



## **CABINET**

MINUTES of the Cabinet meeting held on Wednesday 7 July 2010 at 7.00 pm at the Town Hall, Peckham Road, London SE5 8UB

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**PRESENT:** Councillor Peter John (Chair)  
Councillor Ian Wingfield  
Councillor Fiona Colley  
Councillor Dora Dixon-Fyle  
Councillor John Friary  
Councillor Barrie Hargrove  
Councillor Richard Livingstone  
Councillor Catherine McDonald  
Councillor Abdul Mohamed  
Councillor Veronica Ward

### **1. APOLOGIES**

There were no apologies for absence.

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

The chair gave notice that the following late items would be considered for reasons of urgency, to be specified in the relevant minute:

Item 8 – Elephant and Castle – Provision of a New Leisure Facility

Item 9 – Elephant and Castle – Regeneration Agreement and Disposal of Associated Land

### **3. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

Councillor Peter John declared a personal prejudicial interest in item 6, Gateway 1 – Procurement Strategy Approval – Southwark and Lambeth Barristers Framework.

#### **4. PUBLIC QUESTION TIME (15 MINUTES)**

There were no public questions.

#### **5. MINUTES**

##### **RESOLVED:**

That the open minutes of the meeting held on 15 June 2010 be approved as a correct record and signed by the Chair.

#### **6. GATEWAY 1 - PROCUREMENT STRATEGY APPROVAL - SOUTHWARK AND LAMBETH BARRISTERS FRAMEWORK**

At this juncture, having declared a personal prejudicial interest, Councillor Peter John left the meeting room during consideration of this item. Councillor Ian Wingfield chaired the meeting.

##### **RESOLVED:**

- 1 That the procurement strategy outlined in the report for an inter borough Barristers framework arrangement serving Southwark and Lambeth extending over a period of 4 years be approved.
- 2 That the leader of the council delegate approval to the cabinet member for finance and resources or the strategic director of communities, law and governance, which ever is the most expedient, to award the framework contract for the reasons set out in paragraph 11 of the report.
- 3 That approval be given to there being a reserve position for the development of a unilateral, 'Southwark only' framework in the unlikely event that the partnership with Lambeth Council does not proceed as envisaged.

#### **7. CANADA WATER RETAIL OPTION**

At this juncture Councillor Peter John resumed the position of chair.

##### **RESOLVED:**

- 1 That approval be given to the completion of a 250 year lease of the retail units in phase B2 of the Canada Water development, located as shown on the plan attached to the report (plan 1) and authority be delegated to the chief executive to negotiate the option price and final form of lease provided that they represent best consideration. If the final option price is more than 5% higher than the estimated price stated in the closed report then the decision on whether to proceed be delegated to the leader of the council.

- 2 That it be noted that a further feasibility will be prepared in due course to consider the option to purchase the long lease of the retail units in phase A3 of the Canada Water Development and that an appropriate allowance will be put into the capital programme for financial year 2012/2013.

## **8. ELEPHANT AND CASTLE - PROVISION OF A NEW LEISURE FACILITY**

This item had not been circulated 5 clear days in advance of the meeting. The chair agreed to accept the item for reasons of urgency as it was considered important that the cabinet consider options for the provision of leisure facilities at the Elephant and Castle on the same agenda as the Elephant and Castle regeneration agreement as some plots originally considered as potential sites for leisure facilities are within the boundary of the Heygate Estate. Any decision to reconsider those sites could have therefore had a bearing on the regeneration agreement report.

The cabinet considered and agreed a recommendation from overview and scrutiny committee in respect of this item. This is reflected in decision 3 below.

### **RESOLVED:**

- 1 That the current leisure centre site at Elephant and Castle be adopted as the preferred location for new leisure facilities, and the broad configuration of land uses on the site as shown on the plan at Appendix A of the report i.e. residential at the east of the site and leisure at the west be supported.
- 2 That the principle that the receipt generated from the sale of the residential component at the front of the site is intended to be reinvested to deliver the leisure facility at the rear be agreed.
- 3 That officers be instructed to agree a consultation plan with the cabinet member for regeneration and corporate strategy for a short consultation process to establish what leisure facilities local people want to see and this consultation include the provision of a swimming pool and views be sought on the type of pool and any other preferred facilities.
- 4 That officers be instructed to report back to cabinet by November 2010 with the results of the consultation and proposals for a full project mandate for a new leisure facility at the Elephant and Castle. The report should address potential funding streams, partners, interim arrangements for leisure provision, revenue/capital cost implications and explore delivery options.

## **9. ELEPHANT AND CASTLE - REGENERATION AGREEMENT AND DISPOSAL OF ASSOCIATED LAND**

This item had not been circulated 5 clear days in advance of the meeting. The chair agreed to accept the item for reasons of urgency as the agreed timetable between the council and Lend Lease expired at the end July 2010. A decision at this meeting allowed sufficient time for the appropriate 'call-in' procedures including any reconsideration by cabinet if necessary and any further redrafting of the regeneration agreement.

The cabinet considered a recommendation from overview and scrutiny committee with regard to the cabinet assuring itself that the council can satisfy the District Auditor that it has achieved the best consideration for disposal of its land at the Heygate Estate and that the terms of disposal sufficiently met those of the developer's best and final offer. The cabinet took officer advice on these points.

### **RESOLVED:**

- 1 That the terms of the regeneration agreement with Lend Lease (Elephant and Castle) Ltd for the regeneration of the Elephant & Castle as outlined in the report be agreed.
- 2 That approval be given for the disposal of housing land at the Heygate Estate, shown edged in red on the plan at Appendix 1 ("the Land"), to Lend Lease on the terms outlined in the regeneration agreement by way of 999 year leases for premiums plus overage if applicable as set out in the closed report subject to:
  - The Council obtaining confirmation from the Secretary of State for the Department for Communities and Local Government ("CLG") that specific consent to the transfer of housing Land will not be necessary; or,
  - Council assembly's approval of an application to CLG for consent to the disposal of housing Land at less than best consideration and that consent being obtained; and,
  - Other conditions precedent being met.
- 3 That council assembly be recommended to approve an application to CLG for consent to transfer the Land if such consent is necessary.
- 4 That the minimum level of affordable housing to be delivered as part of the scheme be 25% as set out in the Minimum Development Requirements.
- 5 That officers report back to a future meeting to seek further instruction on the compulsory purchase of the site, underwritten by Lend Lease, in the event that negotiations to bring forward the development of the shopping centre site are unsuccessful.

## **EXCLUSION OF PRESS AND PUBLIC**

It was moved, seconded and

### **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 category 3 and 5 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 section of the meeting.

### **10. MINUTES**

The closed minutes of the meeting held on 15 June 2010 were agreed as a correct record.

### **11. CANADA WATER RETAIL OPTIONS**

The cabinet considered the closed information relating to the Canada Water Retail Options report. See item 7 for decision.

### **12. ELEPHANT AND CASTLE - REGENERATION AGREEMENT AND DISPOSAL OF ASSOCIATED LAND**

The cabinet considered the closed information relating to the Elephant and Castle regeneration agreement and disposal of associated land. See item 9 for decision.

The meeting ended at 7.58pm

**CHAIR:**

**DATED:**

**DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 21 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, THURSDAY 15 JULY 2010.**

**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.**

