. Southwark Pensioners Centre has a dedicated advice service targeted at people over the age of 50. The organisations will in turn be required to demonstrate that they are working with the advice agencies to ensure smooth signposting.

Contractors will be required to provide ongoing monitoring data on take-up of services against a number of the protected characteristics. They will be required to address any significant areas of under-representation if deemed relevant.

All contractors are required to have an Equalities & Diversity policy in place which is regularly reviewed and covers the following:

- Monitoring take up of service beneficiaries
- Recruitment of staff and how the organisation ensures that there is no discrimination, against the Equality Act 2010 protected characteristics
- Communication of the policy to staff

Disability - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Possible impacts (positive and negative) of proposed policy/decision/business plan

Currently over a third of advice service clients have one or more disabilities and there is a likelihood that the 15% budget reduction may have a disproportionate negative effect on this client group. The consultation specifically highlighted the impact of welfare reform on people with disabilities as representing a major challenge in terms of meeting need.

The overall approach to the commissioning of the services has been developed to ensure that the services will provide support to large numbers of disabled people in Southwark impacted by welfare reform.

The move to Personal Independence Payments (PIP) is also having a significant impact often on very vulnerable people with a high number of decisions being overturned on appeal. The advice contractors are supporting claimants to challenge negative decisions which they would not have

the capacity to do without support. 69% of appeals made to the DWP are successful which tells us that nearly 7 out of 10 claims are incorrect. In 2019, for around 40% of claimants nationally, the main disabling condition is a mental health condition. As at November 2018, 8,000 Southwark residents were yet to be migrated to PIPs. Residents also continue to be affected by other welfare reforms including the benefit cap and the 'Bedroom Tax.'

Negotiations with providers will cover how the resources available can work most effectively to meet the needs of this group of people and how to ensure that they complement other resources that meet their needs.

A telephone advice line will continue to be provided which may have a positive impact on some users with disabilities in that they do not have to travel to access services. However, there will be ongoing and high levels of need for face to face advice, advocacy and support with representation particularly for more vulnerable individuals.

In relation to staff, see under 'age.'

Equality information on which above analysis is based

Organisations' equality & diversity policies

Monitoring information from other programmes e.g. Common Purpose programme

Feedback from stakeholders

Research and analysis of impacts of Welfare Reform (Southwark Council, Exchequer Services) – in relation to ESA and DLA.

Mitigating actions to be taken

Any impact of the 15% budget reduction on people with disabilities may be mitigated by the disability service hub which is currently being procured by the council's adult social care team (alongside the older people's service hub) and is due to go live in June 2020. This hub model will equip the council to manage its "front door" by assisting vulnerable populations to access information, advice, navigation and facilitation support that will link with preventative community opportunities to support independence and wellbeing.

The council's Local Support team provides an income maximisation service which prioritises those with disabilities as well as older adults. It offers home visits if needed and provides outreach appointments across the borough. It also offers a one off hardship fund for households where there are severe disabilities.

The current advice service contractors are required to prioritise their resources to support people with the most complex needs particularly where these cut across areas of law. Contractors are required to provide advice, advocacy and representation at the appropriate level to people with disabilities impacted by reform of disability benefits.

Current contractors are required to ensure access for:

- People with physical and mental disabilities
- People with sensory impairment
- People with limited literacy, numeracy and digital skills.

Contractors are required to provide a spread of services across the borough, particularly focussed on the geographical areas of highest need. This reduces the need for people with mobility problems to travel long distances.

The current contractors' premises meet disability access requirements under the Equalities Act 2010.

As described above they are required to provide a range of access routes to services. These include outreach services for those unable to travel to the service. The web portal meets accessibility standards.

The need for home visits for vulnerable or referred clients will be assessed and either provided or referred on.

As described above, contractors will be required to work with other voluntary and community sector organisations in the borough, in particular Community Purpose funded organisations that provide generalist advice and signposting to specific groups with particular needs. These include the Latin American Disabled People's Project and Mental Fight Club (mental health support). The Common Purpose organisations are in turn required to demonstrate that they are working with the advice agencies to ensure smooth signposting etc.

As described above, all contractors are required to have an Equalities & Diversity policy in place.

Contractors will be required to provide ongoing monitoring data on take-up of services against this protected characteristic. They will be required to address any significant areas of under-representation if deemed relevant.

Gender reassignment - The process of transitioning from one gender to another.

Possible impacts (positive and negative) of proposed policy/decision/business plan

No specific impacts have been identified or raised in relation to this characteristic which is not monitored though information about the number of service users will be available where there is self-disclosure. No particular changes have been made to the service specification relating to this.

The specialist legal services package offers advice and specialist level legal casework to people experiencing discrimination and this protected characteristic would fall within scope as set out in the legislation.

In relation to staff, see under 'age.'

Equality information on which above analysis is based.

Organisations' equality & diversity policies
No monitoring data is collected
Feedback from stakeholders

Mitigating actions to be taken

As described above, all contractors are required to have an Equalities & Diversity policy in place.

Marriage and civil partnership - Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters. **(Only to be considered in respect to the need to eliminate discrimination.)**

Possible impacts (positive and negative) of proposed policy/decision/business plan

The consultation did not identify any specific issues relating to marital status or civil partnership.

An issue highlighted in the stakeholder survey was that welfare reform, and associated increased pressure on households, may be leading to increased levels of household conflict, domestic abuse, divorce, separation and custody issues. These issues may compound other problems such as unemployment or insecure employment and language barriers.

In relation to staff, see under 'age.'

Equality information on which above analysis is based

Organisations' equality & diversity policies
Monitoring data is not collected relating to marital status or civil partnership.
Monitoring information from other programmes e.g. Common Purpose programme
Feedback from stakeholders

Mitigating actions to be taken

As described above, all contractors are required to have an Equalities & Diversity policy in place.

Marriage and civil partnership status is not routinely monitored amongst service users.

Pregnancy and maternity - Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Possible impacts (positive and negative) of proposed policy/decision/business plan

There are no specific identified impacts relating to this group of women resulting from the decision. Services will meet the needs of women relating to clarification of statutory entitlements relating to pregnancy and maternity in the areas of welfare benefits, employment law and equal treatment generally.

In relation to staff, see under 'age.'

Equality information on which above analysis is based

<p>Organisations' equality & diversity policies Monitoring data collected relating to claiming of maternity benefits. Monitoring information from other programmes e.g. Common Purpose programme Feedback from stakeholders Research and analysis of impacts of Welfare Reform (Southwark Council, Exchequer Services)</p>
<p>Mitigating actions to be taken</p>
<p>As described above, contractors are required to provide a range of access routes to services, including a web portal and telephone advice line.</p> <p>As described above, all contractors are required to have an Equalities & Diversity policy in place.</p> <p>Sample profile data on the number of service users within this grouping can be obtained as required. Continuous monitoring of this characteristic is not carried out as a matter of course.</p>

<p>Race - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.</p>
<p>Possible impacts (positive and negative) of proposed policy/decision/business plan</p>
<p>Race as a protected characteristic could relate to any grouping of people irrespective of colour or nationality.</p> <p>Monitoring data from 2018-19 shows that only 19% of clients identify themselves as White British. One third of clients identify as Black African, 13% as Black Caribbean and a significant number are from Latin American countries.</p> <p>Some residents who fall into the protected characteristic of 'race' may have limited English and so be unable to access services. If they have recently arrived from another country, they are also more likely to be digitally excluded.</p> <p>The consultation identified that there continues to be high levels of need for immigration advice. Immigration is out of scope of legal aid. There is therefore a likelihood that the 15% budget reduction will impact disproportionately on people with this protected characteristic.</p> <p>Organisations may be in a position where they are unable to meet the needs of residents who have language or cultural barriers to accessing their services. Providing appropriate support may be particularly resource-intensive and place heavy demands on their services.</p> <p>In relation to staff, see under 'age.'</p>
<p>Equality information on which above analysis is based</p>
<p>Organisations' equality & diversity policies Monitoring data collected Monitoring information from other programmes e.g. Community Capacity programme Feedback from stakeholders Research and analysis of impacts of Welfare Reform (Southwark Council, Exchequer Services)</p>
<p>Mitigating actions to be taken</p>

The council provides support to people who may not be eligible for state benefits due to immigration status. This is provided by the council's No Recourse to Public Funds team.

As described earlier, the generalist provider is required to provide 'advice in community languages'. Contractors are required to provide services in the most commonly used community languages in Southwark. Contractors have been required to demonstrate that the number of languages provided will meet community needs.

As described above, contractors will be required to work with other voluntary and community sector organisations in the borough, in particular Common Purpose funded organisations that provide generalist advice and signposting to specific communities with particular needs, for example, Latin American and Somali communities; and refugees and asylum seekers from numerous countries of origin. The Common Purpose organisations will in turn be required to demonstrate that they are working with the advice agencies to ensure smooth signposting etc. These organisations are being encouraged to focus on the provision of level one advice to their users and this may take some pressure off the advice services.

As described above, all contractors are required to have an Equalities & Diversity policy in place.

Contractors are required to monitor race for all service beneficiaries. They will be required to address any significant areas of under-representation if deemed relevant.

The council is also active in influencing resource allocation at a London wide level through government bodies including London Councils and the GLA and cross-sector networks including London Funders. The broad aims of this are to ensure that there is awareness of the impact of reducing resource and increasing need and that steps are taken to mitigate impacts.

Religion and belief - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Possible impacts (positive and negative) of proposed policy/decision/business plan

The consultation and monitoring data analysis carried out prior to the start of the commissioning process did not raise any specific issues relating to religion or belief.

Users may experience barriers to access services owing to their particular religion or belief. For example, accessing services on particular days / times.

In relation to staff, see under 'age.'

Equality information on which above analysis is based

Organisations' equality & diversity policies
Monitoring information from other programmes e.g. Common Purpose programme
Feedback from stakeholders
Research and analysis of impacts of Welfare Reform (Southwark Council, Exchequer Services)

Mitigating actions to be taken

As described above, contractors are required to provide access to face-to-face services at varying times. This may enable access to those whose religion / belief may prevent them for accessing services on certain days of the week. Contractors are also required to have an Equalities & Diversity policy in place. Monitoring of religion or belief is not carried out as part of monitoring of service beneficiaries.

As described above, contractors will be required to work with other voluntary and community sector organisations in the borough, in particular Common Purpose funded organisations that provide generalist advice and signposting to specific communities with particular needs, for example, Muslim women. The Common Purpose organisations will in turn be required to demonstrate that they are working with the advice agencies to ensure smooth signposting etc.

Sex - A man or a woman.

Possible impacts (positive and negative) of proposed policy/decision/business plan

The stakeholder survey highlighted particular groups who are more likely to have unmet advice needs: these included women in abusive relationships, lone parents and young / BME / no resident fathers. Women from particular communities are more likely to be in low-paid or precarious employment. A specific example provided was that of Latin American women. Monitoring data from 2018-19 shows that nearly twice as many women as men accessed the Advice in Community Language service (then provided by Advising Communities) in 2018-19.

The 2018-19 monitoring data shows that across all 4 contracts 56% of clients were women and the pattern over some years has been a higher proportion of female clients than male. However, as stated above current contractors are consistently reporting increasing issues among male clients aged 55+ who have worked in manual trades and are more likely to have health issues and / or be digitally excluded.

There is a likelihood that the 15% reduction to the budget may have a disproportionate negative impact on women and men in these particular groups.

It may be more difficult for women to access services owing to childcare responsibilities.

In relation to staff, see under 'age.'

Equality information on which above analysis is based

Organisations' equality & diversity policies
Monitoring data collected
Monitoring information from other programmes e.g. Common Purpose programme
Feedback from stakeholders
Research and analysis of impacts of Welfare Reform (Southwark Council, Exchequer Services)

Mitigating actions to be taken

Contractors are required to provide a number of access routes including telephone advice line and web portal. They are also required to provide open door access at varying times of the day. This may make it easier for women (or men) with childcare responsibilities to access services. Blackfriars Settlement, who are separately funded by the council via Common Purpose and adult social care, provide a weekly evening legal advice clinic.

The advice service specification will address the needs of those with language barriers, who may be particularly likely to be women, by ensuring that there will be provision of advice in community languages including Spanish, to be provided in a range of outreach settings.

Contractors will be required to work with other voluntary and community sector organisations in the borough, in particular Common Purpose funded organisations that provide generalist advice and signposting to specific communities with particular needs, for example, Muslim women; Latin American women; marginalised men and boys from BME backgrounds. The Common Purpose

organisations will in turn be required to demonstrate that they are working with the advice agencies to ensure smooth signposting etc.

As described above, all contractors are required to have an Equalities & Diversity policy in place.

Contractors will be required to provide ongoing monitoring data on take-up of services against all the protected characteristics. They will be required to address any significant areas of under-representation if deemed relevant.

Sexual orientation - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

Possible impacts (positive and negative) of proposed policy/decision/business plan

As this is an area of sensitivity one of the current contractors does not monitor this protected characteristic. The other provider does ask its clients about their sexual orientation but the numbers declaring LGBT status are very low – 16 in 2018-19 – and this is unlikely to be a reflection of the true picture.

In the stakeholder survey a comment was made in relation to access to justice that refugees and asylum seekers – particularly LGBTQ+- are likely to suffer in silence and not complain for fear of repercussions.

Therefore there is a likelihood that the 15% reduction to the budget may have a disproportionate negative impact on this group.

In relation to staff, see under 'age.'

Equality information on which above analysis is based

Organisations' equality & diversity policies
Monitoring data collected
Monitoring information from other programmes e.g. Common Purpose programme
Feedback from stakeholders
Research and analysis of impacts of Welfare Reform (Southwark Council, Exchequer Services)

Mitigating actions to be taken

Contractors will be required to work with other voluntary and community sector organisations in the borough, in particular Common Purpose funded organisations that provide generalist advice and signposting to specific communities with particular needs. Some Common Purpose funded groups, including Latin American Women's Rights Service and Mental Fight Club are looking to improve access for LGBTQ clients to their services and improve the support they provide them.

As described above, all contractors are required to have an Equalities & Diversity policy in place.

They will be required to address any significant areas of under-representation if deemed relevant.

Human Rights

There are 16 rights in the Human Rights Act. Each one is called an Article. They are all taken from the European Convention on Human Rights. The Articles are The right to life, Freedom from torture, inhuman and degrading treatment, Freedom from forced labour. Right to Liberty, Fair trial, Retrospective penalties, Privacy, Freedom of conscience, Freedom of expression, Freedom of

assembly, Marriage and family, Freedom from discrimination and the First Protocol.
Possible impacts (positive and negative) of proposed policy/decision/business plan
<p>The provision of specialist level legal advice services includes the diagnosis of issues relating to discrimination and specifically Human Rights legislation in the areas of employment, welfare benefits, immigration and housing.</p> <p>An overarching aim of the programme is to enable access to justice for those facing disadvantage or discrimination.</p> <p>The approach to these contracts, emphasising improving client experience and better co-ordination of advice services via Southwark Legal Advice Network, is intended to have a positive impact for all clients, with a spread of services across the borough and reduced need for cross-agency referrals.</p> <p>There is likelihood that the 15% reduction to the budget may have a disproportionate negative impact on people experiencing disadvantage or discrimination. Negotiations with providers will examine what steps can be taken to mitigate these impacts by ensuring that there is a shared approach and agreement on which contract resources are the most critical to meet needs that are not met through other funding resource.</p>
Information on which above analysis is based
<p>Organisations' equality & diversity policies</p> <p>Monitoring data relating to advice and advocacy provided where discrimination or Human Rights issues have been identified.</p> <p>Monitoring information from other programmes e.g. Common Purpose</p> <p>Feedback from stakeholders</p> <p>Research and analysis of impacts of Welfare Reform (Southwark Council, Exchequer Services)</p>
Mitigating actions to be taken
<p>Key outcomes of the programme that contractors are required to meet include</p> <ul style="list-style-type: none"> • Residents have an improved understanding of their rights and responsibilities. Examples include: benefit entitlements; the difference between priority and non priority debts, challenging housing disrepair and immigration rights. This is intended to have a preventative effect, reducing the need for that client to require the support of advice services in future. • Residents who are experiencing discrimination are supported to have access to justice. <p>Welfare benefits is consistently the biggest subject area of enquiry and in particular the rollout of Universal Credit continues to have a significant negative impact on residents. The Safe as Houses research commissioned by Exchequer Services in 2017 revealed an immediate negative impact on 60% of claimants, who have fallen into rent arrears. Some claimants are able to improve their situation after approximately 3 months but many continue to accumulate arrears and may be at increased risk of eviction and homelessness. As at August 2018 council tenants transitioning to Universal Credit had resulted in an additional £2.4 million in rent arrears.</p> <p>Many struggle to cope with claiming on line and then managing their claim. There is often confusion about the housing element of the claims. The services are helping residents understand the changes and providing advice and support including help with claiming on-line, and help with challenging negative decisions.</p> <p>The move to Personal Independence Payments (PIP) is also having a significant impact often on</p>

very vulnerable people with a high number of decisions being overturned on appeal. 69% of appeals made to the DWP are successful which tells us that nearly 7 out of 10 claims are incorrect. The advice contractors are supporting claimants to challenge negative decisions which they would not have the capacity to do without support. Demand is expected to continue: as at November 2018, 8,000 Southwark residents were yet to be migrated to PIPs. Nationally, for around 40% of claimants in 2019 the main disabling condition is a mental health condition. Residents also continue to be affected by other welfare reforms including the benefit cap and the 'Bedroom Tax.'

There are also a number of Common Purpose-funded and other VCS groups in the borough supporting clients with disabilities to secure welfare benefits that they are entitled to, including Latin American Disabled People's Project; Southwark Pensioners Centre (SPC provide advice for over 50s ie including those below pensionable age).

Citizens Advice Southwark one of the contractors provides the Help to Claim Service for Universal Credit.

The council's Local Support team provides an income maximisation service which prioritises older adults as well as those with disabilities. It offers home visits if needed and provides outreach appointments across the borough. .

Debt: the 5 week delay before receiving the first Universal Credit payment (which may take as long as 13 weeks) is causing significant numbers of claimants to go into rent arrears. Debt may also arise as a result of precarious or fluctuating income including zero hours contracts, council tax changes; difficulties with managing Universal Credit as a monthly rather than weekly payment, and fuel poverty, and many clients end up resorting to doorstep lenders. This is leading to severe hardship and an increase in foodbank use. The Mayor's Survey of Londoners 2019 found that one quarter of Londoners who owe money find it to be a heavy burden and this is strongly linked to deprivation. Contractors support clients to agree affordable repayment plans with creditors as well as to maximise benefit income to enable them to pay off their debts.

The council's Local Support team also offers a one off hardship fund for households where there are severe disabilities which are facing financial hardship as a result of welfare reforms. The payment can be used to reduce priority debts such as rent, council tax or utility arrears or non priority debts such as credit cards or payday loans.

Homelessness: rates of homelessness in the borough are high and growing. Average private sector rents have increased significantly while the Local Housing Allowance has been frozen. The numbers of families in temporary accommodation increased by two thirds from 2010 to 2016 (Review of Homelessness in Southwark, 2017). As people struggle to pay market rents in the private sector many are living in overcrowded conditions or properties that are in a state of disrepair. Homelessness acceptances currently cost the council around £8,000 per case; the cost of preventing homelessness is around £1,000 per case. The contractors provide support and representation in cases involving homelessness, possession, eviction and disrepair.

Blackfriars Settlement who are separately funded by the council via Common Purpose and adult social care, host a weekly evening legal advice clinic covering housing and employment law.

The council's Financial Inclusion team provides discretionary housing payments and also the hardship fund which is described above.

Immigration Contractors report that demand for high quality immigration advice is high; the stakeholder survey also highlighted that this is a high area of need. Clients who have been affected by the Windrush scandal are being supported; also EU nationals are being supported to register with the EU settlement scheme.

The council's No Recourse to Public Funds team provides emergency help including emergency accommodation .

Across all these areas of law: London South Bank University provides a drop in legal advice clinic staffed by law students under the supervision of practising solicitors. It provides generalist advice

in any social welfare law matter and specialist advice in family and housing law.

The council provides an Emergency Support Scheme, which is being delivered by Community Action Southwark. This is for people in more urgent need; examples include awards of money to help if benefits are stolen; items of furniture for families who have been homeless and are moving into more permanent accommodation; provision of appropriate furniture / equipment for those with disabilities.

The council separately funds the Forum for Equalities and Human Rights in Southwark, which is hosted by Citizens Advice Southwark, to act as a 'critical friend' to the council in relation to equalities and human rights. Its overarching objectives are to improve social cohesion in the borough; improve awareness of and access to services and promote citizenship rights and responsibilities.

Section 5: Further actions and objectives

5. Further actions			
Based on the initial analysis above, please detail the key mitigating actions or the areas identified as requiring more detailed analysis.			
Number	Description of issue	Action	Timeframe
1	Resources in relation to need – budget reduction of £165,000 for 2020-21 onwards.	<p>Length of contracts provides contractors with opportunity to plan for medium and long term and to attract additional funding to fill gaps.</p> <p>Contractors are required to focus on geographical areas of highest need and on the most vulnerable clients or those with highest levels of need.</p> <p>Contractors are required to work closely with Common Purpose-funded and other smaller local VCS groups who provide general help level advice and information as well as help with translation, interpretation, form-filling and digital access.</p> <p>Other local and national funders are also supporting advice work in Southwark, for example United St Saviours Charity's funding of support to Universal Credit claimants and advice worker training.</p>	Ongoing
2	Under-representation from particular groups, including those who are facing digital exclusion	Contractors will be required to monitor take up of their services against a number of the protected characteristics and will be required to address areas of under-representation, if deemed to be relevant.	Ongoing
3	Welfare reform impacts result in level of service demand and complexity	Contractors will be required to offer a seamless approach and	Ongoing

	<p>which contractors are unable to manage – particularly in the light of the 15% budget reduction described in item 1 above.</p>	<p>tackle complex, multiple problems at an early stage to avoid escalation</p> <p>Impacts will be evaluated on an ongoing basis through contract monitoring and policy forums. Findings will be fed back through the contractors' partnership forum to enable responses to need to be developed during the term of the contracts. Other funding streams and initiatives will be geared towards the improvement of financial confidence.</p> <p>See also item 1 above.</p>	

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5. Equality objectives (for business plans)

Based on the initial analysis above, please detail any equality objectives that you will set for your division/department/service. Under the objective and measure column please state whether this objective is an existing objective or a suggested addition to the Council Plan.

Objective and measure	Lead officer	Current performance (baseline)	Targets	
			2020/21	2021/22

Item No. 6.	Classification: Open	Date: 12 May 2020	Meeting Name: Overview and Scrutiny Committee
Report title:		Scrutiny Call-in: Delivering a Climate Strategy for Southwark (Cabinet 7 April 2020)	
Ward(s) or groups affected:		All	
From:		Head of Overview and Scrutiny (Acting)	

RECOMMENDATIONS

1. That overview and scrutiny committee consider the call-in request set out at paragraph 9 of the report.
2. That having considered the call-in request, the overview and scrutiny committee decide on the appropriate course of action as outlined in paragraph 13 of the report (potential outcomes available to the call-in meeting).

BACKGROUND INFORMATION

3. On 7 April 2020 cabinet considered a report (attached as Appendix A) on Delivering a Climate Strategy for Southwark.
4. The cabinet agreed:
 1. That the contents of the report and progress on delivering a climate strategy for Southwark be noted.
 2. That the engagement approach, timetable and strategy structure detailed in the report and other actions in response to the Council's declaration of a Climate Emergency in March 2019 be agreed.
 3. That a members' working group be established as set out in the report.
 4. That Cabinet notes the additional officer advice attached to the addendum report and agrees that officers, in consultation with the Cabinet Member for Environment, Transport and the Climate Emergency, make necessary changes to the engagement process due to the impact of the Coronavirus pandemic.

KEY ISSUES FOR CONSIDERATION

5. The overview and scrutiny committee can "call-in" any executive decision which has been made but not yet implemented by the following:
 - a) the cabinet
 - b) an individual member of the cabinet

- c) a committee of the cabinet
- d) an executive decision taken by an individual member
- e) a key decision made by an officer with delegated authority.

6. This enables the overview and scrutiny committee to consider whether the decision is appropriate.
7. It is for the committee to decide what evidence to consider and take into account when considering the call-in. The committee should however be mindful of the grounds for call-in and the specific decision(s) the call-in relates when considering whether the decision is appropriate.
8. The committee should also be mindful of the provisions contained in the Council constitution which enable interested parties to make representations to a decision maker ahead of a decision and the onus of the decision maker to have regard for representations received when taking a decision. The committee should therefore as far as practicable not introduce new issues or rehearse points that have previously been made to the decision maker.

Call-in request

9. On 17 April 2020, Councillor Jane Salmon requested a call-in of the decision. The call-in request was supported by Councillors Humaira Ali and Victor Chamberlain. The call-in request is set out below:

On 7th April 2020 Cabinet resolved:

1. That the contents of the report and progress on delivering a climate strategy for Southwark be noted.
 2. That the engagement approach, timetable and strategy structure detailed in the report and other actions in response to the Council's declaration of a Climate Emergency in March 2019 be agreed.
 3. That a members' working group be established as set out in the report.
 4. That Cabinet notes the additional officer advice attached to the addendum report and agrees that officers, in consultation with the Cabinet Member for Environment, Transport and the Climate Emergency, make necessary changes to the engagement process due to the impact of the Coronavirus pandemic.
- I would like to call-in this decision because I believe there is evidence that the decision maker may not have taken the decision in accordance with the principles of decision making as set out in the constitution.

In particular, I believe that the decision to allow officers to reduce the amount of public engagement is not in accordance with principles a) d) and f) of decision making listed in Article 1.3 of the council's constitution, which are:

- a) the link between strategy and implementation must be maintained
- d) due consultation and the taking of professional advice from officers
- f) a presumption in favour of openness

To explain further, the additional officer advice mentioned in Resolution 4 states that, due to the current lockdown “it is likely that it will not be possible to do any face to face engagement, and that it will not be possible to convene groups”. Cabinet has therefore been asked to agree to amend the engagement strategy in order to allow for “more limited public engagement” before the climate strategy is published in July.

Given the importance placed upon public engagement in the remainder of the reports seen by Cabinet to support decision-making, and in particular the strategic importance of being inclusive of all residents, including those from underrepresented or excluded groups, and of being transparent, I believe the decision to limit public engagement, instead of exploring other engagement modalities (for example holding virtual online meetings to achieve the same levels of engagement) breaks the link between strategy and implementation.

Although officers have offered professional advice on their views of the necessity for limiting engagement, while the climate strategy is being developed, there is no evidence of consultation with the voluntary and community sector or councillors to support this decision. Similarly, as elsewhere, the council is considering ways to engage the public in planning and licensing decisions using virtual meeting software solutions, it seems likely that officers from other departments have not been asked to offer advice on the possibility of alternative additional engagement. I therefore believe that this decision has not been taken with due consultation or the taking of sufficient professional advice.

Finally, although the mechanisms for engagement may change, I do not believe it is fundamentally necessary to limit the level of public engagement on the climate change strategy. To decide to limit engagement because it has become more challenging to facilitate it, and in particular to make this decision without a full exploration of the possible alternatives, suggests that this decision has not been made with a presumption in favour of openness.

I believe that calling in this decision for further scrutiny by the Overview and Scrutiny Committee will help facilitate an exploration of potential new avenues and channels for public engagement and will help provide clarity and reassurance that the council is doing everything possible to engage with hard to reach groups in the preparation of the climate strategy.

I also believe that the decision to delay publishing the draft climate strategy breaks the link between strategy and implementation.

The original strategy, as decided at March 2019 Council Assembly, declared a Climate Emergency which Cabinet agreed in June 2019, included 4b) “Develop a strategy, working with local stakeholders, to ensure that the council becomes carbon neutral at a much more rapid pace than currently envisaged...” The words “much more rapid pace than currently envisaged” are key here. Since then, officers presented a report to Cabinet in October 2019 entitled “Delivering a Climate Strategy for Southwark”. This report proposed a draft climate change strategy by February 2020 at paragraph 55. This draft strategy was also referred to at paragraph 7 of the Environment Scrutiny Commission report on the Climate Emergency Road Map – Cabinet Response presented at the February 2020 Cabinet. In the report submitted for March 2020 Delivering a Climate Strategy for Southwark, there is no draft

climate change strategy but it is noted that one is underway at paragraph 27. A draft structure was included at Appendix 1.

Over 12 months later and there is still no draft climate strategy in place to consult on, I feel this is not reasonably meeting the strategic urgency of the original declaration in March 2019 and therefore this decision has not been made in accordance with Article 1.3 a) of the Constitution “the link between strategy and implementation must be maintained”. I am concerned that the Council cannot implement the proposed consultation and engagement set out in this report without a draft climate strategy in place that was required in the timetable agreed in October 2019. Further there is a vague outline of the action plan that should result without any timetable for its delivery in this report which again fails this sense of urgency.

I believe that calling this in to the Overview and Scrutiny committee will allow members to explore whether there are any road-blocks to progress which need to be addressed in order to allow matters to move with the urgency which the strategy demands.

Comments of the Head of Overview and Scrutiny (Acting)

10. The request for call-in covers two areas:

Public engagement
Delay in publishing the draft strategy

11. In respect of public engagement, the reasons given in the call-in request were considered valid grounds for call-in, particularly as calling-in the decision would enable clarification on the proposed engagement and exploration of potential new avenues of public engagement ahead of the implementation of the decision.
12. In respect of the delay in publishing the draft strategy, the grounds given for the call-in were not considered to be in and of itself a valid reason for the call-in of the decision.

Potential outcomes available to the call-in meeting

13. If, having considered the decision and all relevant advice, the overview and scrutiny committee may either:
- a) refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or
 - b) refer the matter to council assembly if the decision is deemed to be outside the policy and budget framework, or
 - c) not refer the matter back to the decision making person or body but decide to undertake a subsequent scrutiny review of a policy or service issue, which shall not affect the implementation of the decision, or
 - d) not refer the matter back to the decision making person or body.
14. In an outcome of c) and d) above the decision shall take effect on the date of the scrutiny meeting. Notice of the decision will be issued to all councillors and

published on the council's website.

REASONS FOR URGENCY

15. The overview and scrutiny committee is required to consider a scrutiny call-in as soon as possible. This meeting has been arranged to consider the call-in.

REASONS FOR LATENESS

16. It has taken longer than anticipated to prepare the report for scrutiny due to other work pressures.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Cabinet report – (attached as an Appendix)		

APPENDICES

No.	Title
Appendix A	Report to Cabinet 'Delivering a Climate Strategy for Southwark

AUDIT TRAIL

Lead Officer	Everton Roberts, Head of Overview and Scrutiny (Acting)	
Report Author	Everton Roberts	
Version	Final	
Dated	6 May 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	No	No
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Scrutiny Team	6 May 2020	

Item No. 17.	Classification: Open	Date: 24 March 2020	Meeting Name: Cabinet
Report title:		Delivering a climate strategy for Southwark - update	
Ward(s) or groups affected:		All wards	
Cabinet Member:		Councillor Richard Livingstone, Environment, Transport and the Climate Emergency	

FOREWORD - COUNCILLOR RICHARD LIVINGSTONE, CABINET MEMBER FOR ENVIRONMENT, TRANSPORT AND THE CLIMATE EMERGENCY

Last year, Southwark Council declared a Climate Emergency. To address this crisis, the council undertook to do everything it can to make Southwark carbon neutral by 2030.

Whilst the council continues to take action to reduce its carbon production, we need a comprehensive strategy that binds all parts of the council to achieve this ambitious aim. Furthermore, that strategy needs to involve everyone who lives in, works in or visits our borough. This report sets out how the council will develop that strategy.

This report builds on the roadmap to the strategy agreed by cabinet in October 2019 and sets out how we will involve our communities to develop this wide-ranging strategy for agreement in July. As part of the process in developing the final strategy, we will work in a way that brings in other stakeholders, to use their ideas and to enable them to hold us to account. We are also establishing a cross-party members' group to oversee this work.

The strategy must be inclusive, transparent and ambitious if it is to achieve its aims. Furthermore, it must be evidence led and responsive to new opportunities. It must seek to prevent global temperatures rising, but it must also think about how to adapt to the consequences of a warmer planet. Where the council does not have powers to carry out all the actions needed, the strategy should lead to the lobbying of other bodies that can enable those actions. And the strategy must spur co-operation with like-minded councils to achieve change beyond our borough boundaries.

We have already been bold as a borough in the steps we have taken: appointing the country's first Climate Change Director to oversee this work and setting aside £2 million in last month's budget to ensure that we can deliver actions identified through the strategy quickly, without having to wait for the 2021/22 council budget process. This report will enable the council to move forward rapidly to identify those actions, ensuring that we act with the urgency that the Climate Emergency demands.

RECOMMENDATIONS

Recommendations for the Cabinet

1. Note the contents of the report and progress on delivering a climate strategy for Southwark.

2. Agree the engagement approach, timetable and strategy structure detailed in the report and other actions in response to the Council's declaration of a Climate Emergency in March 2019.
3. Establish a members' working group as set out in the report.

BACKGROUND INFORMATION

4. The global challenge from climate change is unprecedented and urgent action is required now to tackle it. In March 2019, the council declared a climate emergency which recognised the scale and scope of the crisis and committed the council to doing all that it can to make the borough carbon neutral by 2030.
5. Following the council's climate summit in July 2019, officers were asked to develop a climate change strategy. A report came to Cabinet in October 2019 "Delivering a Climate Strategy Summit for Southwark" to update members on progress.
6. The council's environment scrutiny commission have also made recommendations on the council's approach, following evidence sessions from the Cabinet Member and other expert witnesses. Cabinet responded to their recommendations in February 2020. Cabinet asked officers to consider the recommendations of the commission when developing the strategy.
7. This report updates cabinet on progress towards a climate change strategy and recommends next steps for the council.

KEY ISSUES FOR CONSIDERATION

8. Around 65% of local authorities in the country have declared a climate emergency; this includes most councils in London. The GLA has declared a climate emergency and to be carbon neutral by 2050. Nonetheless, the Mayor of London has said he is committed to a date of 2030.
9. Since declaring the climate emergency, the context in London has evolved. Our priority is, and remains, to be carbon neutral by 2030, but the growing support across the city means that we are now delivering this alongside other boroughs which will have a greater impact for our city and our planet.
10. London Councils has started work to support boroughs that are developing climate change strategies. This will ensure that as far as possible council strategies align and across the city boroughs can realise opportunities to work together to achieve climate change commitments. Some of the changes required to become carbon neutral are in our gift, and although challenging, can be delivered by working as a single borough with partners and stakeholders. Others are more complex and will require working together regionally and nationally to ensure that funding and regulation come together to achieve significant results, for example retrofitting energy efficient solutions to existing homes.
11. Chief Executives and Strategic Directors in London have agreed a series of priorities for London where boroughs need to work together as the local government sector to deliver. In a joint statement of climate change, London

boroughs have agreed to six programmes of work:

- Retrofit London: Retrofit all domestic and non-domestic buildings to an average level of EPC B. Programme timescale: 2020 – 2030.
 - Low-carbon development: Secure low carbon buildings and infrastructure via borough planning. Programme timescale: 2020 – 2022.
 - Halve petrol and diesel road journeys: Halve road journeys made by petrol and diesel via combined measures that can restrict polluting journeys and incentivise sustainable and active travel options. Programme timescale: 2020 – 2030.
 - Renewable power for London: Secure 100% renewable energy for London's public sector now and in the future. Programme timescale: 2020 – 2030.
 - Reduce consumption emissions: Reduce consumption emissions by two thirds, focusing on food, clothing, electronics and aviation. Programme timescale: 2020 – 2030.
 - Build the green economy: Develop London's low carbon sector and green our broader economy. Programme timescale: 2020 – 2030.
12. In addition to these projects, councils have agreed to collaborate on management and use of data. This is to ensure that there is a common means of measuring carbon and progress across the city for greater transparency and accountability.
 13. Through the London Environment Directors' Network (LEDNet) Southwark's Strategic Director for Environment and Leisure is chairing the Climate Change Cluster, which will be leading this pan-London work on climate change, and LEDNet is working with other national local government partners and green groups through a 'Climate Emergency Local Action Coalition'. So alongside developing our own climate strategy, Southwark is playing a leading role in the work of carbon reduction across London.
 14. Work is underway to develop Southwark's climate change strategy. A new Climate Change Director has been appointed, and Council Assembly has agreed initial funding of £2m to support the council's work on the climate emergency. Officers have set up a Partnership Steering Group, which has invited over fifty individuals from every part of the borough, representing a broad range of interests and sectors, to help shape and develop our strategy.
 15. On 21st March, the council will also host its first ever borough conference with the theme of climate change. This will bring together residents from across the borough to explore issues around climate change and engage with us on their views on what needs to be done, and the actions they would support.
 16. The council has been promoting the climate emergency with new branding, a special feature in Southwark Life, and is currently developing further ways to promote and encourage action to address the climate emergency.
 17. Alongside the council's work on engagement and the development of the strategy, the council has continued to develop policy as well as programmes which reduce

our carbon emissions and support greater sustainability. Since the Cabinet report in October:

- The council has started work on renewing its energy contracts. The gateway 1 report sets out proposition to move to 100% green energy for all Southwark electricity supplies. This would create a saving of around 25,000 tonnes of CO2 per year.
 - Work is underway between Southwark and Veolia to expand the SELCHP district heat network, moving from gas fired boilers to waste heat. This could initially realise CO2 savings of around 9,000 tonnes per year. Officers are looking at further expansion beyond this, to include the Old Kent Road regeneration area which would offer even greater CO2 savings.
 - The council is working in partnership with Lewisham for our residents to receive home visits and advice on how they can reduce energy bills and save carbon, helping to alleviate fuel poverty in the Borough.
 - Work is underway to fit out the council offices in Tooley Street to convert all lighting to LED. This will save around 572 tonnes of CO2 per year.
18. As well as sustainable energy measures, the council has also undertaken a review of work across every part of the council. This has considered existing initiatives as well as possible future initiatives. This work, together with our community engagement, will all be considered as part of our strategy development.
19. The council will also draw on increasing resources that are becoming available from think tanks, environmental groups and others. Friends of the Earth for example, in collaboration with the environmental charity Ashden, has produced an action plan of 31 things that councils can do to reduce carbon. This work identifies actions that councils can take, as well as the carbon savings and examples of where they have already been tried and succeeded elsewhere in the country. Resources like this will help the council develop its strategy, but also learn from the experiences of others to ensure that our strategy is aligned with work that others are doing. Already the council is taking some of the actions that are identified. These include:
- Set up a carbon offset fund through s106 agreements;
 - Require higher than national energy efficiency standards for privately built new homes;
 - Introduce measures to encourage walking and cycling;
 - Enable the rapid shift to electric vehicles through putting in place EV charging;
 - Reduce the need to own and use a car through managing developments in the local plan;
 - Upgrade the insulation and heating systems of council buildings;
 - Switch street lighting to well designed and well directed LED lighting;
 - Cut the council's paper waste by offering papers electronically.
20. The context in London, and growing public support for the climate emergency mean that our engagement process and subsequent strategy is a real opportunity for the council to not just develop an action plan of what needs to be done to meet our carbon neutral commitment, but also an opportunity to further enhance and grow public support for the climate emergency and action that needs to be taken. We cannot achieve a carbon zero target unless we work together. This is a

climate emergency that will need us all to behave differently and to make difficult choices.

21. In order to do this to its fullest, we want to ensure that the engagement process is meaningful and is part of a longer ongoing dialogue with our community and partners so that we can meet the challenge of the climate emergency together.

Southwark's Emissions

22. Obtaining accurate data on carbon emissions in the borough is a challenge for the council. We are working with London Councils to develop a London-wide approach which will enable borough's to be transparent about what is happening in their boroughs and to identify areas where work needs to be done. However, while this work is ongoing, there is still a need for a means of measuring progress to ensure that we are accountable for the work that we are doing.
23. Officers are currently commissioning an expert technical report on the borough's carbon emissions and the potential savings that can be achieved through a range of measures. It is essential that during our process, we have a robust mechanism to measure carbon and carbon reduction.
24. Some estimates do already exist. The Department for Business, Energy and Industrial Strategy estimate that Southwark, in its most recent figures, produces just under 1,030kt of CO₂ per year. Of that, approximately 50% is from industry, 30% from housing and 20% from travel. The data is on an "end-user" basis where emissions are distributed according to the point of energy consumption or point of emission if not energy related. It does not therefore include, for example, the energy used to produce products consumed in the borough, or things such as international travel.
25. Figures from 2011 show that around 86% of the borough's carbon emissions are not within direct control of the council, and around 14% are. The vast majority (12% of overall emissions) comes from our own housing stock.
26. The council has also been taking steps to reduce the carbon from its own operations. From a 2008 baseline, the council has reduced its own carbon by 36.7%. We have done this through a range of measures such as consolidation of buildings, increasing use of renewables and capital investment in boilers and insulation. We have invested in LED lighting in streetlights as well as a 75% reduction in consumption in Tooley Street by switching to LED lights.

Development of a strategy

27. Following the declaration of a climate emergency, cabinet agreed a timetable in October 2019 towards delivering a climate change strategy. With the emerging London context, this paper updates the timetable and engagement approach.
28. Work is underway within Southwark and across London to develop strategies to become carbon neutral. Central to our emerging strategy is quality engagement with our residents and stakeholders. For the progress we need to make as a borough, we must build support in our communities and work with them to achieve our aims. For the strategy to be robust, we also want to ensure that there is the

opportunity for engagement with expert groups and those with a particular interest in these issues.

29. This paper sets out how we propose to conduct this engagement up to the publication of the strategy, and then our ambitions beyond that. The GLA and Mayoral Elections are due to take place on Thursday 7th May.

30. The process set out below enables us to meet our ambition of a wide ranging public engagement, together with expert input and recognises some of the limits that the pre-election period places on the process.

31. Partnership Steering

31.1. As agreed in October 2019, officers have set up a partnership steering group. This group is made up of various groups, individuals and organisations in the borough to represent a broad cross section of interests in the issue of climate change. The group has been convened to seek feedback on the draft structure of the strategy, the themes and the approach that the council is taking.

31.2. Further meetings will be held throughout the process to ensure appropriate steer and input from our partners.

32. Launch – Borough Conference

32.1. The council's empowering communities' programme facilitates an annual borough conference, led by Southwark's Community Champions. This year, the council will host the first borough conference. The theme of the conference will be the climate emergency. The borough conference will be held on 21st March 2020 and will be a public meeting, involving local residents and groups who have an interest in climate change.

32.2. The conference includes a series of workshops on different climate themes and will hear from experts and those responsible for delivering Southwark's climate change response. It will also be addressed by Judy Ling Wong OBE, environmental activist and UK Director of the Black Environment Network.

32.3. The conference will start a period of public engagement and will be an opportunity to bring together different parts of the community who are passionate and committed to tackling the climate emergency together.

33. Expert engagement and public engagement stage 1

33.1. Following the conference, we propose a period of public engagement. Officers are developing a series of questions to understand our residents' priorities, ideas and concerns. These will be developed with input from the partnership steering group. These questions will be online throughout the engagement process for residents and others to respond to.

33.2. In this first phase, we are also planning a period for "expert engagement". This will be engagement with people and organisations with a specialist or expert knowledge of the issues. This will include interest groups, academics and other experts in the field. This will help ensure at an early

stage that we are listening to a wide range of people with an interest and expertise in this area.

33.3. The responses to both the public engagement and expert engagement will allow us to create a strong foundation for the strategy. The second part of the public engagement can then be adjusted if necessary to ask further questions or to explore new areas that are emerging.

34. Public engagement stage 2 and climate summit (23 March – 7 weeks)

34.1. Throughout the first stage officers will review the initial responses and use this to inform a second, fuller stage of engagement. Officers are currently working with a number of specialist engagement companies to develop an engagement plan with sufficient scope and quality to speak to people in every part of the borough and in every part of the community. This phase will be used to obtain people's views to inform the strategy, but also to raise the profile of the issue and that the solution to climate change is a shared responsibility.

34.2. London Climate Action Week falls at the end of the engagement process (27 June - 5 July 2020). We propose holding a second annual climate change summit during this week for the public to see and respond to our findings. A report from this event would be presented to Cabinet in July alongside the draft climate change strategy with a recommendation to cabinet to adopt the strategy.

35. Following adoption of the strategy, officers will bring forward an action plan in the autumn, together with recommendations for ongoing engagement, governance and delivery.

36. Timetable:

Date	Key Events	Stage		
February	3	Planning		
	10			
	17			School Half Term
	24			
March	2	Partnership Steering		
	9			
	16	Launch of consultation period		
	23	Expert Engagement	Public Engagement Stage 1	
	30			Pre Election Period Begins
April	6			Election Pre-
	13	Easter (12/4)		

	20			
	27			
	4	GLA Election (7/5)		
May	11	Council Annual Meeting (16/5)	Public Engagement Stage 2	
	18			
	25			
	1			
June	8			
	15	<i>Cabinet (16/6)</i>		
	22			
	29	London Climate Action Week (27/6-5/7) Climate Change Conference (tbc)		
	6			
July	13	Cabinet (14/7)	Adoption of Draft Strategy	
	20	School Holidays Begin	Action Plan Development	

37. The climate emergency is an issue on which that the whole borough and the whole council needs to work together. Members have a central role in our response, especially by leading the community to deliver change. We are therefore proposing establishing a members working group to work alongside the other structures such as the partnership steering group to ensure that members are contributing to the development of the strategy and the engagement with the public.
38. The working group will be made up of six Labour members and two Liberal Democrat members. Group whips will nominate members to the working group. The group will be chaired by the cabinet member with responsibility for climate change.
39. The working group will be supported by officers in the climate change team. It will develop a work plan which supports the cabinet member and provides advice and expertise to support the work that officers are delivering. The work of the working group will be reported back to Cabinet alongside updates on the climate change strategy.
40. The working group will not have decision making powers, but provide advice to the council and cabinet member as it develops and delivers its climate change strategy.

Values and Approach

41. Southwark's response to the climate emergency should be aligned with the organisation's fairer future principles and the council's values. The Environment Scrutiny Commission also recommended that cabinet support a "climate justice"

approach and called on Cabinet to make a leadership statement about the climate change issue and their approach to environmental stewardship.

42. As part of the engagement process outlined in this report, the council will be seeking feedback on its approach and the principles that are applied. Our draft statement for values and approach is set out in paragraph 43 below

43. Southwark's Approach to the Climate Emergency

43.1. Southwark Council is committed to the borough being carbon neutral by 2030, and building a sustainable carbon neutral future for all. To be successful in tackling climate change, our work must be part of a much larger global movement for change, and so our approach will be rooted in the global foundational framework of the UN Sustainable Development Goals which provide a blueprint to achieve a better and more sustainable future for all.

43.2. Alongside this, our approach should be guided by our own values. The council's fairer future values inform and guide all our decisions and determine how we deliver on the commitments that we have made. The values of treating everyone as a valued member of our own family, using our resources well, working for everyone to achieve their potential, being open, honest and accountable and making a Southwark a place to be proud of should also inform and guide our work to tackle the climate emergency.

43.3. Inclusive

Climate change is an ethical and political issue, not just an environmental one. It is an issue that does not affect all people equally and where the burden to change is not spread evenly. It is often underrepresented or excluded groups whose voice is least heard, but who are also those who will suffer the most as the result of climate change. Existing social inequalities in Southwark and elsewhere could be made worse by the effects of a changing climate.

Our approach to the climate emergency will be inclusive. Built on the principles of social justice we will support a just transition where the burden is spread fairly with the greater share to those most able to afford it. We will support plans that tackle climate change but which also reduce inequality and promote a fairer future for all.

Southwark is rightly proud to celebrate its diverse population. Our approach will be inclusive of all our residents, whoever they are and whatever their background. We will reach out to every part of Southwark and meet the climate emergency with a response built by all of our community and owned by all of our community.

43.4. Transparent

We want to ensure that we are open and honest in our approach. This is a huge challenge, and we do not know all of the answers. As a council we must be open and honest about what we can do and what else needs to be done. We will only achieve carbon neutrality if we work together as a community but to do this, need to be honest with each other and accountable to each other.

Being open, honest and accountable will help foster a constructive and

inclusive environment in which we can come together to find solutions to the challenges that we all face. We will be a good partner and work with others to lead change in Southwark and to campaign for change across London, the country and beyond.

As a public body we are and will always remain accountable to our residents, businesses and partners.

43.5. Ambitious

Our commitment must be bold and ambitious. We should not restrain ourselves to changing existing projects, or activities that the council traditionally delivers. We should instead look at all opportunities to take action and be ambitious in the scale and scope of our work. Failure is not an option and so we will be bold in our ambition and bold in our actions.

We know that we do not know all the answers, and so will be flexible, adaptable, always learning and willing to try new approaches. We will achieve change by pushing the boundaries of what is possible and not being afraid to try new ideas and approaches to deliver change.

Draft Structure

44. Appendix 1 sets out a proposed draft structure of the climate strategy. The structure responds to comments made by scrutiny commission and also draws on examples of other councils. This has been also been shared with the Partnership Steering Group.

45. Section 7 of the strategy will develop themes and priorities. These are the key areas where we need to make changes to become carbon neutral. This will form the basis of an action plan to be developed over the summer to come to cabinet later in the year.

Policy implications

46. The outcome of this report is agreement to start a period of public and expert engagement to develop a climate change strategy and start work on an action plan. This report makes recommendations about the values and approach which should be developed. These align with the council's fairer future values. In the longer term, cabinet may want to consider whether a sixth value is adopted as part of the council's corporate plan which recognises the importance of climate and sustainability in the decisions we take. This would form part of a larger piece of work about how the climate emergency is embedded into all the work of the council.

Consultation

47. To ensure the widest reach, officers are commissioning a public engagement company with the experience and expertise to deliver the extensive engagement required. Details are still being developed, but the engagement will follow the principles set out in paragraphs 27 to 36 above. It will be:

- Inclusive – it should aim to reach and speak with the widest range of people in the borough. This is an issue that impacts on everyone, and so we need to

ensure that our engagement reaches all parts of the community, not just those who are already engaged in this issue.

- Transparent – it will be honest about the scale of the challenge, and honest about what we do and do not know regarding how we will meet the challenge. We will set out the barriers that exist and seek ideas of how to overcome them.
- Ambitious – we will seek ideas from our residents about how we can tackle the climate emergency. We want bold and ambitious plans, that move beyond the work we are currently doing, and which challenge the council and the borough to do more. We will use the engagement to encourage creativity and fresh thinking on the challenge so that we can develop innovative solutions.

48. Full details are being developed at the moment, and officers will consult with the Cabinet Member for Environment, Transport and the Climate Emergency before starting this engagement.

49. The partnership steering group has met twice in March 2020. They provided feedback on aspects of this report including vision and values, engagement approach, draft structure and the borough conference. The most recent meeting took place after publication of this report and therefore the feedback from this group has been included as appendix 2.

Community impact statement

50. The council is committed to exploring all available opportunities for the borough to be carbon neutral by 2030. As set out in the report above, the council wants to engage with the widest range of residents including through a period of engagement until the summer 2020. Through this engagement the council will take steps to connect with harder to reach or potentially under represented groups.

51. The council is committed to the values of a fairer future for all, and as detailed in this report is also committed to narrowing social inequality and injustice. This will shape both engagement and subsequent policies.

Resource implications

52. The council has previously committed to consultation at October 2019 Cabinet “Delivering a Climate Strategy for Southwark”. The period of engagement will use an external company to deliver it, and ensure a breadth of reach. This will have resource implication but will be met within existing budgets.

Financial Implications

53. The Policy and Resources Strategy 2020-21 cabinet report has approved an allocation of £2m for Climate Change Emergency reserve to fund the various initiatives to deliver the Climate Change Strategy. Work connected with this report will be contained within this one off funding and the ongoing requirement for future years will be incorporated into the budget setting process for 2021-22 once confirmed.

Legal implications

54. There are no significant legal implications arising from the recommendations in this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

55. There are no significant legal implications arising from the first recommendation in this report, but the Director of Law & Democracy and her staff will provide advice to officers on any legal and governance issues arising during development of the strategy.
56. The cabinet will need to ensure that the council's public sector equality duty is taken into account in developing and finalising this policy i.e. to have due regard to the need to eliminate discrimination, advance equality of opportunity, and to foster good relations between people with protected characteristics and others.
57. This report is being considered by the cabinet in accordance with the cabinet rules in the constitution.
58. The report proposes a comprehensive strategy for consultation on the emerging climate strategy. This satisfies the requirements set out in case law, namely that:
- The consultation must be at a time when proposals are still at a formative stage;
 - The council must give sufficient reasons for any proposal to enable intelligent consideration and response;
 - Adequate time must be given for consideration and response; and
 - The product of consultation must be conscientiously taken into account in finalising the proposal.
59. Further consultation is likely to be required on specific measures which result from the formalised strategy, in accordance with the council's established practice and legal obligations.

Strategic Director of Finance and Governance (FC19/038)

60. This report is requesting cabinet to note the contents of the report and progress on delivering a climate strategy for Southwark and also agree the engagement approach, timetable and strategy structure detailed in the report and other actions in response to the Council's declaration of a Climate Emergency in March 2019.
61. The strategic director of finance and governance notes that all related work will be contained within the funding reflected in the financial implications and the costs of ongoing work in the future will be incorporated within the council's annual budget setting process.
62. Staffing and any other costs connected with this report to be contained within existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Delivering a Climate Strategy for Southwark	Constitutional Team, Southwark Council	Paula Thornton 020 7525 4395
Link (please copy and paste into your browser): http://moderngov.southwark.gov.uk/documents/s85359/Report%20Delivering%20a%20Climate%20Strategy%20for%20Southwark.pdf		
Environment Scrutiny Commission Report on the Climate Emergency Road Map – Cabinet Response	Constitutional Team, Southwark Council	Paula Thornton 020 7525 4395
Link (please copy and paste into your browser): http://moderngov.southwark.gov.uk/documents/s86916/Report%20Response%20to%20scrutiny%20report%20on%20roadmap.pdf		

APPENDICES

No.	Title
Appendix 1	Draft structure of the climate change strategy
Appendix 2	Feedback from the Partnership Steering Group (to follow)

AUDIT TRAIL

Cabinet Member	Cllr Richard Livingstone, Cabinet Member for Environment, Transport and the Climate Emergency	
Lead Officer	Caroline Bruce, Strategic Director for the Environment and Leisure	
Report Author	Chris Page, Climate Change Director	
Version	V7	
Dated	12 March 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
List other officers here		
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		

Appendix 1 – Draft Structure

1. Executive Summary

An accessible summary, which can be widely used and promoted to explain what the strategy is doing, and what we all need to do to achieve the ambition of carbon neutrality.

2. Foreword

Cabinet Member for Environment, Transport and the Climate Emergency sets out the council's vision and ambition for this strategy.

3. Introduction

Explanation of why a climate strategy is needed, and needed now is required. Alongside this, evidence of the impact of climate change on Southwark and the rationale for the 2030 deadline. This section will set the council's ambition on the context of a wider response by local authorities and others to the crisis.

4. Principles and approach

Explanation of the principles which will shape the strategy and the ideas that will guide how the council responds to the climate emergency. This will include a leadership statement so that we are clear about our ambition and approach. Paragraph 43 of this report set out the council's initial ideas which will shape this section of the strategy, but will reflect our commitment to social justice and tackling inequality as well as our commitment to be open, honest and accountable and how we will work as a partner with others to deliver.

5. Baseline

Obtaining accurate data on carbon emissions in the borough is a challenge for the council. We are working with London Councils to develop a London-wide approach which will enable borough's to be transparent about what is happening in their boroughs and identify areas where work needs to be done. However, while this work is ongoing, there is still a need for a means of measuring progress to ensure that we are accountable for the work we are doing. This section will therefore baseline our current carbon emissions as a borough with the best data we have available to ensure that we can start to measure progress and make informed decisions that include carbon impact.

6. Ambition

This section will outline an alternative future in which the borough is more sustainable and we have reduced our carbon emissions. This will also outline the co-benefits of carbon reduction to issues such as health, resilience and the local economy creating a fairer future and a more just Southwark.

7. Themes

This section will form the main part of the report and include a comprehensive plan of changes that need to happen across a range of areas. These include

- a. Construction, building and regeneration
- b. Energy
- c. Transport and travel
- d. Biodiversity, trees and greening
- e. Food and consumption
- f. Waste and recycling

For each theme, this section will explore what needs to happen to become carbon neutral, and the measures that need to be taken. It will consider what our approach should be to each as well as what are the ideas that need to be developed in order to take action. Throughout our period of public engagement we will review whether these remain the right areas of work, or whether additional areas are needed such as consumption or healthy living. This section will be split into three areas of work:

- a. Small changes to current policies – these ideas include policies we already have in place but which need some changes to make them more efficient or deliver differently. It is not a significant departure from the council's existing work, but improves what we already do.
- b. New policies with significant change – these ideas include pursuing a new approach and changing what and how we do things. For this section, we will know what we need to do, and will have the powers and ability to do them, but we will need a significant change in approach to deliver them.
- c. Major structural change – these ideas are things that need to happen to achieve carbon neutrality, but there are major barriers (for example financial, political or legislative). Ideas in this section may require new powers for councils, major financial changes or other innovation. These ideas may include some that we consider need to be delivered, but we do not know, at this stage, how practically they can be delivered. The challenge of the action plan will be to develop strategies to turn these ideas into deliverable policy.

In addition, the strategy should consider work that is already underway and needs to continue because of the positive impact that it has on the climate emergency.

Proposed policy matrix

	Small changes to current policies	New policies with significant change	Major structural change
Construction, building, and regeneration			
Energy			
Transport and Travel			
Biodiversity, trees and greening			
Food and consumption			
Waste and recycling			

8. Action Plan

After the strategy is adopted, officers will develop a detailed action plan for the borough. This section will set out how this will be done and the areas of work that need to be delivered. It will identify who has the power and influence to deliver these areas of work and what the council can do through direct control, funding, policy change and procurement change.

9. Governance and Engagement

This section will agree plans on reporting, governance and future engagement. Including how we facilitate others to deliver, through partnerships. It will set out proposals for an ongoing climate conversation to develop and maintain support in the community and to ensure that we remain connected and accountable to the community. It will also set out our approach to partnership working on this issue.

APPENDIX 2

The Partnership Steering Group met on 9 March 2020. A further meeting was scheduled for 16 March 2020. Due to a change in government advice on Coronavirus, this meeting of the full group did not take place.

Feedback from the group is set out below which officers will incorporate into the process of developing the strategy.

- Representation – there needs to be better representation from young people and BAME residents in the partnership steering group.
- The vision and values set out in paragraphs 43 of this report should be amended. They should:
 - Include Southwark’s fairer future principles
 - Recognise that our approach should be “adaptive”, able to change as more and better information becomes available.
 - Be led by facts and science, with a response that is supported by evidence of what works.
 - Consider whether this is an “ecological emergency” as well as a climate emergency.
 - Be responsive – feeding back and being open and honest about how we will do it.
- The themes set out in paragraphs appendix 1, paragraph 7 should be amended
 - Include construction, buildings and planning.
 - Waste and recycling should reference the hierarchy of use from reduce, reuse, recycle.
 - Food should include all consumption. What do we buy and use, including food but also the clothes we wear and goods we consume.
- There are cross cutting themes such as finance, education and engagement and air pollution
- Officers should consider the role of adaptation in the strategy.
- The strategy will set out a matrix, as defined in appendix 1. This should include things that we are already doing and should continue to do as well as new things. It should also include different aspects of work including personal responsibility, lobbying, procurement policy change and national government responsibilities.
- Transparency is essential, and the council should develop a dashboard of indicators so that there is transparency about what is being done and the progress made.

Officers will consider the advice from the partnership steering group and incorporate it into the work to develop the strategy.

Delivering a climate strategy for Southwark – update

This report sets out progress that has been made in response to the climate emergency. It sets out the values that the council will adopt to develop a strategy and the draft structure of the report. It also sets an engagement approach.

Since the publication of this report, the situation with Coronavirus has been changing rapidly. Some details in this report therefore need to be amended in light of this pandemic. Details are set out below.

Borough Conference (paragraph 32). This has been postponed. The Leader of the Council issued a press statement on 13 March 2020 which said “The conference will be rescheduled at the first opportunity. The decision to postpone will not delay plans to develop a Climate Emergency strategy by July.”

Engagement (paragraphs 33-34). The situation with coronavirus is changing rapidly, but it is likely that it will not be possible to do any face to face engagement, and that it will not be possible to convene groups. Officers plan to continue to progress with writing the strategy and bring it to July Cabinet as set out in the report. However, it will be necessary to have more limited public engagement.

Officers are preparing the online engagement portal so that the public can engage on this, and will also be speaking with key interest groups in the borough. However, it is anticipated that engagement will be limited before July.

As engagement is central to this strategy, officers are recommending that the council instead conducts the majority of its engagement after publication, in line with the values and approach set out in the report. Officers are asking cabinet to agree the report, including the approach to engagement, but that they can adapt engagement as necessary due coronavirus, and do this in consultation with the Cabinet Member.

Additional Recommendation for Cabinet

4. That Cabinet notes the additional officer advice, attached to this report and agrees that officers, in consultation with the Cabinet Member for Environment, Transport and the Climate Emergency, make necessary changes to the engagement process due to the impact of the Coronavirus pandemic.

Chris Page
Climate Change Director
23 March 2020

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