



## EXECUTIVE

MINUTES of the OPEN section of the meeting of the EXECUTIVE held on TUESDAY 2<sup>nd</sup> DECEMBER 2003 at 7.00pm at the Town Hall, Peckham Road, London SE5 8UB

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**PRESENT:** Councillor Nick Stanton, Leader (In the Chair)  
Councillor Caroline Pidgeon, Deputy Leader  
Councillor Beverley Bassom, Housing  
Councillor Catherine Bowman, Regeneration and Economic Development  
Councillor James Gurling, Communication and Performance Improvement  
Councillor Richard Porter, Community Safety, Social Inclusion and Youth  
Councillor Bob Skelly, Education and Culture  
Councillor Richard Thomas, Environment and Transport  
Councillor Lorraine Zuleta, Resources

### 1 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Denise Capstick .

### 2 NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS AS URGENT

The Chair agreed to accept the following item as urgent. The reasons for urgency are specified in the relevant minute.

Item 23 – Long Term Review of Education Support – Consultation

### 3 DISCLOSURE OF INTERESTS AND DISPENSATIONS

Councillor Nick Stanton declared a personal non-prejudicial interest in item 18 (open) & item 5 (Closed), Bermondsey Spa Regeneration Area Site T – Disposal Arrangements, as he has an interest in a property not far from this location.

Councillor Richard Porter declared a personal non-prejudicial interest in item 14 (Open), Item 2 (Closed), Approval of Peckham Partnership, Phase 8A Demolition as he lives close to this development.

4 **MINUTES**

**RESOLVED:** 1. That the minutes of the meeting held on 4<sup>th</sup> November, 2003 be approved as a correct record and signed by the Chair.

5 **PUBLIC QUESTION TIME**

No questions were received.

6 **REQUEST FOR DEPUTATION FROM EAST DULWICH NUNHEAD EDUCATION NETWORK (EDEN) CAMPAIGN**

**RESOLVED:** 1. That the deputation be received.

The deputation spokesperson addressed the meeting and asked for the proposals and statutory consultation to be progressed speedily. The spokesperson advised that the EDEN campaign had also undertaken consultation extensively with parents and schools.

7 **SECONDARY SCHOOL PROVISION IN EAST DULWICH** (see pages 1- 23)

**RESOLVED:**

1. That the proposal to invite proposals for the establishment of a small boys' secondary school on the Waverley Lower Site, with the intention of federating with Waverley School under a single Head and Governing Body, be the subject of formal consultation; that consultation be carried out during the first half of the Spring Term 2004; and that the results be reported back to Executive in March 2004.
2. That the proposals be referred to the Dulwich and Nunhead and Peckham Rye Community Councils for consultation, prior to the report back to Executive in March 2004.

8 **REQUEST FOR DEPUTATION FROM THE FRIENDS OF GERALDINE MARY HARMSWORTH PARK, LONDON SE1**

This request was withdrawn and deferred until a future Executive.

9 **QUARTERLY PERFORMANCE REPORT – QUARTER 2 ENDING 30<sup>TH</sup> SEPTEMBER 2003** (see ages 24 – 82)

**RESOLVED:** 1. That the Quarter 2 Performance Report (appendix 1 of the report) and the thematic performance report on the Housing Department (appendix 2) be noted.

2. That the recommendations to address performance issues be agreed as set out in paragraph 5 of the report (Special Educational Need Statements and Planning applications) which will include a report back to Executive in January 2004.
3. That officers be congratulated on areas of good performance as identified in paragraph 4 of the report (planning, housing, housing benefit processing, street/housing cleanliness, the percentage of care leavers engaged in employment, education or training and reducing debt.)

**10 WASTE MANAGEMENT STRATEGY (See pages 83-185)**

- RESOLVED:**
1. That the Waste Management Strategy for the London Borough of Southwark be formally adopted.
  2. That the procurement criteria by which different delivery options for achieving the strategy can be assessed be agreed as set out in paragraph 30 of the report.
  3. That the separate report (item 11) which looks at the delivery options be noted.

**11 INTEGRATED WASTE MANAGEMENT CONTRACT (See pages 166-188)**

- RESOLVED:**
1. That the range of options for delivery of Southwark Council's Waste Management Strategy in the medium to long term be noted.
  2. That a shortlist of 4 options to be taken forward for further investigation be agreed as set out in paragraph 22 of the report and that the building of a new incinerator not being recommended be noted.
  3. That a timetable for the next steps in a process which will lead in due course to a procurement exercise for the Council's waste management services be agreed. (Set out in paragraphs 24-26 of the report.)
  4. That it be noted that a further report on the results of a more detailed assessment of options will be reported to the Executive before proceeding with the procurement process.

**12 DEVELOPING A MAJOR PROGRAMME OF CHP (COMBINED HEAT AND POWER) AND LOFT AND CAVITY INSULATION (see pages 189 – 196)**

This report was deferred.

13 **RETENDERING AND AWARD OF THE WELFARE CATERING CONTRACT** (see pages 197-203)

- RESOLVED:**
1. That the award of a new Welfare Catering Contract to Apetito Services Limited following the re-tendering of the Welfare Catering Contract be approved. The contract period will be four years with an option to extend to an additional two years. The commencement date will be with immediate effect following this approval.

14 **APPROVAL OF PECKHAM PARTNERSHIP – PHASE 8A DEMOLITION** (see pages 204-207)

- RESOLVED:**
1. That an exemption of Contract Standing Orders 14.1 and 14.3 in respect of the Peckham Partnership Phase 8A demolition contract be approved to enable the appointment of Countryside In Partnership to act as the principal contractor on the Phase 8A demolition contract.
  2. That the appointment of Erith Contractors as the demolition sub-contractor on the Phase 8A Demolition contract be approved.
  3. That the expenditure relating to the demolition works, the details of which are contained in the closed version of this report be approved.

15 **UNDERGROUND CAR PARK AT DRAPER HOUSE/CASTLE HOUSE, SE1 – REDEVELOPMENT** (see pages 208-212)

This report was deferred.

16 **DISPOSAL OF PROPERTIES AT AUCTION** (see pages 213-228)

- RESOLVED:**
1. That the Strategic Director of Regeneration be authorised to dispose of the Council's interest in various properties at auction, as detailed in the schedule attached in appendix B to the report.
  2. That the Strategic Director of Regeneration be authorised to set the level of reserve below which each property will not be sold.
  3. That the capital receipt from the sale of the Properties be authorised to be recycled and used in accordance with the provisions of the Capital Finance Regulations for the purposes of the schemes identified in the schedule attached in appendix B of the report.

4. The recovery from the purchaser of the Council's professional fees amounting to 2% of the purchase price for each property be authorised.

17 **FREEHOLD SALE OF SURREY DOCKS STADIUM, SALTER ROAD, LONDON SE16**  
(see pages 229-236)

**RESOLVED:**

1. That approval be given to the sale of the site being Surrey Docks Stadium, Salter Road, London SE16 5LH to include London Borough of Southwark professional fee costs and that the Strategic Director of Regeneration be given delegated authority to agree Heads of Terms and final contract details and that in the conditions of the sale of the freehold interest it will be ensured that the present football use of the ground and new stadium will be retained in perpetuity. The sale will be subject to the results of statutory consultation regarding the sale of Metropolitan Open Land.
2. That officers be instructed to seek some revision of the scheme currently proposed in order to generate some three/four bedroomed affordable homes.

18 **BERMONDSEY SPA REGENERATION AREA SITE: T – DISPOSAL ARRANGEMENTS** (See pages 237-240)

**RESOLVED:**

1. That approval be given to proceed with negotiations to dispose of the site; that the Strategic Director of Regeneration be given delegated authority to agree Heads of Terms and final contract details, and that the Borough Solicitor progress contracts through to exchange and completion.
2. That a proportion of the capital receipt received be recycled in accordance with the Capital Finance Regulations and applied towards the costs of undertaking the provision of council facilities within the Bermondsey Spa Regeneration project.

19 **REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE'S REVIEW OF THE CAPITAL PROGRAMME OVERSPEND AT CHARTER SCHOOL** (See pages 241-247)

Councillor Kim Humphrey's attended the meeting to present this report. This report was considered in conjunction with item 20.

**RESOLVED:**

1. That the report be noted.

20 **RESPONSE TO OVERVIEW AND SCRUTINY COMMITTEE RECOMMENDATIONS ON THE CHARTER SCHOOL REVIEW** (see pages 248-260)

- RESOLVED:**
1. That the report from the Chief Finance Officer, responding to the report from Overview and Scrutiny Committee be noted.
  2. That Overview and Scrutiny Committee be thanked for its in-depth review of the Charter School overspend and their recommendations that seek to avoid repetitions of such outcomes in the future be welcomed.
  3. That the main causes for the Charter School overspend be noted as:
    - Poor budgeting at the outset, particularly with regard to the assumptions and the risks around them;
    - Poor procurement;
    - Poor project management; and
    - Failure to report and act on reports from both internal and external audit.
  4. That it be noted that Executive has already instructed officers to address the problems outlined above, particularly as some of the Overview and Scrutiny Committee recommendations were identified as part of the Best Value Review of Capital Management – which includes capital investment strategy and procurement strategy.
  5. That the recommendations set out in paragraph 7 of the report (together with officer comments) be adopted, but officers be instructed to:
    - i. Bring a report on the processes and allocation of responsibilities for managing/monitoring capital projects in January;
    - ii. Bring a report on Atkins' Faithful and Gould's findings and recommendations from the Strategic Director of Education in January;
    - iii. Include formal project management procedures in the procurement guidelines, not Contract Standing Orders, and ensure that these guidelines will accompany Contract Standing Orders;
    - iv. Prepare and present to the Executive quarterly monitoring reports on the progress of 'strategic and other major projects', particularly where issues are identified regarding compliance with Contract Standing Orders or deviations from budgets

- v. Establish a single uniform standard for project management software and to communicate with and train, as necessary, all officers involved with project management.

- 6. That a progress report be received by Executive on the implementation of all recommendations in six months' time.

21 **POSITION STATEMENT ON SOUTHWARK COUNCIL PENSION FUND** (see pages 261-278)

**RESOLVED:**

- 1. That the report be noted.
- 2. That a report be received by Executive before April 2004 which should address:-
  - i. The performance of Putnams.
  - ii. A review of best practice with regard consultation with staff.
  - iii. Socially responsible investment.

22 **MOTIONS REFERRED FROM COUNCIL ASSEMBLY ON 29<sup>TH</sup> OCTOBER, 2003**  
**(COUNCIL ASSEMBLY PROCEDURE RULE 3.6 (11))** (see pages 272-278)

**Genetically Modified Crops**

**RESOLVED:**

- 1. That it be recognised that:
  - i. genetic modification of crop plants is a rapidly advancing new branch of science and technology;
  - ii. there is still scientific debate about the safety of Genetically Modified (GM) crops;
  - iii. the commercial growing of GM crops present, legal, social and ethical problems that have not yet been properly addressed;
  - iv. there is widespread public concern about GM products and many people are concerned that there is a risk that they might be unwittingly exposed to them.
- 2. That Southwark Council will, as far as is possible, control the growth of GM crops and the use of GM food and feed.

3. That the Council therefore commits itself to:
- i. Provide GM-free goods and services for all areas where the Council has a direct responsibility, such as education and social services;
  - ii. That the Secretary of State for the Department of Environment, Food and Rural Affairs be requested to provide legal protection for this borough as a GM-free area, in line with Article 19 of 2001/18/EC or under any relevant powers;
  - iii. That it be ensured that no GM crops are grown on land over which it has control;
  - iv. That in principle agreement be given to adopt a GM free policy which, when contracts are let or if and when they become renewable, will ensure that GM food, ingredients, derivatives are eliminated;
  - v. That officers be instructed to report to the Executive on implementing such a policy. This report should include consideration of any legal, financial and practical implications of such a decision.

### **Fireworks**

- RESOLVED:**
- 1. That it be noted that following Royal Assent given to a Private Members Bill to restrict the sale and misuse of Fireworks, new laws will be available to reduce their noise, nuisance and anti-social use. A report back from officers is requested setting out plans to fully implement in the London Borough of Southwark this new law in time for the lead up period to November 5 2004.

### **Local Environmental Taxation**

- RESOLVED:**
- 1. That it be noted that the Republic of Ireland has had some remarkable success with its levy on plastic bags - the levy led to a 90% reduction in the use of bags (about 277 million fewer than usual).



2. That it be further noted that the Irish Government recently announced that it is to introduce a 'tax' on chewing gum, polystyrene food wrappers and cash machine receipts too - the money raised is to be used to fund a national clean-up.
3. That such efforts to support local authorities' attempts to clean up the local environment be applauded.
4. That the government be called upon to introduce measures similar to those adopted in Ireland - particularly if the money raised from levies will directly help councils in their fight against grime.

23 **LONG TERM REVIEW OF EDUCATION SUPPORT SERVICES – CONSULTATION**  
(See pages 279-284)

This item had not been circulated five clear days in advance of the meeting. The Chair agreed to accept the item as urgent because it was imperative that the consultation arrangements with all stakeholders were put in place at the earliest opportunity.

**RESOLVED:** 1. That the proposals for consultation on the Office for Public Management (OPM) review of long term options for delivery of education support services be noted.

**EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED:** That the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 9, Access to Information Procedure Rules of the Constitution.

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

**MINUTES**

The closed minutes of the meetings held on the 4<sup>th</sup> November, 2003 were approved as a correct record.

1 **RE-TENDERING AND AWARD OF THE WELFARE CATERING CONTRACT**

The open decision in respect of this report is set out under item 13 of the open section of the minutes.

2 **APPROVAL OF PECKHAM PARTNERSHIP – PHASE 8A DEMOLITION**

The open decision in respect of this report is set out under item 14 of the open section of the minutes.

3 **UNDERGROUND CAR PARK AT DRAPER HOUSE/CASTLE HOUSE SE1 – REDEVELOPMENT**

This item was deferred.

4 **FREEHOLD SALE OF SURREY DOCKS STADIUM, LONDON SE16**

The open decision in respect of this report is set out under item 17 of the open section of the minutes.

5 **BERMONDSEY SPA REGENERATION AREA SITE T: DISPOSAL ARRANGEMENTS**

The open decision in respect of this report is set out under item 18 of the open section of the minutes.

The meeting ended at 9.30pm

**CHAIR:**

**DATED:**

**DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 18 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, TUESDAY, 9<sup>th</sup> DECEMBER, 2003.**

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