



Cabinet

MINUTES of the OPEN section of the Cabinet held on Tuesday 21 September 2010 at 7.00 pm at the Town Hall, Peckham Road, London SE5 8UB.

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 Veronica Ward

1. APOLOGIES

Apologies for absence were received from Councillor Abdul Mohamed.

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

There were no late items.

3. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were no disclosures of interests or dispensations.

4. PUBLIC QUESTION TIME (15 MINUTES)

There were no public questions.

5. MINUTES

RESOLVED:

That the open minutes of the meetings held on 20, 26 July and 9 August 2010 be approved as correct records and signed by the Chair.

6. TRANSFORMING ADULT SOCIAL CARE - PUTTING PEOPLE FIRST IN SOUTHWARK

Additional comments of the strategic director of communities, law and governance were circulated at the meeting.

RESOLVED:

That further to the report titled 'personalised services in adult social care' that was presented to executive on 28 April 2009 cabinet:

- a. agrees to the implementation of 'personalisation' to deliver the vision for putting people first in Southwark (see paragraphs 6-13 and appendix 1 of the report);
- b. agrees to the introduction of the new 'customer journey' and its systems, processes and procedures as the means to transform adult social care (see paragraphs 14-25 and appendices 2, 3 & 4 of the report);
- c. acknowledges the impact that personalisation will have upon existing providers as people exercise more choice and control and endorses the approach being taken to shape the social care provider market (see paragraphs 26-31 of the report); and
- d. endorses the other actions that are being taken to underpin and deliver personalisation (see paragraphs 32-34 of the report).

7. 5 TROSSACHS ROAD, SE22 AND 7 HAYLES STREET, SE11 - DISPOSAL OF FREEHOLD INTEREST

RESOLVED:

1. That the head of property be authorised to dispose of the council's freehold interests in 5 Trossachs Road, SE22 and 7 Hayles Street, SE11 (the "properties"), either by auction or an alternative method of sale, for a consideration not less than the best that can reasonably be obtained.
2. That the head of property be authorised to set the levels of reserve, below which the properties will not be sold, prior to any sale at auction; or, in the event of an alternative method of sale, set the minimum prices at sums that equate to the best consideration that can reasonably be obtained.
3. That the capital receipts from the sale of the properties be recycled and used in accordance with the provisions of the capital finance regulations for the purposes of the housing investment programme as identified in the finance directors comments (paragraph 30 of the report).

8. APPROVAL OF THE COUNCIL'S TRANSPORT FOR LONDON FUNDED WORK PROGRAMME FOR 2011/12 AND INDICATIVE PROGRAMME 2013/14 FOR SUBMISSION TO TRANSPORT FOR LONDON

RESOLVED:

Decisions of the cabinet

1. That the content of the council's proposed submission to Transport for London (TfL) identifying transport projects to be delivered with TfL Local implementation plan (Lip) funding in 2011/12 and the indicative programme of work for the years 2012/13 and 2013/14 as contained in appendices A and B of the report be agreed.
2. That the identified programme be submitted to TfL by 8 October 2010.
3. That the agreed programme as set out in appendices A and B of the report be implemented.

Decisions of the leader of the council

4. That the authority of the cabinet member for transport, environment and recycling to amend the programme for 2011/12 should any variations to the proposed programme be required be confirmed. The cabinet member shall consult community council chairs regarding scheme changes in their area.
5. That authority be delegated to the cabinet member for transport, environment and recycling to determine the most appropriate use of the £100k discretionary funding allocated by TfL for 2011/12.

9. A FAIRER FUTURE FOR ALL IN SOUTHWARK - PRINCIPLES FOR BUDGET SETTING

The leader introduced the report.

RESOLVED:

That the following principles be agreed:

1. At a time of unprecedented cuts proposed by central government, the 2011 Southwark budget should continue to prioritise the commitments made by the cabinet at its first meeting as a new administration in June and its vision to create a fairer future for all by promoting social and economic equality in an economically vibrant borough.
2. We recognise that some services currently provided by the council may be lost, and some may change. However, we will do all that we can to protect our front-line services and support our most vulnerable residents.

3. We will ensure that the services which the council delivers provide value for money, value for council tax payers and contribute towards delivering our vision of creating a fairer future for all in Southwark.
4. We will explore alternative ways of providing a service prior to proposing any cut or reduction. This will include talking to partner organisations, the voluntary sector, the trade unions, the business community and other local authorities.
5. We will be transparent with any specific group or groups of users who may be affected by any cut or reduction in service provision as soon as possible and explore with them other ways to provide the service. We will conduct an equalities impact assessment for our budget proposals.
6. Before proposing any cut or reduction we will have a clear and comprehensive explanation for why that service should be cut, reduced or no longer provided by the council, and this explanation should be capable of being subject to robust challenge.
7. Budget proposals should be based on a three year approach and should have regard to innovative ways of providing services and maintaining employment in the borough.

10. QUARTER 1 REVENUE MONITORING REPORT 2010/11

RESOLVED:

1. That the following be noted:
 - the general fund outturn forecast for 2010/11 and the forecast net movement in reserves
 - the general fund budget movements and explanations
 - the housing revenue account's (HRA) forecast outturn for 2010/11 and movement in reserves.
2. That the treasury management activity for the first quarter of 2010/11 be noted.
3. That strategic directors be instructed to take further necessary action to manage the cost of services within the agreed budget.

11. CAPITAL PROGRAMME 2009/10 OUTTURN REPORT

RESOLVED:

1. That the outturn position for 2009/10 for the capital programme 2009/19 for both the general fund and housing investment programme including the overall position of the programme (appendices A and B of the report) be noted.
2. That the addition to the capital programme of the funded schemes identified in appendix C of the report be noted and approved.

3. That the reprofiling of spend and resources into the 2010/19 general fund capital programme (appendix D and paragraphs to 88 to 90 of the report) be noted and approved.

12. CAPITAL PROGRAMME 2010/19 - QUARTER 1 MONITORING REPORT

RESOLVED:

1. That the current monitoring position for the capital programme 2010/11 – 2018/19 for both the general fund and housing investment programme as at 30 June 2010 (appendices A and B of the report) be noted.
2. That the additions into the programme of budgets relating to prior decisions and the movement of existing schemes between departments be noted (appendix C of the report).
3. That the addition of budgets into the programme, matched by additional funding secured (appendix C of the report) be approved.
4. That it be noted that the overall resourcing of the capital programme is being reviewed, and will be reported to cabinet in the autumn.

13. GATEWAY 1 - INITIAL PROCUREMENT STRATEGY, PARKING AND TRAFFIC ENFORCEMENT SERVICES CONTRACT

RESOLVED:

That further market testing to explore the range of issues set out in paragraphs 16 - 18 of the report be agreed.

14. SOUTHWARK MARKETS AND STREET TRADING STRATEGY 2010/2013

The cabinet received a deputation from the Southwark Association of Street Traders (SAST) on the proposals contained in the report. The SAST representative Mr John Wallington welcomed the strategy but reported that the street traders were strongly opposed to the proposal to change the legislative framework from London Local Authorities Act 1990 to Part 111 of the Food Act 1984 and to the proposed relaxation of the five stall away rule.

RESOLVED:

1. That the Southwark Markets and Street Trading Strategy attached as appendix 1 of the report be agreed.
2. That officers be authorised to begin implementing an improvement action plan outlined in appendix 2 of the report.

3. That officers commence further consultation on changing the legislative framework from London Local Authorities Act 1990 as amended to Part 111 of the Food Act 1984.
4. That consultation be carried out on the following proposal:
 - to relax the five stall away rule only under the following circumstances: Either when a temporary trader wishes to trade and enforcing the 5 stall away rule would mean the trader would be unable to trade on that day; or if an existing licensed permanent trader wishes to expand by taking on an adjacent vacant stall. A minimum of 1 stall away would always remain.
5. That participation in market development be further invigorated by creating a strategic quarterly forum with the lead member, officers, Southwark Association of Street Traders (SAST), and any other relevant parties.

15. REVIEW OF SOUTHWARK HOUSING GARAGE RENTS

This item was withdrawn.

16. STREET CLUTTER OVERVIEW AND SCRUTINY REVIEW 2010 - CABINET MEMBERS RESPONSE TO COMMITTEE RECOMMENDATIONS

RESOLVED:

That the proposals in the report resulting from overview and scrutiny committee recommendations be approved.

17. SOUTHWARK COUNCIL FOOD STRATEGY REPORT - CABINET MEMBERS RESPONSE TO COMMITTEE RECOMMENDATIONS

RESOLVED:

1. That the need for a Southwark food strategy be agreed.
2. That the proposed process and timeline for the food strategy as set out in the report be agreed.
3. That the agreed food strategy be referred to council assembly for information.

18. MOTIONS REFERRED FROM COUNCIL ASSEMBLY

Southwark's Response to the Emergency Budget

RESOLVED:

1. Cabinet notes the unprecedented, game-changing cuts that government is making to public sector spending. Cabinet also notes that local government will not be protected from those cuts and that while we will know more after the comprehensive spending review in October, the council will face upwards of a 25% reduction in funding over the next five years.
2. Cabinet notes that the poorest Southwark residents and families will be hit hardest personally by the budget, with significant changes to:
 - Housing benefits
 - Tax credits
 - Child benefits
 - Disability Living Allowance
3. Cabinet further notes that the 2.5% increase in VAT, which as a deeply regressive tax will hit the poorest hardest, and will more than swallow up any savings Southwark residents make through changes to the income tax personal allowance and council tax freeze.
4. Cabinet notes that the increase in VAT will lead to higher prices for goods and services; will have a disproportionate impact on pensioners and other low income groups; and will have a severe impact on businesses, charities and community groups in Southwark. Cabinet further notes the disproportionate effect of the budget on women and the disabled.
5. Cabinet notes that the effect of the increase in VAT, when taken with other measures in the budget, will be unfair to pensioners, who have not had a compensatory increase in other benefits and allowances.
6. Cabinet notes that the way the VAT increase will affect pensioners and other low income groups runs counter to the Government's Coalition Agreement statement on 20 May 2010 that it would "ensure that fairness is at the heart of those decisions so that all those most in need are protected".
7. Cabinet notes that the Institute of Fiscal Studies has stated the VAT increase was not "unavoidable," as the Chancellor of the Exchequer said in his budget speech."
8. Cabinet notes that these changes will take place at a time of rising unemployment and that the Office of Budget Responsibility's figures show that the actions in the budget itself will lead to weaker employment growth and more serious unemployment levels.

9. Cabinet notes that it has already committed to cutting waste and making efficiency savings, but that they will not be enough to prevent loss of services. Cabinet believes that the council will have to change the way it works by being innovative if we are to both continue delivering for Southwark residents and also try to meet the greater needs that the welfare reforms, VAT changes and persistent unemployment will cause in the community.
10. Cabinet further believes that meeting this challenge will require greater cooperation between the council, its neighbours, residents, businesses, local trade unions and stakeholders. Cabinet believes that the council's response will be stronger if local consensus can be achieved between the local parties wherever possible and resolves to go forward on that basis.
11. Cabinet therefore resolves to open up the council's budget making process by finding innovative ways of involving residents in the tough choices that lie ahead and being honest with them about the scale of the challenge.
12. That the leader of the council write directly to the Chancellor of the Exchequer raising concerns about the impact of the proposed VAT increase on pensioners, other vulnerable groups and businesses in Southwark.
13. Cabinet agrees to write to members of parliament representing Southwark, asking that they stand up for Southwark's pensioners, businesses and wider community, to voice their opposition to this unfair increase in VAT.

Publication of Spending on Goods and Services over £500

RESOLVED:

1. That the cabinet resolution of 15 June 2010 in which it states it will "open up the budget making process for public scrutiny so we make better decisions" be noted.
2. That in light of this commitment to the residents of Southwark, cabinet agrees to bring forward proposals, as requested by the Secretary of State for Communities and Local Government to make details of spending on all goods and services over £500 for the public to see and scrutinise.
3. Cabinet believes that local people should be able to hold politicians and public bodies to account over how their hard earned cash is being spent, and welcomes these proposals, following the coalition government's own commitment demonstrated by the online publication of the COINS database, and cabinet agrees to follow this example.
4. Cabinet notes that by September, councils will be expected to make these details available and should be doing this as a matter of course by the start of next year.

Southwark Park and the Olympics

RESOLVED:

1. Cabinet notes the quashing of the council's planning permission for the refurbishment of the sports and athletics facilities at Southwark Park.
2. Cabinet notes the public statement of 'disappointment' by the leader of the council at this setback, and that securing an Olympic legacy for Southwark remains a priority for the council.
3. That the cabinet member for culture, leisure, sport and the Olympics makes all efforts to make a decision on the submission of a new application to allow the possibility of the project being delivered in time for the Olympics.

Southwark's Capital Programme

RESOLVED:

1. Cabinet notes that in the budget on Tuesday 22 June, the Chancellor of the Exchequer specifically excluded capital spending from budget reductions and said he wished to focus on capital "projects with a significant economic return to the country".
2. Cabinet believes that this announcement allows Southwark to make progress on delivering a variety of capital projects that will bring significant economic benefits to the borough and more widely across London. By continuing to invest in major capital schemes the council will ensure the borough's residents have access to affordable housing, libraries, leisure centres, schools and sporting and youth facilities fit for the 21st century.
3. That it be noted that council assembly supports the new administration's view that the capital programme is of such strategic importance that it should be discussed and approved by the full council assembly.
4. Cabinet notes that council assembly supported the proposal set out in item 5.2 (the report on constitutional changes) of the 14 July council assembly meeting agenda that the cabinet submit the capital programme to council assembly for approval once every four years and agrees to submit a revised programme to council assembly for approval during 2010.
5. Cabinet notes that the current capital programme, agreed on 9 February by the previous administration, made no commitment to fund refurbishment work of Seven Islands leisure centre. Instead it asked that the finance director provide more detailed options analysis and financial appraisals on the remaining bids received (including Seven Islands) for future consideration by the executive in the context of resources available and considering any additional resources which can be identified. The total costs for these bids totaled £115m, against a budget of £55.5m available.

6. Cabinet recognises the importance of Seven Islands leisure centre to a significant proportion of the borough and agrees to give careful consideration to how its refurbishment could be funded through the capital programme.
7. Cabinet notes the report to the regeneration and leisure scrutiny sub-committee on 29 June identified that the Canada Water library will cost a further £0.5 million more than has been agreed in the capital programme as a result of the over-running of the construction phase of this project. Cabinet agrees to this additional expenditure over and above the level of the commitment made by the previous administration so that this work can be completed.
8. Cabinet believes it is important that the capital programme demonstrates investment in all areas of the borough and not just one community council area. Cabinet therefore agrees to consider the needs of the whole borough in its revision of the capital programme before submitting it for approval to council assembly.

Nursery Row Park

RESOLVED:

1. Cabinet notes the motion and that as requested, the cabinet member for regeneration and corporate strategy has written to the Secretary of State, who has now directed that sites 52P and 53P should not be saved as housing sites.
2. Cabinet welcomes the proposed open spaces development plan document and agrees that the whole of Nursery Row Park should be given planning policy protection at the earliest possible opportunity.

19. APPOINTMENTS TO OUTSIDE BODIES - SOUTH LONDON GALLERY BOARD OF TRUSTEES

RESOLVED:

That Councillors Catherine Bowman and John Friary be nominated to the South London Gallery Trustee Ltd for the 2010-11 municipal year and the remaining position come back to a future meeting of the cabinet for consideration.

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 it involves the likely disclosure of exempt information as defined in categories 1 - 7 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.

20. MINUTES

The closed minutes of the meetings held on 20 and 26 July 2010 were agreed as correct records and signed by the Chair.

The meeting ended at 9.05pm.

CHAIR:

DATED:

DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 21 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, THURSDAY 30 SEPTEMBER 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.