



Cabinet

MINUTES of the OPEN section of the Cabinet held on Tuesday 20 October 2015 at 4.00 pm at the Council Offices, 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Peter John (Chair)
Councillor Ian Wingfield
Councillor Fiona Colley
Councillor Stephanie Cryan
Councillor Barrie Hargrove
Councillor Richard Livingstone
Councillor Darren Merrill
Councillor Victoria Mills
Councillor Michael Situ
Councillor Mark Williams

1. APOLOGIES

There were none.

2. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

No late items were identified. However it was noted that the following information would be tabled:

Item 8. Southwark School Standards Report 2015 - GCSE provisional 2015 results from DFE

Item 15. New Southwark Plan – Preferred Option – an addendum report.

3. NOTICE OF INTENTION TO CONDUCT BUSINESS IN A CLOSED MEETING, AND ANY REPRESENTATIONS RECEIVED

No representations were received in respect of the items listed as closed business for the meeting.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. PUBLIC QUESTION TIME (15 MINUTES)

Question from Mr Toby Eckersley to Councillor Mark Williams

With reference to the undertakings given in his answers to the questions, and supplemental questions, put by Beverley Robinson and myself at cabinet on 21 July 2015 with regard to amelioration of compulsory purchase procedures, please would the cabinet member for regeneration and new homes set out what is now proposed to carry out those undertakings?

Response

I met with Toby Eckersley and Ms Robinson this morning. A series of actions were agreed.

Supplemental question

Mr Eckersley asked a supplemental question requesting transparency for any further actions or policy changes.

Question from Beverley Robinson to Councillor Mark Williams

Aylesbury phase 1b/1c CPO. Would the cabinet member for regeneration and new homes confirm that, should the council obtain vacant possession of any building before the government's decision on the CPO is issued, the council will refrain from any action which would prejudice consideration of the alternative put by objectors' counsel, namely refurbishment.

Response

As outlined at the recent CPO Inquiry Notting Hill has already commenced the demolition of vacant blocks on the Aylesbury First Development Site (1b/1c). If further properties become vacant, Notting Hill will start demolishing the buildings. As stated at the Inquiry, the council consider that the redevelopment option, which secured planning permission in August 2015, is the only deliverable scheme for the site.

Supplemental question

Ms Robinson asked a supplemental question relating to council actions and potential decisions by the Secretary of State.

6. MINUTES

RESOLVED:

That the minutes of the meeting held on 15 September 2015 be approved as a

correct record and signed by the chair.

7. DEPUTATION REQUESTS

There were none.

8. SOUTHWARK SCHOOL STANDARDS REPORT 2015

RESOLVED:

1. That the 'Best start in life - Southwark school standards report 2015' attached at Appendix 1 of the report be noted.
2. That the GCSE provisional 2015 results from DFE (Department for Education) tabled at the meeting be noted and that the report at Appendix 1 be updated to reflect these results.

9. RESPONSE TO THE RECOMMENDATIONS OF THE EDUCATION AND CHILDREN'S SERVICES SCRUTINY SUB-COMMITTEE ON NARROWING THE ACHIEVEMENT GAP

Councillor Jasmine Ali, chair of the education and children's services scrutiny sub-committee was in attendance to provide feedback in respect of this response.

RESOLVED:

That the proposed response to the education and children's services scrutiny sub-committee review on narrowing the achievement gap amongst pupils be agreed.

10. RESPONSE TO RECOMMENDATIONS OF EDUCATION AND CHILDREN'S SERVICES SCRUTINY SUB-COMMITTEE REVIEW OF SOUTHWARK'S ADOPTION SERVICES

Councillor Jasmine Ali, chair of the education and children's services scrutiny sub-committee was in attendance to provide feedback in respect of this response.

RESOLVED:

1. That the proposed response to the education and children's services scrutiny sub-committee review of Southwark's adoption service be agreed.
2. That the principle of an Adoption Charter be supported and that the draft Charter in Appendix 1 of the report be agreed for consultation with key stakeholders including potential and existing adoptive parents.

11. RESPONSE TO RECOMMENDATIONS FROM THE SCRUTINY OF THE HEALTH OF THE BOROUGH

Councillor Rebecca Lury, chair of the healthy communities scrutiny sub-committee was in attendance to provide feedback in respect of this response.

RESOLVED:

That the proposed response to the healthy communities scrutiny sub-committee's report on the health of the borough be agreed and that the progress in taking forward the recommendations be noted.

12. SOUTHWARK CEMETERY STRATEGY: RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY COMMITTEE

RESOLVED:

That the overview and scrutiny committee recommendations be received.

13. RESPONSE TO OVERVIEW AND SCRUTINY COMMITTEE RECOMMENDATIONS ON SOUTHWARK'S CEMETERY STRATEGY

RESOLVED:

That the proposed response to overview and scrutiny committee's recommendations on Southwark's Cemetery Strategy be agreed.

14. BETTER PLACED JOINT COMMITTEE WITH LONDON BOROUGH OF LAMBETH AND LONDON BOROUGH OF LEWISHAM

RESOLVED:

Decisions of the Cabinet

1. That the proposal to establish a Joint Committee with the London Boroughs of Lambeth and Lewisham to support governance arrangements of the Lambeth, Lewisham and Southwark (LLS) Better Placed Community Budget programme be noted.
2. That the draft terms of reference (Appendix A of the report) and memorandum of understanding (Appendix B of the report) that will be agreed at the inaugural meeting of the Joint Committee be noted.

Decisions of the Leader of the Council

3. That a Joint Committee with the London Boroughs of Lambeth and Lewisham to support governance arrangements of the LLS Better Placed Community Budget programme be established.

4. That the draft terms of reference (Appendix A of the report) and memorandum of understanding (Appendix B of the report) that will be adopted at the inaugural meeting of the Joint Committee be agreed.

15. NEW SOUTHWARK PLAN - PREFERRED OPTION

An addendum report was tabled for this item setting out updated wording in respect of two policies (DM34 Pubs and DM54 Trees).

RESOLVED:

1. That the New Southwark Plan Preferred Option (Appendices A and B of the report) be agreed for consultation subject to the following amendments:
 - a) 'DM45 Low line walking routes' to include reference to the coal line in Peckham. The proposed new bullet point is:
 - Rye Lane to Old Kent Road, including the Coal Line.
 - b) Changes set out in addendum report tabled that reference 'DM34 Pubs' and 'DM54 Trees'
 - c) Amendment and expansion of take-away exclusion zones in 'DM41 Hot food takeaways' to include Newlands academy and the new school on the former Dulwich hospital site.
2. That the consultation plan/report (Appendix C Parts 1 and 2) be noted.
3. That the Integrated Impact Assessment (Appendix D) be noted.

16. AYLESBURY REGENERATION: AMERSHAM SITE (PLOT 18) REDEVELOPMENT

RESOLVED:

1. That the update progress report of the work carried out by the council and its development partner, Notting Hill Housing Trust (NHHT), in bringing forward the regeneration of the Aylesbury Estate as set out below be noted.
 - Detailed Planning consent for the First Development Site and outline Planning consent for the remainder of the estate Masterplan (Phases 2, 3 and 4) has been granted by the council and the associated section 106 agreement has been signed.
 - Demolition of vacant buildings within the FDS is now underway with the commencement of the internal soft strip contract in August 2015.
2. That it be agreed to proceed with the submission of a planning application for a new library on the Aylesbury Estate, along with a range of community facilities, including a health centre and pharmacy, early years facility, community space plus public open space and approximately 120 residential units, to be delivered through the redevelopment of the Amersham site (Plot 18), ensuring that community facilities are provided at an early stage within the Aylesbury regeneration programme.

3. That the funding implications of the proposed community facilities that are currently being reviewed be noted and that a report will come to cabinet as part of the capital monitoring report.
4. That the improvement works proposed to Westmoreland Road as a key gateway into the Aylesbury Estate be noted.

**17. GATEWAY 1: SOUTHWARK REGENERATION IN PARTNERSHIP PROGRAMME
PROCUREMENT APPROVAL**

RESOLVED:

Decisions of the Cabinet

1. That the use of the GLA's London Development Panel as outlined in paragraphs 43 to 62 of the report to procure two development partners for a package of Southwark Regeneration in Partnership Programme sites over a 6 to 10 year period be approved.
2. That the inclusion of the sites as listed in Appendix 1 of the report in the package of the Southwark Regeneration in Partnership Programme to be tendered in two separate lots be approved.
3. That the indicative financial appraisals as outlined in paragraphs 118 to 120 of the report indicate that the package is viable and will attract sufficient market interest to assure best value is achieved be noted.
4. That it be noted that the director of regeneration will be responsible for making a recommendation to the cabinet member for regeneration and new homes on the final blend of sites and tenure variations across the two lots.
5. That it be noted that the forward funding requirement of £2,000,000 will be met from the housing investment programme by re-profiling current commitments and that the financial assumptions underpinning this investment as outlined in paragraph 129 of the report be duly noted.

Decisions of the Leader of the Council

6. That the financial viability of, and any variation to, lots A and B of the Southwark Regeneration in Partnership Programme prior to tender as condition of the procurement approval be delegated to the cabinet member for regeneration and new homes (in consultation with the director of regeneration).
7. That approval of the contract awards (one for each lot) be delegated to the cabinet member for regeneration and new homes.

18. ELEPHANT AND CASTLE PLACE-MAKING: THE NEXT STEP

RESOLVED:

1. That it be noted that cabinet may in the future be asked to resolve to make a compulsory purchase order to enable the regeneration of Elephant and Castle Shopping Centre to proceed.
2. That an equalities impact assessment be commissioned to guide cabinet on its Public Sector Equities Duty in the event it is asked to make the resolution referred to above.

19. GATEWAY 1: ASBESTOS CONSULTANCY SERVICES CONTRACT A – SURVEYING AND BULK SAMPLING AND CONTRACT B – AIR SAMPLING AND MONITORING

RESOLVED:

That the procurement strategy outlined in the report for two asbestos consultancy services contracts - contract A – surveying and bulk sampling at an estimated annual cost of £1.2m and contract B – air sampling and monitoring at an estimated annual cost of £274,000, for a period of four years from 1 January 2017 to 31 December 2020, with the potential to extend each contract by a further 2 year period, making a total estimated value of £8.84m for both contracts be approved.

20. ASSET MANAGEMENT STRATEGY

RESOLVED:

1. Cabinet provided comments on the draft asset management strategy for consultation. These comments included:
 - the need for the consultation process to make clear amendments to timescale in order to be transparent and clear
 - to check inclusion of estates (Cossall and D'Eynsford mentioned) and that the relevant tenant management organisations are consulted
 - ensure that all councillors are consulted and given an opportunity to comment on the strategy.
2. That the consultation plan for the strategy be approved and it be noted that the initial consultation on the principles of the strategy that has been taking place up to the cabinet date and is included as an appendix to the report.
3. That the first year programme for delivery in 2016/17 be approved and that the design and initial consultation for the schemes be progressed immediately.
4. That the revised standard, maintaining decency and delivering the kitchens and bathroom guarantee and cyclical decorations be noted.

5. That it be noted that the draft asset management strategy sets out a delivery timetable for:
 - Maintaining a high level of decency
 - Delivering a cyclical works programme
 - Completing the kitchen and Bathroom programme within the first cycle of the programme
 - Delivering of a mechanical and electrical programme
 - Bringing all properties to a Fire Risk Assessment (FRA) to a 'tolerable' level by the end of the first cycle of the programme.
6. That an options appraisal for 2016/17 on the council's district heating systems be approved. The findings and recommendations will be used to ensure that the investment required is financially viable within the constraints of the business plan. A report will come back to cabinet with the outcomes of the appraisal and the financial implications to the strategy.
7. That it be noted that an investment appraisal of the first years programme has identified a small number of properties based on their financial and social sustainability that require further investigation to ensure the long term sustainability of the units. These properties have, for the moment, been removed from the programme for further consultation in line with the Charter of Principles.

21. 25 BROWING STREET, SE17, 8 TRAFAGLAR AVENUE, SE15, 26 HANNOVER PARK SE15 AND 80 DARRELL ROAD, LONDON SE22 - DISPOSAL OF FREEHOLD INTERESTS

RESOLVED:

1. That the head of property be authorised to dispose of the council's freehold interest in 25 Browning Street, SE17, 8 Trafalgar Avenue, SE15, 26 Hannover Park, SE15 and 80 Darrell Road, SE22 ("the properties"), for a sum that equates to the market value of the individual properties.
2. That the earmarking of the capital receipts for the purposes of funding the housing investment programme be authorised.

22. 66 AND 68 AMBERGATE STREET, LONDON SE17 3RX - DISPOSAL OF FREEHOLD INTEREST

RESOLVED:

1. That the head of property be authorised to dispose of the council's freehold interest in 66 and 68 Ambergate Street, SE17 3RX (the "property"), for a sum that equates to the market value of the property.
2. That the earmarking of the capital receipts for the purposes of funding the housing investment programme be authorised.

23. GATEWAY 1: PROCUREMENT STRATEGY APPROVAL - COMMERCIAL FLEET

RESOLVED:

That the procurement strategy outlined in the report for the provision of a commercial fleet under lease arrangements up to a value of £9.2m over a period of six years through the use of established national framework agreements be approved.

24. GATEWAY 2: CONTRACT AWARD APPROVAL - SUPPLY OF GAS TO ALL SOUTHWARK COUNCIL SITES

RESOLVED;

Decision of the Cabinet

1. That the award of the supply of gas to all council sites to LASER be approved. The estimated value of the contract is £11.5m per annum for a period of four years (with effect from 1 October 2016) making a total contract value of £46m. This includes management fees from LASER.

Decision of the Leader of the Council

2. That authority be delegated to the cabinet member for environment and the public realm, throughout the duration of the contract (as detailed in the procurement project plan) to:
 - approve the management option selected for the contract, and consider the flexibility to change the management option (detailed in paragraphs 10, 24 and 28 of the report), and
 - amend the purchasing solution (purchase in advance or purchase within period detailed in paragraph 13 of the report).

25. GATEWAY 2: CONTRACT AWARD APPROVAL - SUPPLY OF ELECTRICITY TO ALL SOUTHWARK COUNCIL SITES

RESOLVED:

Recommendation for the Cabinet

1. That the award of the supply of electricity to all council sites to LASER be approved. The estimated value of the contract is £6.4m per annum for a period of four years (with effect from 1 October 2016) making a total contract value of £25.6m. This includes management fees from LASER.

Recommendation for the Leader of the Council

2. That authority be delegated to the cabinet member for environment and the public

realm, throughout the duration of the contract (as detailed in the procurement project plan) to:

- approve the management option selected for the contract, and consider the flexibility to change the management option (detailed in paragraphs 10, 24 and 29 of the report), and
- amend the purchasing solution (purchase in advance or purchase within period detailed in paragraph 13 of the report).

26. FORMER SOUTHWARK PARK NURSING HOME, 94 - 116 SOUTHWARK PARK SE16 - DISPOSAL OF LONG LEASEHOLD INTEREST

RESOLVED:

1. That the head of property be authorised to agree terms to dispose of 94 -116 Southwark Park Road London SE16 to DV4 Limited SPV (Delancey) by way of a 999 year ground lease at a peppercorn rent and subject to a premium as outlined within the closed report.
2. That the earmarking of the capital receipts for the purposes of funding the capital programme be authorised.
3. That the sale is subject to a provision to obtain satisfactory planning consent for an extra care facility providing a minimum of 56 units.

27. GATEWAY 2 MAJOR WORKS FRAMEWORK CONTRACTS

RESOLVED:

1. That the establishment of the major works framework for a period of 4 years from 4 January 2016 in the four Lots be approved as follows:
 - a) Lot 1 - Main building works (low value schemes up to £3.5m) to six providers (A&E Elkins Ltd, Architectural Decorators Ltd, Niblock (Builders) Ltd, Saltash Enterprises Ltd, Standage & Co. Ltd and Thomas Sinden Ltd) at an estimated annual value of up to £50m making a total estimated contract value of up to £200m.
 - b) Lot 2 - Main building works (high value schemes over £3.5m) to six providers (Axis Europe Plc, Durkan Ltd, Keepmoat Regeneration Ltd, Lakehouse Contracts Ltd, Mears Ltd and Mulalley & Co. Ltd) at an estimated annual value of up to £70m, making a total estimated contract value of up to £280m.
 - c) Lot 3 - District mains, boilers and internal works to 5 providers (BSW Heating Ltd, K&T Heating Services Ltd, Mitie Property Services (UK) Ltd, Staple-Tech Ltd and Vital Energi Utilities Ltd) at an estimated annual value of up to £10m, making a total estimated contract value of up to £40m.
 - d) Lot 4 - Communal and electrical works to 5 providers (Allied Protection Ltd, BCS (Electrical and Building) Ltd, Lockesleys Ltd, Swann Engineering Group Ltd and W.G.Wigginton Ltd) at an estimated annual value of up to £2m, making a total estimated contract value of up to £8m.

2. That it be noted that the strategic director of housing and modernisation will take the decisions for works being instructed through the framework in line with her scheme of delegation as further detailed in paragraph 10 of the report.
3. That an exemption from contract standing order 4.5.2(h) requiring consideration of approval reports by the relevant DCRB (departmental contracts review board) for works being instructed through the framework be approved.
4. That the changes to the procurement process since the Gateway 1 approval as set out in paragraph 8 of the report be noted.

EXCLUSION OF PRESS AND PUBLIC

That the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in category 3 of paragraph 10.4 of the access to information rules of the Southwark Constitution.

The following is a summary of the closed part of the meeting.

28. MINUTES

The closed minutes of the meeting held on 15 September 2015 were approved as a correct record and signed by the chair.

29. FORMER SOUTHWARK PARK NURSING HOME, 94 - 116 SOUTHWARK PARK SE16 - DISPOSAL OF LONG LEASEHOLD INTEREST

The cabinet considered the closed information relating to this item. Please see item 29 for decision.

30. GATEWAY 2 MAJOR WORKS FRAMEWORK CONTRACTS

The cabinet considered the closed information relating to this item. Please see item 30 for decision.

The meeting ended at 6.06pm.

CHAIR:

DATED:

DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 21 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, WEDNESDAY 28 OCTOBER 2015.

THE ABOVE DECISIONS WILL NOT BE IMPLEMENTABLE UNTIL AFTER THAT DATE. SHOULD A DECISION OF THE CABINET BE CALLED-IN FOR SCRUTINY, THEN THE RELEVANT DECISION WILL BE HELD IN ABEYANCE PENDING THE OUTCOME OF SCRUTINY CONSIDERATION.