



EXECUTIVE

MINUTES of the OPEN section of the meeting of the EXECUTIVE held on TUESDAY 16TH DECEMBER 2003 at 7.00pm at the Town Hall, Peckham Road, London SE5 8UB

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

1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

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

The Chair agreed to accept the following late items as urgent, the reasons for urgency to be specified in the relevant Minute:-

Open Agenda

Item 20 – Deputation Request – Friends of Nunhead Cemetery

Item 21 – Deputation Request – Dulwich Park Friends

Item 22 – Policy and Resourcing Strategy and Budget 2004/07 – Revenue

Item 22a – Policy and Resourcing Strategy and Budget 2004/07 – Revenue – Supplemental Information

Item 23 – Deputation Request – Southwark Group of Tenants Organisations

Item 24 – Early Years Budget – Reference from Overview & Scrutiny Committee

Item 25 – Education Finance Settlement 2004/2005 – Reference from Education, Youth & Leisure Scrutiny Sub-Committee

3 DISCLOSURE OF INTERESTS AND DISPENSATIONS

Councillor Beverely Bassom declared a personal non-prejudicial interest in item 12 – ‘Best Value Review of Housing Management – Implementation: Future Number of Forums’ as she was a Council Tenant.

The Executive considered the items set out on the open agenda, a copy of which has been incorporated in the Minute File. Each of the following paragraphs relates to the item bearing the same number on the agenda.

4 MINUTES

RESOLVED: That the open Minutes of the meetings held on 25th November 2003 (3.00p.m.) and 2nd December 2003 be approved as a correct record and signed by the Chair.

5 PUBLIC QUESTION TIME

There were no public questions.

6 DEPUTATION REQUEST – GOVERNORS OF GALLEYWALL COMMUNITY PRIMARY SCHOOL

The deputation did not attend the meeting as the issue they wished to address (Galleywall School – Options for the future) was no longer being considered at this meeting.

7 DEPUTATION REQUEST – SOUTHWARK ARTS FORUM / PECKHAM VOLUNTARY SECTOR FORUM

The Executive received a deputation from representatives of the Southwark Arts Forum and Peckham Voluntary Sector Forum in respect of the motion on the Arts Centre on Peckham Wharf Site detailed in item 19 ‘Motions Referred from Council Assembly on 26th November 2003’ elsewhere on the agenda.

RESOLVED: That the comments of the deputation be noted.

8 DEPUTATION REQUEST – FRIENDS OF GERALDINE MARY HARMSWORTH PARK

The Executive received a deputation from Ms Maureen Johnston, Chair of Friends of Geraldine Mary Harmsworth Park in respect of item 11, Southwark Parks, Organisation and Structure Contracts.

RESOLVED: That the comments of the deputation be noted.

9 **DEPUTATION REQUEST – RESIDENTS OF NUTBROOK STREET**

The Executive received a deputation from Ms Eileen Conn on behalf of residents from Nutbrook Street, Fenwick Road Flats and neighbouring streets in respect of a site in Nutbrook Street which the residents wished to remain as garages.

The Executive Member for Housing reported that she would like to meet with the deputation and a senior officer of the Housing Department to discuss the issue.

RESOLVED: That the comments of the deputation be noted.

10 **BUILDING SCHOOLS FOR THE FUTURE AND AMP STATEMENT OF PRIORITIES**
(see pages 1 – 25 and appendix C)

The Executive heard union representations from Ms Ann Goss, NUT and John Mulrenan, Unison.

- RESOLVED:**
1. That the Asset Management Plan (AMP) Statement of Priorities (Appendix 1 of the report) be approved and submitted to the Department for Education and Skills (DfES).
 2. That approval be given in principle to participation with London Borough of Greenwich and London Borough of Lewisham in a Building Schools for the Future (BSF) Pathfinder initiative, subject to further approval of detailed partnership arrangements.
 3. That an Expression of Interest be submitted to the DfES for participation in the BSF initiative.
 4. That officers bring a report to the Executive meeting in February 2004 on options for improving primary schools within the borough.

11 **SOUTHWARK PARKS – ORGANISATION, STRUCTURE AND CONTRACTS**
(see pages 26 – 34)

The Strategic Director of Environment & Leisure's representative advised that paragraph 18 (iv) of the report should read 16 Static Community Park Wardens (not 20).

- RESOLVED:**
1. That the approach to parks management as set out in paragraph 13 of the report be approved.
 2. That the requirement to tender a grounds maintenance contract for parks be noted and a process of consultation on the specification be agreed.
 3. That the initiation of a consultation process be approved with a view to the creation of a new community wardens service for parks within the Wardens division of Environment & Leisure Department and the replacement and enhancement of the current ranger service.

12 **BEST VALUE REVIEW OF HOUSING MANAGEMENT – IMPLEMENTATION:
FUTURE NUMBER OF FORUMS** (see pages 35 – 43)

- RESOLVED:**
1. That paragraphs 7, 8 and 15 of the report be noted and the proposal for a separate Leathermarket Gardens area forum be supported.
 2. That the proposal for 12 area forums as outlined in paragraphs 14 and 17 of the report be agreed.
 3. That a review of the operation of the new forum structure be carried out 12 months after implementation.
 4. That following implementation, any estate located entirely within one Housing Management area must attend a forum within that Housing Management area.
 5. That where an estate is split across two Housing Management areas or a forum boundary, they be allowed to choose which forum to attend.
 6. That where there will be more than one forum in an Housing Management area, the forums be arranged on the following lines:

Bermondsey

An East to West split with St James Road as the boundary.

Walworth

To be split along existing ward boundaries (Newington, East Walworth and Faraday) – 3 forums.

Camberwell

As no preferences or recommendations were made by the Camberwell area representatives on how to split their forums, it be agreed that those representatives meet again to determine the most logical boundaries of the two forums proposed for that area.

13 **LEASEHOLDERS: SERVICE CHARGES AND ADMINISTRATION FEES**
(see pages 44 – 50)

- RESOLVED:**
1. That the cost of making facilities available for the inspection of documents used in the construction of service charges be recovered in the management and administration elements of the annual service charge to leaseholders and that a separate fee be levied for the copying of documents only when requested by leaseholders (see paragraphs 10 to 12 of the report).
 2. That the Strategic Director of Housing in consultation with Leaseholder Council establish the policies to deal with the areas of discretion; procedures; and the levels of fees to be charged (see paragraphs 13 to 15 of the report).
 3. That a report similar to this item be brought back on Freeholders along with an update on the 'test case' by March 2004.
 4. That the Executive Member for Housing set up a Freeholder Forum.

14 **RELATIONSHIP BETWEEN THE SUPPORT PEOPLE COMMISSIONING BODY AND SOUTHWARK COUNCIL** (see page 51 – 63)

- RESOLVED:** That the Supporting People terms of reference / constitution on working relations between London Borough of Southwark (HD & SSD) Southwark Primary Care Trust and Southwark Probation, including how issues will be managed within the Council be agreed.

15 **SOUTH EAST LONDON HOUSING STRATEGY** (see pages 64 – 74)

- RESOLVED:**
1. That the draft South East London Housing Strategy (summary attached at appendix B of the report) be noted and endorsed.
 2. That the sign-off of the final South East London Housing Strategy be delegated to the Strategic Director of Housing in consultation with the Executive Member for Housing.

16 **SECTION 31 ARRANGEMENTS FOR THE INTEGRATED COMMUNITY EQUIPMENT SERVICE** (see pages 75 – 80)

- RESOLVED:**
1. That a Section 31 Arrangement be established under the Health Act 1999 between Southwark Social Services and Southwark Primary Care Trust (PCT) commencing from December 2003 to enable Southwark Social Services to be the lead commissioner in relation to community equipment.

2. That a Section 31 Arrangement be established under the Health Act 1999 between Southwark Social Services and Southwark PCT to establish a pooled budget for the purchase of community equipment to commence in March 2004.
3. That the detail of the negotiation with the PCT be delegated to the Strategic Director of Social Services, as well as the approval of and signature to the final terms of the Section 31 Arrangement.

17 **UNDERGROUND CAR PARK AT DRAPER HOUSE / CASTLE HOUSE, SE1 – REDEVELOPMENT** (see pages 81 – 85)

RESOLVED:

That in order to complete contractual arrangements with the owners of Castle House further to the Council decision of 4th April 2000 concerning the Council's sub-soil rights at Castle House, the full terms as set out in summary below and in detail in Appendix B of the closed report be approved:

- i) To enter into an agreement to (1) resolve long-standing ownership problems at the subject property and (2) enable the development of Castle House involving the Council granting a lease of part of the underground car park, and taking a 99 year lease back of the entire property.
- ii) To enter into licences for oversail and access and variations to existing access arrangements during the course of development of Castle House
- iii) To agree in principle, and subject to a full indemnity from the owners of Castle House, to seek powers of compulsory purchase to terminate any third party rights of way and any other issues which would prevent the development of Castle House
- iv) To agree the minimum consideration as set out in the item to this Executive in the closed agenda and to authorise the Head of Regeneration and Strategy (Director, Elephant and Castle Development) to agree any consideration in excess of this amount

18 **REPORTS OF THE LOCAL GOVERNMENT OMBUDSMAN (LGO)
(02/B/09186/02/B/16542) AND 02/B/06799** (see pages 86 – 114)

- RESOLVED:**
1. That the Local Government Ombudsman (LGO) reports (02/B/09186/02/B/16542) and 02/B/06799 (appendices A and B of the report) finding maladministration and injustice against the Council be noted.
 2. That the actions taken by the Chief Finance Officer to implement the recommendations of the LGO's report be noted.

19 **MOTIONS REFERRED FROM COUNCIL ASSEMBLY ON 26TH NOVEMBER 2003**
(see pages 115 – 125)

RESOLVED: Muscatel Place, Camberwell

1. That the decision of Council Assembly be noted.
2. That the decision of Camberwell Community Council be noted.
3. That officers be instructed to investigate the provision of double yellow lines and possible funding options.
4. That Camberwell Community Council receive a further report in January 2004.

National Health Service

1. That the Executive notes:
 - The Government's plans to give limited operational and financial freedom to foundation hospitals;
 - That foundation hospitals would create an unnecessary divisive element in the NHS and lead to a two-tier system;
 - The decision over which hospitals are allowed to become foundation hospitals will be taken by ministers based on how the hospital meets political targets rather than their ability to treat patients;
 - The proposals may lead to staff poaching because the new hospitals will have the freedom to pay staff extra;
 - The proposals for public 'membership' are still very unclear and the foundation hospitals will not have to have the new patient forums, which the Government itself created when it abolished community health councils;
 - That hospitals are being made to consult on bids for foundation status before the relevant legislation is agreed by Parliament – thus pre-empting decisions made by locally elected representatives.

2. That the Executive believes that all hospitals should be free of central political control and free from the culture of political targets.
3. That the Executive notes with concern that nearby Lewisham Hospital will not be among those hospitals to benefit from being a foundation hospital but that nearby Guys & St Thomas' and Kings College Hospital will.
4. That the Executive condemns the Government for not tackling the real problems facing struggling hospitals, such as staff shortages and lack of beds.
5. That the Executive calls on the government to bring in proper reforms in the NHS that would devolve power to local people and raise the standard of all hospitals, putting patients' needs first.
6. That the Executive resolves to continue to work closely in partnership with Southwark PCT in supporting those hospitals that serve the residents of Southwark.

Arts Centre on the Peckham Wharf Site

1. That the motion be noted.
2. That the Executive Member for Education & Culture bring back a report to Council Assembly that will detail proposals for the Council's contribution (financial and otherwise) towards an Arts Centre on the Peckham Wharf Site, following consideration by the Executive on the outcome of consultation on the proposals.

Bus Routes

That officers be instructed to:

- i) Make representations to Transport for London (TfL) in favour of reviewing the No 227 bus (Bromley North - Crystal Palace) with a view to extending it to cover the Dulwich route;
- ii) liaise closely with TfL on the cost benefit ratios involved in the various options for covering the route in order to report back fully to members;
- iii) explore, if necessary, whether the route could be made viable by some amount of subsidy from potential partners, e.g. Sainsbury's, the Health Authorities, Southwark Alliance.

Local Democracy

That consideration of this motion be deferred to the next meeting of the Executive to enable the Registration Officer to report back on the implications of the motion.

Affordable Housing

1. The Executive notes:
 - i) that officers' advice in the past has been against adopting a quota of 50% affordable housing for new residential developments;
 - ii) the decisions of Ratification Committee that officers undertake further work to look at this issue
 - iii) that the Liberal Democrats called on the Council to require developers to provide up to 50% affordable housing on new residential developments.
 - iv) the significant increase in the number of affordable housing units now being offered on the Bermondsey Spa development as a result of lobbying by local councillors and Executive Members;
2. The Executive further notes that despite the shortage of three and four bedroom units in Southwark, such units rarely feature in affordable housing agreements secured by the Council with developers.
3. The Executive therefore instructs officers to report to the Executive at the earliest opportunity on how to ensure that developers provide a higher proportion of affordable family units.

Private and State Schools

1. That the comments of the Strategic Director of Education and Culture in respect of the appropriateness of carrying out a benchmarking exercise in the circumstances proposed in the motion be noted.
2. That the Executive welcomes the Executive Member for Education & Culture's attempts to build links with independent schools.

20 **DEPUTATION REQUEST – FRIENDS OF NUNHEAD CEMETERY**

The request for a deputation was not received 5 clear days in advance of the meeting. The chair agreed to accept the request as urgent as it related to an item which was due to be considered elsewhere on the agenda.

The Executive received a deputation from Mr Jeff Hart, on behalf of the Friends of Nunhead Cemetery in respect of item 11, Southwark Parks, Organisation and Structure Contracts.

RESOLVED: That the comments of the deputation be noted.

21 **DEPUTATION REQUEST – DULWICH PARK FRIENDS**

The request for a deputation was not received 5 clear days in advance of the meeting. The Chair agreed to accept the request as urgent as it related to an item which was due to be considered elsewhere on the agenda.

The Executive received a deputation from Mr Robert Johnson, on behalf of Dulwich Park Friends in respect of item 11, Southwark Parks, Organisation and Structure Contracts.

RESOLVED: That the comments of the deputation be noted.

22 **POLICY AND RESOURCING STRATEGY AND BUDGET 2004/07 – REVENUE**
(see pages 126 – 151)

This item had not been circulated 5 clear days in advance of the meeting. The Chair agreed to accept the item as urgent due to the need to comply with the statutory timetable for setting the Council's budget for 2004/05. If the report was not considered at this meeting, there would be insufficient time available to complete the necessary consultation, in particular with scrutiny and in accordance with the budget timetable.

The Chief Finance Officer advised that there was an error in recommendation 1 (b) and that this recommendation should read "to fully fund social services at the increase in its Formula Spending Share (FSS) in 2004/5;".

RESOLVED: 1. That an update report be received in January 2004.
2. That a 2.1% exemplification be agreed for January 2004.

22a **POLICY AND RESOURCING STRATEGY AND BUDET 2004/07 – REVENUE – SUPPLEMENTAL INFORMATION** (see pages 157 – 165)

This item had not been circulated 5 clear days in advance of the meeting. The Chair agreed to accept the item as urgent due to the need to comply with the statutory timetable for setting the Council's budget for 2004/05. If the report was not considered at this meeting, there would be insufficient time available to complete the necessary consultation, in particular with scrutiny and in accordance with the budget timetable.

This item was considered in conjunction with item 22 above.

23 **DEPUTATION REQUEST – SOUTHWARK GROUP OF TENANTS ORGANISATIONS**

The request for a deputation was not received 5 clear days in advance of the meeting. The chair agreed to accept the request as urgent as it related to an item which was due to be considered elsewhere on the agenda.

The Executive received a deputation from Mr Ali Bali from the Southwark Group of Tenants Organisations in respect of item 12, Best Value Review Of Housing Management – Implementation: Future Number Of Forums.

RESOLVED: That the comments of the deputation be noted.

24 **CALL-IN: MODERNISING FACE-TO-FACE SERVICES FOR CUSTOMERS**
(see pages 152 – 156)

This item had not been circulated 5 clear days in advance of the meeting. The Chair agreed to accept the item as urgent as the Overview & Scrutiny Procedure Rules required the Executive to consider the recommendations of Overview & Scrutiny Committee within 7 clear working days.

- RESOLVED:**
1. That the findings of the Overview & Scrutiny Committee in relation to the recommendations agreed on the 'Modernising Face-to-Face Services for Customers' at its meeting on 4th December 2003 be noted.
 2. That the Executive confirms its position that the resolutions regarding the Best Value Review into cash management and on the proposed reform of face-to-face services do not cut across the pre-existing consultation on the findings of the Housing Management Best Value Review.
 3. That the Executive notes that Tenants' Council received a presentation by officers on the Modernising Face-to-Face services for Customers on 15th December and thanks them for finding time on their agenda to do so.
 4. That in light of the above:
 - i) Executive instructs officers to ensure that Tenants are consulted on the recommendations relating to the Best Value Review of Income Management along the same lines as the consultation meetings regarding Forums. This consultation process should be taken in tandem with the consultation on Housing Offices.
 - ii) It be noted that 25% of the survey sample included people of pensionable age and officers be instructed to consult with the Pensioners Forum.
 - iii) Officers be instructed to consult with the Disabilities Forum in view of the forthcoming requirements of the Disability Discrimination Act.

- iv) Officers investigate the costs and effectiveness of commissioning a rent payment book capable of being stamped as proof of receipt, as part of the deal with the Post Offices.
- v) Potential efficiency savings associated with the closure of cash offices should not be included in the forthcoming budget proposals for the year 2004/5.
- vi) No action should be taken on the first phase of Cash Office closures until the beginning of June 2004.

25 **EARLY YEARS BUDGET – REFERENCE FROM OVERVIEW & SCRUTINY COMMITTEE** (see pages 166 – 169)

This item had not been circulated 5 clear days in advance of the meeting. The Chair agreed to accept the item as urgent as it related to item 22 being considered elsewhere on the agenda.

RESOLVED: That the recommendations of Overview & Scrutiny Committee (OSC) as set out below be given consideration when considering the budget for 2004/05 and the ‘grants programme’ in February 2004.

Recommendations of OSC

- i) *“Overview & Scrutiny Committee notes the problems caused to date by the implementation of the Best Value Review of Early Years in terms of affordability and viability;*
- ii) *Overview & Scrutiny Committee believes that cuts of 50% in funding to all community nurseries and the Pre-School Learning Alliance in 2004/2005 appear not to be sustainable;*
- iii) *Overview & Scrutiny Committee notes the Council’s policy on Early Years Strategy that no pre-school nurseries will close. This Committee is concerned that the achievement of the current savings target of £800,000 will require savings to be found in other parts of the Early Years budget. This Committee asks the Executive to review whether 50% budget cuts in 2004/2005 can be implemented given the no closure strategy and requests that the full range of budgetary options, including growth, be considered.”*

25 **EDUCATION FINANCE SETTLEMENT 2004-2005 – REFERENCE FROM
EDUCATION, YOUTH & LEISURE SCRUTINY SUB-COMMITTEE**
(see pages 170 – 171)

This item had not been circulated 5 clear days in advance of the meeting. The Chair agreed to accept the item as urgent as it related to item 22 being considered elsewhere on the agenda.

RESOLVED: That the recommendations of the Education, Youth & Leisure Scrutiny Sub-Committee as set out below be noted.

Recommendations of Education Youth & Leisure Sub-Committee

- i) That the overall education settlement for Southwark be welcomed.*
- ii) That the Executive full passport education funding to schools this year.*

EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the 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 paragraphs 7 and 9 of the 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 meeting held on the 2nd December 2003 were approved as a correct record and signed by the Chair.

1 **UNDERGROUND CAR PARK AT DRAPER HOUSE / CASTLE HOUSE, SE1 - REDEVELOPMENT**

See item 17 above for decision.

The meeting ended at 9.50p.m.

CHAIR:

DATED:

DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 18 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, TUESDAY, 23RD 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