



MINUTES of the OPEN section of the meeting of the SPECIAL OVERVIEW and SCRUTINY Committee held on THURSDAY 13th MAY 2004 at 6.00PM. at SOUTHWARK TOWN HALL, PECKHAM ROAD, LONDON SE5 8UB

PRESENT: Councillor Kim HUMPHREYS (Chair)
Councillors Linda MANCHESTER, Stephen FLANNERY, Billy KAYADA, Gavin O'BRIEN, Lisa RAJAN and Andy SIMMONS.

OTHER MEMBERS: Councillor Dora Dixon-Fyle
Councillor Alun Hayes
Councillor Jonathan Hunt
Cllr Graham Neale
Cllr Dr Abdur Rahman Olayiwola
Cllr Tayo Situ

OFFICER SUPPORT: Shelley Burke - Head of Overview & Scrutiny
Gillian Connor – Liberal Democrat Political Assistant
Nadia Djilali – Labour Political Assistant
Stephanie Dunstan – Scrutiny Project Manager
John East – Manager Planning & Transport
Glen Egan – Assistant Borough Solicitor
Paul Evans – Strategic Director Regeneration
Lucas Lundgren – Scrutiny Project Manager
Sarah Naylor - Assistant Chief Executive [Performance & Strategy]
Jules O' Mahoney – Social Policy Manager
Fitzroy Williams - Scrutiny Team

ALSO PRESENT: Olowafemi Adetunsi
Patrick Anderson – Black Planners Association
Patrick Augustus
Lee Bartlett - Southwark Chamber of Commerce
B. Bartley – Elephant & Castle Traders Representative
Graham Beck – Independent Planning Consultant
Cameron Benjamin
Velma Bennett – Vice Chair Southwark Chamber of Commerce
John Bland
Ceylan Boyraz

Dayna Campbell
Austin Da Silva
Euan Denholm- Southwark News
Jon Durbin – Planning Aid for London
Helen Forster – Black Awareness Group
Debbie Gooch
Yanique Gray
Michael Groce
David Hadlaby – Black Awareness Group
Chanel Leoni Harris – Promotions
Lucia Hinton – Black Awareness Group
John Paul Hoaral – Bless-d Member
Paul Ingram – Green Party
Joyce Jerome
Paul Kaliso
Desmond S. F. Lundetto
Jeanette Macleod
Michael Milean – Town and Country Planning Office
Hugh Miller – Black Planners Network
E. C. Mollary
C. Monplaisir
Scott Novell
Michael Parker
Mohamed Sillah
Charlotte Smith – Office of Harriet Harman MP
John Spencer – Green Party
A Stevenson
Floyd Stevenson
Jade Stevenson – Black Awareness Group
K.J. Stevenson
Peter Stevenson
Raymond Stevenson – Black Awareness Group
Shayna Jane Stevenson
Michael Taylor
Chloe Treend
Emeiuke Tro
Alex Wheatle
N. Whitehorse
Candyce Williams
Toureece Williams

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Eliza Mann and Anne Yates.

NOTIFICATION OF ANY OTHER ITEMS WHICH THE CHAIR DEEMED URGENT

There were none.

DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were no disclosures made nor interests declared.

RECORDING OF MEMBERS' VOTES

Council Procedure Rule 1.17(5) allows a Member to record her/his vote in respect of any motions and amendments. Such requests are detailed in the following Minutes. Should a Member's vote be recorded in respect to an amendment, a copy of the amendment may be found in the Minute File and is available for public inspection.

The Committee considered the items set out on the 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.

The meeting opened at 6.25 p.m.

MINUTES:

The Chair invited the meeting to examine the draft Minutes of the meeting on 29th April 2004.

Mr. Paul Evans suggested the following changes to the draft Minutes i.e.

- Pg 2. Replace 'audit' with 'review'
- Pg 4. Replace 'they' with 'the development control team'
- Pg 6. Replace 'awareness of' with 'influence on'
- Pg 10. Replace 'Mr. Evans' with 'Mr. Egan' in three places

RESOLVED: That the Minutes of the meeting on 29th of April be agreed as a correct record of proceedings subject to the following amendments, i.e.

- Pg 2. Replace 'audit' with 'review'
- Pg 4. Replace 'they' with 'the development control team'
- Pg 6. Replace 'awareness of' with 'influence on'
- Pg 10. Replace 'Mr. Evans' with 'Mr. Egan' in three places

1. SCRUTINY: AWARD OF PLANNING PERMISSION AT 295-297 CAMBERWELL NEW ROAD AND 299 CAMBERWELL NEW ROAD.

1.1 The Chair introduced the item following which all present at the table introduced themselves. Raymond Stevenson and Lucia Hinton were then invited to make their presentations to Committee.

1.2 Background Information about Imperial Gardens Nightclub:

- 1.2.1 Mr. Stevenson and Ms. Hinton explained to the Committee that they wished to demonstrate Imperial Gardens success and international reputation as an entertainment venue and to show excerpts from several videos to this end. Both Members and Southwark officers had claimed that they had not been aware of the existence of Imperial Garden, which Mr Stevenson and Ms Hinton found difficult to accept given the popularity and importance of the venue for Southwark.
- 1.2.2 The first video excerpt showed the interior of the Imperial Gardens nightclub [IGN] venue.
- 1.2.3 Ms. Hinton explained her role as IGN's former promotions manager. Ms. Hinton commented that Imperial Gardens was one of the few clubs with a 6 a.m. license, making it attractive for a range of events and putting it in competition with West End clubs for promoters looking to hire the club on a six month to one year basis. IGN had been the venue for monthly events ranging from techno, R&B, poetry nights and live music nights. In addition, it was used for numerous pop videos, record launches, local theatre and dance group rehearsals. Use of the venue by community projects free of charge was made possible by hire of the venue for commercial events.
- 1.2.4 The second video played to Committee had been shown on Carlton TV [2001] for six weeks in the 'Your Shout' slot. The location space had been donated by IGN, and youth dancers were from Southwark.
- 1.2.5 Mr. Stevenson commented that the video gave a brief example of the community work IGN had done, emphasizing that all funds raised by the nightclub were put back into projects benefiting the Southwark community. He referred the Committee to a letter from the Metropolitan Police acknowledging the community work of the nightclub (Agenda page 159).
- 1.2.6 Mr. Stevenson referred the Committee to a Guardian newspaper article on IGN in which the club was referred to as a 'talent factory' (Agenda page 37). He commented that successful artists, such as Big Brothas, were given their first break at IGN. In addition to music, IGN also supported other creative artists such as writers, poets and actors.
- 1.2.7 Alex Wheatle, author of 'Brixton Rock', told the Committee that Mr. Stevenson had been instrumental in encouraging him to write his first book, donating resources and giving him access to facilities.
- 1.2.8 Michael Groce described himself as a career criminal whose life had changed after he met Mr. Stevenson who gave him the platform to explore his creative talents. Importantly, Mr. Stevenson had allowed him a safe environment in which he could express himself and learn from his failures. Since meeting Mr. Stevenson he reported he had turned away from crime, and has since worked as a promoter, youth worker, production coordinator and teacher.
- 1.2.9 Patrick Augustus, author of 'Baby Father', told the Committee that IGN had run a poetry night that encouraged fresh talent. Without the support of IGN those involved would have had no platform to develop their talents.

- 1.2.10 Scott Novell, an independent video producer, told the Committee that he had worked with Mr. Stevenson and Ms. Hinton for 5-6 years. Part of his role included negotiating discounted rates from the commercial video industry for work with Mr Stevenson and Ms Hinton and Southwark young people.
- 1.2.11 Ms. Hinton explained that IGN had also owned the record label 'Southside' which had worked with talented young singers, rappers and dancers. The success of some of these projects led to videos produced shown nationally on BBC, GMTV, Kilroy, C-Bebies & ITV.
- 1.2.12 The third video excerpt included clips from the following Southside recordings, i.e.:
- Stalking
 - Fantasize
 - Bless-d
- 1.2.13 John Hoaral, member of Bless-d, explained how successful the band had been, being the only British band to support Michael Jackson on tour, and in addition supporting Blue, S-Club7 and Atomic Kitten. The success of the band was due to IGN fostering its talent, he believed.
- 1.2.14 A audio recording of the following Southside recordings, i.e.:
- Haley's "Wait in Vain"
 - RnB Family Inc's "Boo"
- 1.2.15 Ms. Hinton commented that IGN had used music as a tool to help young people deal with contentious issues they faced in the community. IGN had been working on an Anti-Drugs Campaign through the London Mayor's Office, which would have been launched last year, had the club not been forced to shut down.
- 1.2.16 A Video of 'Candyman' by Family Inc. was played.
- 1.2.17 Michael Groce, who appeared in the excerpt, explained that the video had been an enormous success, with the group touring to many schools nationally. Mr. Stevenson commented that the anti-gun lobby had requested use of the video. He had tried to speak with Southwark Education officers to promote the video locally, but they had reportedly commented that there were issues with IGN's approach.
- 1.2.18 Ms. Hinton drew the presentation to a close by asking Members how Council officers could have remained unaware of IGN at the time they were consulting on Fairview Homes application, given the National media coverage, local events, yearly Council inspections and noise abatement orders.
- 1.2.19 **RESOLVED:**
1. That Raymond Stevenson give this Committee sight of his correspondence with Southwark Education Department regarding the Family Inc 'Candyman' video.
 2. That Raymond Stevenson provide the dates on which Noise Abatement Orders were served on the Imperial Gardens nightclub.

1.3 John Durbin - Planning Aid for London

- 1.3.1 Mr. Durbin referred the Committee to Planning Aid for London's submission on page 60 of the Agenda.
- 1.3.2 Mr. Durbin summarised the main points of the submission, these being firstly the failure of the Council to consult IGN and secondly that the authority took three years to deal with IGN's planning application. The causal link was that without the ability to get a licence, IGN was unable to operate.
- 1.3.3 Councillor Simmons asked about the temporary planning application that had been granted to IGN. Mr. Stevenson reported that it had been difficult to get the Planning department to even acknowledge receipt of their planning application. Initially IGN had submitted an application but was told it had been lost. A further application had then been submitted by lawyers acting on IGN's behalf, who had also experienced difficulty dealing with the Planning department.
- 1.3.4 Mr. Durbin commented that had IGN been consulted with regards to the two previous planning applications on the Fairview site then a 'consultation list' should have existed. Good practice would have indicated that this list be imported and used to develop the consultation list in respect of IGN.
- 1.3.5 Councillor Simmons asked Mr. Durbin whether he thought planning permission should have been granted to Fairview Homes given the proximity of the site to IGN. Mr. Durbin responded no. The Fairview Homes site had only been three metres from IGN which would have resulted in constant noise problems for residents. He explained that in general there was little that could be done to mitigate against deep bass noise reverberation. In addition, noise resulting from patrons entering and exiting clubs occurs wherever its doors are sited.
- 1.3.6 Mr. Stevenson advised that he had conducted his own noise tests on the Fairview Homes site, was aware that bass noise travels through concrete and believed that that only three meters distance between the club and residential properties was too close. He asked for an explanation of why FH application had been granted although it was only three meters from IGN, whilst IGN's application had been refused when 40 meters away ? Mr. Durbin commented that the Council's action was wholly inconsistent with the Council's previous decision to refuse initial permission to IGN.
- 1.3.7 Ms. Hinton commented that IGN had been served with Noise Abatement Orders by residents 100 meters from IGN and had had their planning application opposed on the grounds that it was too close to residents 40 meters away. Kids Company reportedly had also occupied the arches and had been refused planning permission because of noise concerns, so in Ms Hinton's opinion there was no way IGN would have been granted planning permission once permission to Fairview Homes was granted. For this very reason, IGN did not submit a planning application once they heard of Fairview Homes application.

1.4 Proposed Camberwell Train Station Issues:

- 1.4.1 Mr. Stevenson referred the Committee to Agenda page 125 – a letter from Network Rail that established the options for Camberwell Train Station. He also referred the Committee to Agenda page 126, a letter from Railtrack supporting Southwark’s bid for the development of Camberwell Train Station.
- 1.4.2 Mr. Stevenson believed this evidence not only demonstrated Southwark Council’s desire to build a train station at Camberwell, but that this was a joint aspiration shared by Southwark Council and Railtrack. It was his opinion that this aspiration was the primary motive for the failures of the planning department between 1995-2002 and for the granting of permission for development of residential housing. He stated that he believed that it was a deliberate attempt to compromise IGN’s business, all other ways having failed.
- 1.4.3 Mr. Stevenson believed that the Council had not passed on information in reference to the train station to IGN during their planning application 1995-2002 even though the District Auditors report concluded that officers must have been aware of such information. He asserted that had officers informed IGN of aspirations in respect of a train station the site would have never chosen for the nightclub.
- 1.4.4 Mr. Stevenson alleged that Southwark officers Roy Turner and Chris Berry had told him and Ms. Hinton that the Council had no plans to develop a Camberwell train station, yet references to such aspirations were found by Mr Stevenson in applications adjoining IGN’s. He stated that planning officers had eventually supplied files referring to plans for a Camberwell station only when the Police were called.
- 1.4.5 The Assistant Borough Solicitor advised those present against discussion of individual officers as this could prejudice disciplinary proceedings. All present were also reminded that discussion of individuals within the meeting forum could lead to action being taken against them for slander. It was open to individuals unhappy with the results of disciplinary hearings to appeal to an Industrial Tribunal and it was important not to compromise or prejudice any potential action or proceedings.
- 1.4.6 Mr Stevenson referred the Committee to Agenda page 127-128 the first paragraph of which referred directly to IGN’s occupation of the arches. He was angry that IGN’s landlords Railtrack had not advised them of the aspirations.
- 1.4.7 Mr. Stevenson referred the Committee to Agenda pp.127, 132 and 130. In his opinion officers were willfully and deliberately keeping facts from the Ratification Committee and referred OSC to Agenda p. 135.
- 1.4.8 Mr. Stevenson asked the Committee to examine Agenda p. 138. Whilst he felt the solution for a Camberwell Train Station was to build the station on the old site on Station Road, Southwark Council made it clear that the IGN site was favored even though such siting would have a negative impact on other black business in the area. Mr. Stevenson asked Mr. Evans what he thought of the email on p. 138 and the reference to Elephant and Castle regeneration?
- 1.4.9 Mr. Evans commented that by January 2002/3 his recollection about progress of the Elephant and Castle Scheme was that they had just selected a main partner and were just about to enter into negotiations with them.

- 1.4.10 The Chair asked Paul Evans whether aspirations for a Camberwell station had been transparent in Planning Committee reports. Paul Evans stated that discussions had taken place prior to the agreement of the Unitary Development Plan [UDP] in 1995, in which such aspirations were also described. He stated that in the 1995 proposals map of a Camberwell station was clearly indicated. However, he also emphasized that at no stage had a planning application been made in respect of a Camberwell station.
- 1.4.11 In respect of whether the reports to Planning Committee meetings at which were considered the IGN and FH applications had made reference to Camberwell station aspirations, Paul Evans offered to confirm this for Committee.
- 1.4.12 Councillor Simmons commented that there was a concern about reports coming forward in respect of a Camberwell train station and that it was right that Karen Watling had raised these issues. Mr. Stevenson commented that if even Members were receiving 'highly filleted' versions of reports, what hope did IGN have of securing information?
- 1.4.13 Mr. Stevenson believed that both the Council and Railtrack had carried out a policy to displace tenants, and that the same officers were actively trying to displace other businesses that fell in the catchment area of the Camberwell train station. He stated that other tenants had been threatened with Compulsory Purchase Orders [CPO] by the Planning department. Arches tenant Anish Kapoor had reportedly received a CPO and was then subsequently offered an alternative site. In addition, arches tenant Mr Popoola had reportedly been evicted from his premises at the railway arches on the pretext of a leaking roof, and was reportedly now pursuing a case against Railtrack. Mr Stevenson referred the Committee to Agenda pages 85, 88, and 96. Mr. Stevenson put forward the suggestion that either one of the two decisions had been incorrect or the Council was seeking to discourage IGN.
- 1.4.15 Paul Evans commented that it was clear that there had been inconsistencies, but that it was difficult to say why the two decisions had been different. He offered to look into whether there had been a change in approach from 1995 – 2000, and address this in his final report to the Committee. The Chair commented that if reports to the Planning Committee considering Fairview Homes did not recognize the existence of IGN, then Members would not have been in full possession of the facts and could not take these into consideration when reaching their decision.
- 1.4.16 Lee Jasper commented that the problem appeared to be that Southwark's policy appeared to have allowed inconsistent planning decisions to be made, and that the Council needed to provide answers to these and other inconsistencies, including its noise policy. When asked by Mr Jasper to comment on the performance of Planning Officers dealing with this case, Paul Evans responded that he could not comment on this due to the possibility of prejudicing other proceedings.
- 1.4.17 Councillor Simmons asked John Durbin what duty rested on Railtrack to inform IGN of Camberwell station plans? He was aware that there had been many articles in the local press, and that aspirations for a station were well known locally amongst residents. Mr. Durbin explained that planning obligation lay with the owner of premises to consult neighboring occupiers. Mr. Stevenson however believed that Southwark Council should have advised occupiers, as it was the authority who was leading its development.

- 1.4.18 Mr Stevenson suggested that the Council had used information on the station to simultaneously entice larger developers to the area whilst discouraging smaller, black businesses.
- 1.4.19 Mr. Stevenson asked firstly why temporary planning permission was granted to IGN for such a long period and secondly why no monitoring of this temporary planning permission had taken place? It was his opinion that the granting of temporary planning permission to IGN was evidence that Southwark had plans to develop the site later for a Camberwell station. Paul Evans replied that he would supply information regarding this issue.
- 1.4.20 Mr. Stevenson explained the financial implications to IGN of temporary planning permission. Such a situation rendered it impossible to secure funding for development. Without planning consent there could be no buyers for the business. Because bank loans could not be secured, an enormous financial strain was placed on IGN's owners who were forced to hold a series of fund raising events to grow the business. £30,000 was secured from Smirnoff and £20,000 was lent by friends. Because of the financial situation IGN was forced to open in stages and when it opened the owners had debts in excess of £350,000 which took two years to clear.
- 1.4.21 At 8.45 p.m. it was proposed, seconded and
- 1.4.22 **RESOLVED:** That the meeting stand adjourned for ten minutes.
- At 9.05 p.m. the meeting reconvened.
- 1.4.23 Lois Act, a producer and community outreach officer for ITV addressed the Committee. She explained that she was setting up a network called 'Urban Unlimited' which was using nightclubs as social development spaces for youth – the advantage being that nightclubs had the facilities and access to people that young people need. IGN had provided important leadership on the project and Ms Act believed IGN to be a very good example of the success that could be achieved.
- 1.4.24 Mr. Stevenson stated that in his opinion had the Council's policies been implemented properly then problems would not have occurred. The problem had been with the actions of individual officers, rather than with the authority's policies themselves.
- 1.4.25 At this point the Assistant Borough Solicitor again reminded those present against discussion of individual officers as this could prejudice disciplinary proceedings.
- 1.4.26 Mr. Stevenson asked by what process Councillors would secure the information necessary for reaching a decision and reporting back to Council Assembly, prior to Council formally responding to the District Auditors report. The Chair reminded all present that the Council was legally obliged to respond to the reports. Council Assembly on 18th February 2004 had noted the DAs report and asked the Overview & Scrutiny Committee to assist in reviewing the issues and to advising on the Councils response. Once the current inquiry was completed OSC's advice would be considered by Council Assembly in July 2004, at which meeting Members [and not officers] would accept or reject OSC's findings.

- 1.4.27 Mr. Stevenson pressed Paul Evans to say whether the Council accepted the District Auditor's findings. Mr. Evans explained that his department would be working on a response to the District Auditor's report but that as explained it was Council Assembly which could approve the report, which on agreement would become the official Southwark Council response. He had not challenged the D.A. report's content and would be following the process already mentioned to provide an official response.
- 1.4.28 Mr. Jasper asserted that the Council should accept the recommendations of the District Auditor's report publicly. The Chair responded by saying that it was fair to say the Council had taken on board the recommendations of the District Auditors report and were developing an action plan to address them.
- 1.4.29 The Assistant Borough Solicitor stated that it was for Council Assembly to accept, reject or respond to the DA's report – this not being within the power of either individual officers or this Committee. Mr Stevenson stated that he had not been consulted on the wording of the motion to Council Assembly on 18th February 2004 that had led to the request for the current inquiry.
- 1.4.30 Mr. Stevenson referred the Committee to Agenda papers pg. 123 where a document provided by Fairview Homes included reference to IGN – suggesting that there was evidence that Fairview Homes had known about IGN. The Council map included neither address numbers nor reference to the nightclub.
- 1.4.31 In respect of the compilation of a consultation list Mr. Stevenson stated that Mark Dennett had compiled this list. He referred the Committee to Agenda papers page 14, para 45 regarding the list, and stated he believed that planning officers failings included: not having checked existing consultation lists for adjacent developments, Ordnance survey maps, electoral registration information, and consulting those with common boundaries to the proposed developments. Ms. Hinton commented that IGN's neighbors had been consulted, but neither herself nor Mr Stevenson had been consulted as individuals with regard to Fairview Homes application. Cllr Simmons observed that he was aware of a recently received a Planning Committee report where there were problems with the consultation list, with whole streets not having being consulted.
- 1.4.32 The Chair advised the Committee that the issue of intent was problematic as it went into matters under disciplinary proceedings. The Assistant Borough Solicitor advised that if Mr Stevenson was alleging a conspiracy, then evidence to support this allegation should be admitted in a neutral way with the understanding that this Committee may not immediately be able to respond.
- 1.4.33 Mr. Stevenson commented that it appeared that he could not address his concerns that in addition to the procedural failings there were intentional failings by officers. Mr. Webster remarked that the remit for the inquiry was flawed, as OSC was unable to properly scrutinize the matters that it needed to, and he suggested that the Council needed to accept this fact for the inquiry to move on.

At 10.08 p.m. it was proposed, seconded and

- 1.4.34 **RESOLVED:** That the meeting stand adjourned for five minutes.

At 10.13 p.m. meeting reconvened.

- 1.4.35 Mr. Stevenson stated that his lawyer had advised him to set out evidence and not ask questions of officers.
- 1.4.36 He referred Members to pages 179 and 17 in respect of Mr Huckerby's note, and agreed to provide details of Noise Abatement Orders issued to IGN. In respect of information at pages 21 and 180 of the Agenda, the Committee asked for information relating to the Sainsbury's plans which reportedly referred to the area as being for a future train station. Mr Stevenson stated that he was aware that plans for erecting buffers and slowing down trains to avoid possible disturbance to residential property next to any potential station had been discussed. As a member of the black community, Mr Stevenson stated it was both offensive and unethical for the Council to speak with IGN's landlord [and not IGN themselves] about the commercial possibilities of opening up the arch site of IGN.
- 1.4.37 Ms. Hinton stated that although many of the documents IGN relied upon were included in the agenda, IGN had been advised not to include certain other documents on the grounds that inclusion might jeopardize IGN's compensation claim.
- 1.4.38 Mr. Webster addressed the Committee regarding the compensation claim. As set out in his correspondence to the Borough Solicitor on page 149, the legal basis of the claim was he believed 'misfeasance' in public office' and he anticipated that compensation would be in excess of £1m. Andrew Arden Q.C.'s preliminary view of the case reportedly linked public misfeasance in office to losses incurred by Mr Webster's clients. Following a meeting with the Assistant Borough Solicitor next week, to look at the documents relating to the case from both IGN and the Council, the Bar Council would be invited to make an assessment.
- 1.4.39 Any compensation would need to take into account the costs of seeking an alternative location for the business [including refurbishment, relocation costs, start-up costs], which was estimated to be around £800,000]. There were also losses of personal investments, personal liability of over £250,000 and losses in respect of the current Railtrack lease [which Railtrack are chasing]. He was confident that sufficient evidence existed of public misfeasance and was confident that substantial damages could be secured.
- 1.4.40 He explained that the problem was that his clients could not estimate their legal position without first assessing their claim, which required significant legal cost. The offer of £3,000 by the Council had not been acceptable and the Bar Council would be asked to provide their independent assessment of an appropriate sum. The Chair reminded Mr. Webster that the Committee could examine only the mechanisms of compensation and could not recommend a figure. Mr Webster commented that his clients were willing to go to court but currently were open to alternative processes. Mr. Stevenson commented that unless Southwark accepts in principle the claims that he is stating, then he was not interested in either arbitration or mediation. Mr Webster stated it was necessary to first reach the stage where the Council was admitting its errors and looking to settle in a realistic way, and acknowledged that his clients were reacting to what he perceived to be the authority's position of non-admittance of error.

1.4.41 **RESOLVED:**

1. That Raymond Stevenson supply the date upon which he had a meeting with Roy Turner & Chris Berry at the Town Hall where they allegedly denied the existence of plans to develop Camberwell Train Station.
2. That Paul Evans provide information as to whether the 1995 draft UDP contained specific reference to aspirations for a Camberwell Train Station.
3. That Paul Evans provide OSC with information about how he is ensuring that officers are aware that information about development aspirations should be taken into account in preparing planning reports.
4. That Paul Evans report back to OSC on the reasons for the inconsistency between the planning application decisions in respect of Imperial Gardens and Fairview New Homes, and to report back to OSC about whether there has been a change in approach during the period from 1995 to 2002.
5. That Paul Evans provide information as to why no monitoring actions were taken with regard to Imperial Gardens nightclub when it was granted temporary planning consent in 1995 on the basis that its operations were to be monitored. (Refer Paragraph 23 of the District Audit's report, page 11 of 13/05/04 Agenda Papers).
6. That Paul Evans advise OSC whether any reference to a Camberwell Rail Station was made in the original report to the Planning Committee in 1995 which considered the IGN application, and to confirm the status of any CRS aspirations at that time.
7. That Paul Evans provide information as to the statutory obligations for site visits with regard to illuminated columns.
8. That Paul Evans provides a copy of the plan submitted by Sainsburys for a Supermarket development at Camberwell
9. That Paul Evans provides information as to whether since the publication of the District Auditor's report any planning decisions had been appealed on the grounds that racial discrimination had occurred.
10. That Paul Evans provides a copy of the planning application submitted by Mr. Kapoor.
11. That Paul Evans provides statistical information as to how many Planning Department staff had been through employment tribunal processes over the last nine years and the results/outcomes of the tribunal processes.

12. That Paul Evans provides statistical information as to how many Planning Department staff have complained of discriminatory racism towards them over the last nine years, and provides statistical information about staffing diversity issues.
13. That The Assistant Chief Executive [Performance and Strategy] supply information on what Council policies and procedures with regard to racial discrimination existed prior to 2003.
14. That Scrutiny officers determine which elected Members served on the Sub-Committee who considered the IGN and FNH planning applications.
15. That Scrutiny officers seek clarification from the District Auditor as to what his remit for the investigation 'Award of Planning Permissions at 295-297 Camberwell New Road and 299 Camberwell New Road', specifically in respect of allegations of institutional racism.
16. That officers ask Mr. Lee Jasper provide information to OSC Members about his meetings with Mr. Coomber.
17. That officers ask the District Auditor to clarify what was meant by the expression "performance management" in the context of his report.

1.5 Patrick Anderson - Black Planners Network:

1.5.1 Additional information from Mr. Anderson was circulated to those present.

Mr. Anderson took Members through his submission [Agenda pages 211-216] asserting his belief that the Council was guilty of institutional racism. He commented that race had been a significant factor in the dealing with the IGN application. He explained to the Committee the Council's responsibilities arising from the Race Relations Act 1976 and the subsequent 2002 amendment.

1.5.2 Mr. Anderson commented that the evidence for the claim of institutional racism had come from;

- The District Auditors Report;
- Discussion with the complainants; and
- Discussion with previous employees of the Southwark Planning Department.

1.5.3 Mr. Anderson requested that information regarding Race Discrimination claims against the Council be made public.

- 1.5.4 The Chair reminded Mr Anderson that the inquiry could not look at the specifics of individual's performance management. The Chair and the Assistant Borough Solicitor reminded those present that allegations of racism against individual officers would not be discussed. They agreed that generalized information could be provided only.
- 1.5.5 Mr. Jasper commented that as part of the supervisory planning process, processes were needed to monitor individuals performance, the corporate position, and whether a quantum trend towards racism was observable. In addition, application tracking did not include ethnic monitoring. Equalities policies need to be mainstreamed across the Council. Paul Evans commented that the term 'performance management' had two meanings, firstly individual performance management, and secondly corporate management of departmental performance targets. He confirmed that tracking of planning applications based on ethnic monitoring data did not occur.
- 1.5.6 Mr. Anderson alleged that a trend appeared to be emerging across the Council of racial discrimination. He alleged that he had received evidence from both former and current of discrimination, one individual having reportedly alleging racism during his exit interview. During these discussions Mr Anderson alleged that names were repeatedly mentioned. Paul Evans commented that he could provide anonymized information about race complaint cases within the planning department, including outcomes.
- 1.5.7 The Assistant Chief Executive [Performance & Strategy] set out the Council's actions to implementing the Race Relations Act 1976. In respect of Agenda pages 167-177, she disagreed with assertions that these actions were "crisis management", confirming dates on which reports were made on the matter. The final reports on year two of assessment would be reported to the Executive within the next few months. Jules O'Mahoney explained that Southwark has just agreed on a robust ethnic monitoring strategy designed to address weaknesses revealed by the Race Equalities Impact Assessment. Mr Anderson stated that the RRA 2002 Amendment had been brought in to address the lack of application of the RRA 1976 to the planning sphere.

At 11.30 p.m. it was proposed, seconded and

- 1.5.8 **RESOLVED:** That the meeting stand adjourned for five minutes.

At 11.40 p.m. the meeting reconvened.

- 1.5.9 Mr. Anderson suggested that Southwark Council should examine both the ways in which planning decisions were taken, and the 'non-professional relationships' referred to within the DA report. Mr. Stevenson claimed that former Southwark staff members had conflicts of interest.

1.6 Lee Jasper – Greater London Assembly

- 1.6.1 Mr. Jasper felt that it was in the public interest to settle this matter, as it was the cause of much disquiet within the BME community, and was damaging the Council's reputation. Although options were discussed previously at the time during meetings facilitated by between the Chief Executive and Mr. Stevenson, no options were taken two years ago in respect of financial settlement. Lee Jasper recommended that the OSC look hard at matters and consider drawing a line under the matter by acknowledging failings and moving on.

- 1.6.2 With regard to institutional racism, Lee Jasper asserted that Southwark Council was not able to positively demonstrate it did not occur, as race indicators were not in use and were only now beginning to be developed. This left the Council open to claims of institutional racism, he stated. He reportedly received letters daily from individuals reporting instances of racism within the Council. He recommended an independent commission on race and planning to ventilate tensions extant. The Council's ethnic monitoring policy needed to be mainstreamed across all Council departments, particularly planning. Equalities guidance in the planning department was required together with a coherent monitoring framework that would indicate issues for improvement.
- 1.6.3 Mr. Jasper warned that within the borough tensions were running high with regard to racism claims against the Council, and he was so concerned about this situation that he had had occasion to contact Scotland Yard. He advised that on some certain pirate radio stations in the area, racism issues were dominating airtime conversation.
- 1.6.4 He concluded by saying that Southwark Council was morally obliged to now endure the legal tussle that was resulting from this matter and to recognise the enormous consequences to all those involved.
- 1.6.5 Mr. Stevenson drew his presentation to a close by commenting that he was very concerned about the conduct of some of the Members at the current meeting. IGN was a lifetime dream and he had employed people of many nationalities. He was appalled that he appeared to be a political football for the different political parties within Southwark. His wish was to be allowed to have back what he had previously, and to continue running his business. He stated that he was not going to walk away from this issue and would continue in this matter until he received justice.
- 1.6.7 Councillor Dr Abdur Rahman Olayiwola spoke briefly. He believed that the Liberal Democrats should support the findings of the District Auditor; that an interim payment of £20,000 should be made to IGN; alleged that racism in Southwark Departments had been occurring since 1994; and called for an independent judicial commission of enquiry with power to call ex-employees to speak.
- 1.6.8 The Assistant Borough Solicitor reminded everyone that no information about individual circumstances should be revealed without the consent of those named.
- 1.6.9 **RESOLVED:** That Raymond Stevenson supply the correspondence he wrote and received from Southwark Council when he first complained to the Council of being racially discriminated against.

The Meeting closed at 12.35 p.m.

CHAIR'S SIGNATURE:

DATED: