

Cabinet

MINUTES of the OPEN section of the Cabinet held on Tuesday 20 June 2017 at 4.00 pm at the Council Offices, 160 Tooley Street, London SE1 2QH

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

1. APOLOGIES

Apologies for absence were received from Councillor Maisie Anderson who was on maternity leave.

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

The chair gave notice of the following late items:

Item 7: Deputation requests

Items 17 & 19: Acquisition of up to 9 sub-leasehold properties at the Signal Building, 89-93 Newington Causeway, SE1.

Reasons for urgency and lateness will be specified in the relevant minute.

ANNOUNCEMENT FROM THE LEADER

Being the first cabinet meeting following the recent terror attack on London Bridge, the leader wished to formally record his thanks to all council officers who played a key role in responding to this attack. The events were traumatic and their response was impressive.

Additionally, following the recent and tragic fire at Grenfell Tower, the leader explained that

the council's chief executive, a number of strategic directors and officers were playing a key role in leading the London-wide response. Again, the leader expressed his thanks and respect for their hard work and contribution.

Following on from this, the strategic director of housing and modernisation updated cabinet on various aspects of fire safety and work currently taking place. In addition to the work outlined to cabinet, a dedicated email address has been set up for residents to register any fire concerns at firesafetyconcerns@southwark.gov.uk. Officers are working to respond to these concerns as quickly as possible.

The strategic director outlined that an urgent meeting of the overview and scrutiny committee had taken place on Monday 19 June 2017 on fire safety. She would respond to their recommendations in a report to the July meeting of the committee. Cabinet also asked to receive this report.

The deputy leader and cabinet member for housing also provided an update to cabinet in respect of communications with residents and thanked officers for their support.

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

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

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

None were declared.

5. PUBLIC QUESTION TIME (15 MINUTES)

Public Question from Paul Palley

Given that three people, a planning Inspector, a High Court Judge and the Secretary of State have said separately that Compulsory Purchase Orders cannot be granted, would the London Borough of Southwark consider abandoning demolition and forced sales on the Aylesbury Estate?

Response from the Cabinet Member for Regeneration and Homes

No.

Since 2005, the council has been taking forward the regeneration of the Aylesbury Estate on the basis of redevelopment rather than refurbishment. The council considers that this approach is the only viable way to provide the quality of housing and living environment that residents deserve. The decision in 2005 was informed by detailed consideration of the quality and condition of the building fabric and the design constraints of the existing estate layout. This redevelopment approach was subsequently supported by the Aylesbury Area Action Plan adopted in 2010 which established the redevelopment approach into planning policy, was thoroughly tested through a public inquiry, and supported by an independent planning inspector. The approach was further supported by the granting of outline planning

permission for the masterplan in 2015 which followed further public consultation. Two Compulsory Purchase Orders have already been confirmed by the secretary of state for site 7 and Phase 1a on the estate and 408 new homes and a community centre have been built on those sites. 53% of the new homes are affordable (based on number of habitable rooms) and several are occupied by former residents of the estate.

The council undertook an extensive competitive dialogue process to procure a development partner and is in contract with NHHT to deliver the redevelopment of the estate.

In relation to the Compulsory Purchase Order for the First Development Site, the Secretary of State and Inspector both supported the need to redevelop the estate in order to bring about wider area regeneration. The decision by the Secretary of State to refuse the confirmation of the Compulsory Purchase Order has now been quashed and the council has submitted a revised Statement of Case which will be considered by a Public Inquiry in the near future. Detailed planning consent for the redevelopment of the FDS was granted and implementation of this planning consent has commenced with the demolition of four vacant blocks on the FDS, through a demolition contract entered into in 2016.

Paul Palley was unable to attend the cabinet meeting. The response to this question will be emailed to him.

6. MINUTES

RESOLVED:

That the minutes of the meeting held on 9 May 2017 be approved as a correct record and signed by the chair.

7. DEPUTATION REQUESTS

The deputation request had not been circulated five clear days in advance of the meeting. The chair agreed to accept as urgent as the request had been received in line with the constitutional deadline for the receipt of deputation requests.

RESOLVED:

That the deputation request be received.

Rotherhithe Broadband Group

The deputation addressed the meeting explaining the background behind the set up of the group and the aim to address the poor broadband received in many urban areas. The group expressed their support for the recommendations in the report, with the hope that the council approach would not delay any other service provider coming forward to deliver proposals for a fibre network.

The group explained that the Digital Economy Act sets out a universal obligation of 10mbps in the UK by 2020, which it is felt without substantial investment would not be achieved in Rotherhithe. It was felt that a community owned and managed network would be able to deliver this to the people of Rotherhithe.

In addition, the group suggested that there are other actions that could be followed, working with the MP and other affected areas and councils including:

- Lobbying the Mayor of London
- Lobbying the Government to recognise that urban areas, including parts of London have not-spots
- Seeking agreement from the EU for state aid approval to address the not-spots
- The Chancellor in his autumn statement stated that he would offer local authorities the chance to bid for a slice of funds to trial superfast 5G mobile networks, linking them to fibre-optic systems and when that prospectus is published it is hoped that Southwark would bid, focusing on Rotherhithe.

The impact on the local community was significant, including children's education, those with limited mobility and local businesses.

Cabinet thanked the deputation for their presentation.

8. SHARED ICT SERVICE WITH BRENT AND LEWISHAM

RESOLVED:

Decisions of the Cabinet

1. That the work undertaken to: complete the identified due diligence activities, develop an inter-authority agreement and to assure the viability of a three-way shared ICT service since approval in principle was given to delegate the delivery of the ICT service to Brent be noted.
2. That the establishment of a three-way shared ICT service with the London Borough of Brent and the London Borough of Lewisham and the delegation of the delivery of the ICT service (within the agreed scope including procurement of ICT related goods and services and shared ICT service staffing) to the London Borough of Brent as the primary host authority with a planned service commencement date of 1 November 2017 be approved.
3. That the commitment of an estimated £19.1m payable to Brent as the host authority over a five year period for this arrangement be approved.
4. That authority be delegated to the strategic director of housing and modernisation to agree the final terms of the inter-authority agreement.
5. That it be noted that officers in Brent and Lewisham are presenting reports to their respective cabinets in relation to:
 - this delegation and future shared ICT service
 - the merging of the Brent and Lewisham application support teams and their incorporation into the shared ICT service.
6. That the on-going work to redevelop the retained ICT team (IT and digital services) and the proposed insourcing of those applications support functions provided

currently by Capita be noted.

7. That it be noted that further to the approval given to extend the existing IT managed service contract with Capita, officers will finalise the arrangements to be implemented with Capita in respect of the provision of data centre hosting services.
8. That it be noted that a report will be brought to a future cabinet meeting to update cabinet on transition progress, with future reporting as required by the cabinet.

Decisions of the Leader of the Council

9. That a joint committee with the London Boroughs of Brent and Lewisham to support the governance arrangements of the shared ICT service be established.
10. That the joint committee will consist of two elected members from each council and that Southwark will be represented on that committee by two members (or substitute members) of the cabinet appointed by the leader.
11. That draft governance arrangements and terms of reference as set out in Appendix B of the report be agreed.

9. GATEWAY 0: CONSIDERATION OF OPTIONS FOR BROADBAND IN ROTHERHITHE

The comments of the deputation were noted and it was confirmed would be addressed.

RESOLVED:

1. That the strategic options assessment for delivery of broadband infrastructure in Rotherhithe and Surrey Docks wards for Southwark Council be approved.
2. That the recommendation to undertake a formal market engagement exercise as set out in the report (at paragraphs 26, 56 and 57) be noted.

10. NEW SOUTHWARK PLAN: NEW AND AMENDED PREFERRED OPTION POLICIES

It was noted that there was repetition of the same bullet point in paragraph 12 of the report in respect of "borough views". The duplicate bullet point was deleted.

RESOLVED:

1. That the New Southwark Plan: New and Amended Preferred Option Policies (Appendix A) be agreed for consultation.
2. That the Consultation Plan (Appendix B), Consultation Report (Appendix C), Integrated Impact Assessment (Appendix D) and Habitats Regulations Assessment (Appendix E) be noted.

11. POLICY AMENDMENTS CONSULTATION FOR THE DRAFT OLD KENT ROAD AREA ACTION PLAN

RESOLVED:

1. That the draft Old Kent Road Area Action Plan preferred option policy amendments (Appendix A) and the proposed changes to the adopted policies map (Appendix B) be approved for public consultation.
2. That the updated integrated impact assessment (Appendix C), the consultation report (Appendix D), the consultation plan (Appendix E) and the Habitats Regulations assessment (Appendix F) for the draft Old Kent Road Area Action Plan be noted.

12. WALWORTH TOWN HALL MANDATE REVIEW

RESOLVED:

1. That the revised project mandate (Appendix 1) for Walworth Town Hall as outlined in paragraphs 31-36 of the report to seek expressions of interest from the market for an Arts and Culture D1 use be adopted.
2. That it be noted that accommodation is being investigated for a new Newington Library within the local area.

13. AYLESBURY FIRST DEVELOPMENT SITE COMPULSORY PURCHASE ORDER

RESOLVED:

That the process of taking forward the Compulsory Purchase Order for the Aylesbury Estate First Development Site be noted.

14. APPROPRIATION OF LAND, 1 - 3 ODESSA STREET, ROTHERHITHE

RESOLVED:

That that the land shown hatched on the plan at Appendix A of the report that is currently held for children's and adults services purposes service purposes be confirmed as no longer required for those purposes, and the appropriation of the land to planning purposes in accordance with section 122(1) of the Local Government Act 1972 to facilitate the carrying out of the development proposals for the area in accordance with section 226 of the Town and Country Planning Act 1990 be approved.

15. SECTION 77 CHANGE IN USE OF SCHOOL PLAYING FIELD LAND - APPROVAL TO OBTAIN SECRETARY OF STATE CONSENT

RESOLVED:

1. That the progression of Section 77 applications (disposal or change in use of school playing fields land) and applications under Schedule 1 of the Academies Act 2010 (restriction on disposal and appropriation) to the Secretary of State for Education as set out in the red line plans attached as Appendix A be approved for:
 - (i) Angel Oak Academy site (Burcher Gale Grove, SE15 6FL),
 - (ii) Beormund Primary School & Southwark Inclusive Learning Service (SILS4 Pupil Referral Unit) site (Crosby Row, London SE1 3PS), and
 - (iii) Cherry Gardens Primary School site (Macks Road, SE16 3XU).
2. That, subject to Secretary of State consent, the director of regeneration be authorised to progress all matters relating to the delivery of the schemes.
3. That it be noted that none of the sites were in the Rotherhithe ward. The report highlighted this as an affected ward in error.

16. MOTIONS REFERRED FROM COUNCIL ASSEMBLY

RESOLVED:

Day Centre Services in Southwark

That the motion referred from council assembly as a recommendation to cabinet, set out below be agreed:

1. Council assembly notes:
 - The excellent work which takes place at the Queens Road and Riverside Day Centres, run by the Camden Society, and the life changing importance of these centres for some of Southwark's most severely disabled residents.
 - That, despite having had largest cuts in government funding to any London council, Southwark Council currently spends more per person with a learning disability and their family carers than any other council in England. The council budget agreed last month ensures that the council will continue to spend more per service user than the average for our comparator boroughs.
 - That there are currently considerable pressures on adult social care budgets and the system of personal budgets in Southwark.
 - That the Care Act 2014, passed when Liberal Democrat MP Norman Lamb was Minister for Care and Support, removed discretion from councils to provide personal budgets to people with moderate care needs.
 - That, these pressures notwithstanding, personal budgets cannot be spent on day centres which no longer exist. It is therefore important that the council

works with service providers, service users and their families to ensure that Southwark has services for people with learning disabilities that are sustainable in the long term given these financial pressures.

- That council policy since the 1990s has been to let buildings at market rent levels, unless there are exceptional circumstances. The council will always assess the likelihood that a leasee is able to pay the required rent before agreeing a new lease.
- That the rent-free leases on the Queen's Road and Riverside Day Centres both ended on 31 January 2017, as originally set out in both leases. In both cases, these rent-free arrangements were always time-limited.

2. Council assembly welcomes:

- The borough's continuing commitment to protect the most vulnerable in the borough as much as is possible from the impacts of government cuts.
- The agreement by the property department of a tenancy at will arrangement at Queen's Road Centre to allow for the full assessment of every service user's needs. This arrangement will run until 30 June 2017, but the property department has indicated that some flexibility on this end-date may be possible to ensure that all the Queen's Road assessments are completed.
- A similar tenancy at will agreement will be put in place to allow for assessments of that centre's users that is currently planned to run until 30 November.
- The establishment of a working group involving the council, the Camden Society, Southwark Resource Centre and representatives of both service users and their carers to explore future options to provide day care and develop a hub model of service delivery, as has already been established for mental health service users in the borough.
- That this working group will also consider how to best meet the needs of service users and their carers who fall in the moderate needs category.

3. Council assembly calls on the cabinet to:

- Continue in its commitment to protect the most vulnerable in our community despite the severity of government cuts facing our borough.
- Monitor the work of the working group to ensure that Southwark develops a hub meeting the needs of people with learning disabilities in the borough that is sustainable given the 2014 Care Act and financial pressures.
- Work to ensure that a hub model ensures that people with learning disabilities who have moderate needs still have those needs met.
- Ensure that service users and their carers are kept informed of progress of the work of the working group.

It was noted that the cabinet member for adult care and financial inclusion had met with the group and that matters were progressing well.

17. ACQUISITION OF UP TO 9 SUB-LEASEHOLD PROPERTIES AT THE SIGNAL BUILDING, 89 - 93 NEWINGTON CAUSEWAY, SE1

The report had not been circulated five clear days in advance of the meeting. The chair agreed to accept the item as urgent as the council wished to be in a position to enter in an unconditional settlement and to be clear that all necessary approvals had been obtained.

RESOLVED:

That the head of property be authorised to acquire the leasehold interests in Flats 2 - 7 and 9 - 11, 91 Newington Causeway, SE1 (the "Properties") as part of settlement of High Court proceedings reference HC-2016-001745.

EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED:

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 procedure rules of the Southwark Constitution.

The following is a summary of the decisions taken in the closed part of the meeting.

18. MINUTES

The minutes of the closed section of the meeting held on 9 May 2017 were approved as a correct record and signed by the chair.

19. ACQUISITION OF UP TO 9 SUB-LEASEHOLD PROPERTIES AT THE SIGNAL BUILDING, 89-93 NEWINGTON CAUSEWAY, SE1

The cabinet considered the closed information relating to this item. Please see item 17 for the decision.

The meeting ended at 5.30pm.

CHAIR:

DATED:

DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 21 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, WEDNESDAY 28 JUNE 2017.

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.