

Cabinet

Tuesday 13 March 2018

4.00 pm

Ground Floor Meeting Room G02A - 160 Tooley Street, London
SE1 2QH

Supplementary Information – (Corrections and additional comments from officers to be read in conjunction with items 8, 9 and 13 contained on the main agenda)

List of Contents

Item No.	Title	Page No.
8.	Petition from Metropolitan Tabernacle Church, Elephant and Castle - Parking issues Comments of the Chief Executive.	1
9.	Response to Deputation Request from local residents in respect of CPZ Zone L - Northern end of Grove Lane, SE5 Comments of the Director of Law and Democracy.	2
13.	Progress report - in-house repairs service Corrections to the report and comments of the Director of Law and Democracy.	3 - 4

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Date: 12 March 2018

ITEM 08 – PETITION FROM THE METROPOLITAN TABERNACLE CHURCH – PARKING ISSUES**SUPPLEMENTARY ADVICE FROM OTHER OFFICERS****Chief Executive (Transport Policy)**

13. Officers have considered all representations submitted from the Tabernacle as part of the planning application process and this response was provided as part of the Committee report.

“While it was acknowledged by officers that the Metropolitan Tabernacle does use these car parks to park their minibus fleet, it was also noted that the areas of hardstanding immediately west and south of the Tabernacle provide off-street storage for the majority of this fleet. Officers have previously offered to work with the Tabernacle to review their operation, to try and find efficiencies and/or new ways of accommodating their activities and this offer still stands.”

14. Officers would be happy to discuss with the Metropolitan Tabernacle how the council could assist in facilitating a review of their fleet operation.

ITEM 09 – RESPONSE TO DEPUTATION REQUEST FROM LOCAL RESIDENTS IN RESPECT OF CPZ ZONE L – NORTHERN END OF GROVE LANE SE5

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

18. The legal comments are set out at paragraphs 8 and 9 of this report. The legality of parking permits has been raised in the courts in recent years. Reference is made to the Kensington and Chelsea case in 2017. This case confirmed the decision in the case of London Borough of Westminster v Secretary of State for Communities in 2012 which determined that on the interpretation of the particular legal agreement, the “permit free” obligation was not lawful. Subsequently, it has been confirmed by the Court of Appeal in the Kensington and Chelsea case that there is an appropriate power under the GLC (General Powers) Act 1974 which is a more appropriate route to follow rather than relying upon the Town and Country Planning Act. The drafting of planning agreements has followed these court decisions for some time but the decisions have led to greater scrutiny of the parking clauses in section 106 Agreements.
19. Car parking stresses are a recurring concern in many London Boroughs. This issue is regularly considered when planning decisions are made and officers including Legal have been involved in discussions to ensure that the decisions are implemented.
20. Option 4 in the report refers to the option of a review of the workings of this CPZ. It is noted that this would be subject to a public consultation.

ITEM 13 – PROGRESS REPORT – IN HOUSE REPAIRS SERVICE**[Corrections to paragraphs 5 and 26 of the published report]****Recommendations**

5. That the ~~Cabinet Leader of the Council~~¹:
- ~~Delegates to the appropriate Chief Officer the decisions confirming the reorganisation of Southwark Building Services arising from Cabinet's agreement to the recommendations above; and~~²
 - Delegates to the appropriate Chief Officer the decision to approve major terms and conditions of employment outside the national and provincial schemes. Please see section 22 below for more detail.

Human Resources – terms and conditions (ts&cs)

26. The other area of work is the shaping of the Traded Services organisation and the design and agreement of an appropriate structure and terms and conditions to deliver the new service. Benchmarking has been done to gather details of London-wide pay rates for a variety of job roles to help shape the new terms and conditions to be discussed with existing SBS staff. Informal consultation with the unions is underway. It is noted that under the Council's Constitution part 3C a full cabinet decision is required to consider and agree ~~(4) decisions regarding the strategic management of the council including decisions on major reorganisations and major reallocations of functions between departments or chief officers and~~³ (6) approval of major terms and conditions of employment outside the national and provincial schemes. Due to the tight timescales for the delivery of this aspect of the project the ~~Cabinet Leader~~ is requested to consider exercising his delegation of powers to Chief Officers on ~~this these two~~ specific decisions.

[New paragraphs]**SUPPLEMENTARY ADVICE FROM OTHER OFFICERS****Director of Law and Democracy**

64. The Director of Law & Democracy notes the content of the report.
65. This report asks cabinet to note the progress made to date on the recommendations relating to the future delivery of building repairs and maintenance works further to the Gateway O report agreed by cabinet on 12 December 2017 and to instruct officers to continue the work on this as set in this report. It also asks the cabinet to delegate to the appropriate Chief Officer the decision to approve major terms and conditions of employment outside the national and provincial schemes.

¹ Cabinet has authority to delegate to chief officers.

² The strategic director of environment and social regeneration already has authority to confirm the reorganisation.

³ This is not a major reorganisation or major reallocation of functions between departments.

66. Under the constitution, decisions on the approval of major terms and conditions of employment outside the national and provincial schemes are matters reserved for full cabinet. As set out in Part 3 of the constitution the cabinet can delegate this decision to the appropriate Chief Officer.
67. Cabinet's attention is drawn to the Public Sector Equality duty (PSED General Duty) under the Equality Act 2010, and when making decisions to have regard to the need to (a) eliminate discrimination, harassment, victimisation or other prohibited conduct, (b) to advance equality of opportunity and (c) foster good relations between persons who share a relevant protected characteristic and those who do not share it. The relevant characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation, The duty also applies to marriage and civil partnership but only in relation to (a). The cabinet is specifically referred to the community impact statement at paragraphs 39 to 42 setting out the consideration being given to equalities issues which should be considered at each stage of the project.
68. Legal officers from law and democracy will continue to assist the project team as this project progresses and will provide additional advice to cabinet when the next progress report is brought later in 2018 and, subject to the decision of the Leader, to the appropriate Chief Officer in respect of any delegated decision.

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