



Cabinet

MINUTES of the OPEN section of the Cabinet held on Tuesday 17 July 2012 at 4.00 pm at Council Offices, 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Peter John (Chair)
Councillor Ian Wingfield
Councillor Dora Dixon-Fyle
Councillor Barrie Hargrove
Councillor Claire Hickson
Councillor Richard Livingstone
Councillor Catherine McDonald
Councillor Veronica Ward

1. APOLOGIES

All members were present, except Councillor Fiona Colley who is currently on maternity leave.

2. NOTIFICATION OF ANY 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 6: Deputation requests

Item 22: Public Health Shared Services between Lambeth and Southwark Councils.

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 minutes of the meeting held on 19 June 2012 be approved as a correct record and signed by the chair.

6. DEPUTATION REQUESTS

This item had not been circulated five clear days in advance of the meeting. The chair agreed to accept the item as urgent as the requests were all received in line with the constitutional deadline for the receipt of deputation requests and were therefore eligible for consideration by cabinet. Additionally, the deputation requests related to items on the agenda for this meeting.

RESOLVED:

That the deputation requests from the Abbeyfield Residents Steering Group and North Peckham Tenants and Residents Association be heard.

Abbeyfield Residents Steering Group

The deputation spokesperson addressed the meeting to request the continued involvement of the tenants in the next and future stages of the process. The spokesperson expressed concern in respect of the potential cost of the concierge for the tenants and its affordability. Additionally, the deputation requested continued access to an independent resident adviser for assistance on an ad hoc basis. For example, this might be required when matters of technical complexity arise.

North Peckham Tenants and Residents Association

The deputation spokesperson outlined their concerns relating to the proposed disposal of 170 Sumner Road, London SE15 in the context of their request for a community hall within the area. While it was accepted that the premises was not ideally suited to their requirements for a community hall, they wished to have their request for this community facility to be considered by cabinet. Premises within the area were booked far in advance and are difficult for the community to access when required.

The Walworth Society

This request was withdrawn prior to the meeting.

7. REPORT INTO THE COLLAPSE OF SOUTHERN CROSS CARE HOMES (REPORT OF THE 2011/12 SOUTHWARK HEALTH AND ADULT SOCIAL CARE SCRUTINY SUB-COMMITTEE)

Councillor Mark Williams, chair of the 2011/12 Southwark health and adult social care scrutiny sub-committee presented the report.

RESOLVED:

That the recommendations of the report into the collapse of Southern Cross Care Homes by the 2011/12 Southwark health and adult social care scrutiny sub-committee (attached as Appendix A to the report) be noted and that Councillor Catherine McDonald, cabinet member for health and adult social care bring back a report to cabinet, in order to respond to overview and scrutiny committee by the 25 September 2012 cabinet meeting.

8. EMPLOYMENT AND UNEMPLOYMENT IN SOUTHWARK (REPORT FROM REGENERATION & LEISURE SCRUTINY SUB-COMMITTEE)

Councillor David Noakes, chair of the 2011/12 regeneration and leisure scrutiny sub-committee presented the report.

RESOLVED:

That the recommendations of the review of employment and unemployment in Southwark be noted and that Councillor Claire Hickson, cabinet member for communities and economic development consider these recommendations also in the context of the economic development strategy currently being developed and bring back a report to the 25 September 2012 cabinet meeting, in order to respond to the overview and scrutiny committee.

9. ABBEYFIELD ESTATE - REGENERATION PROJECT UPDATE

The cabinet heard a deputation from the Abbeyfield Residents Steering group (item 6).

RESOLVED:

1. That it be noted that Maydew House tenants who have been rehoused since 9 August 2010 and who qualify for the option to return can choose which flat they return to from the flats available for letting following refurbishment.
2. That a separate report seeking to make a compulsory purchase order for the acquisition of all interests not within the council's ownership be brought to cabinet at a later date.
3. That the proposed development process including identification of void properties for sale, with a concentration in the top eight floors be noted.
4. That a later procurement for the consultants and contractor to deliver the enhanced refurbishment works as outlined in paragraph 44 of the report be noted.
5. That arrangements for a concierge service on completion of the works programme be worked up separately from the other schemes in the borough in the light of the specific requirements pertaining at Abbeyfield Estate.
6. That the position for rent charges at Maydew House after refurbishment works are

complete be agreed.

7. That the implications of the implementation of the Southwark Heat Network proposals on the estate be noted.
8. That the impact of the capital works service charges to leaseholders and the annual service charges to all residents be noted.
9. That the arrangements for ongoing consultation with residents and the Bede Centre be noted.
10. That an update report be received in six months on all high investment need estates within Southwark, including Abbeyfield.

10. FOUR SQUARES ESTATE - MAJOR WORKS UPDATE

RESOLVED:

1. That the progress made in delivering the security and enhanced refurbishment works be noted.
2. That the strategy of appointing specialist advisors for disposals as outlined in paragraph 33 of the report be agreed.
3. That a pilot is run on the Four Squares Estate whereby the interest free period for leaseholder major works charges is extended to 72 months for charges over £15,000 as outlined in paragraph 27 of the report.
4. That an update report be received in six months on all high investment need estates within Southwark, including the Four Squares Estate.

11. GATEWAY 1 LONG-TERM REPAIRS AND MAINTENANCE CONTRACT

RESOLVED:

1. That the procurement strategy outlined in the report for the procurement of a repairs and maintenance contract covering Camberwell, Peckham, Peckham Rye, Nunhead and Dulwich for an annual value of up to £11m to commence from 3 October 2013 for five years with the option to extend for a further period up to five years (three plus two years), subject to performance, making an estimated contract value of £110,000,000 be approved.
2. That it be noted whilst all repairs and maintenance services are to be included in the procurement, two elements, namely the out of hours service and works to empty properties, might be suitable to be provided in-house as noted in paragraphs 21, 23-24 of the report. A decision will be made on this in the subsequent contract award report.

12. DIRECTLY FUNDED HOUSING DELIVERY

RESOLVED:

1. That the affordable housing fund (AHF) for 2011/12 to 2015/16 (see paragraph 12 of the report) be noted.
2. That agreement be given in principle to the council directly building and providing new affordable homes in the borough within the financial limits of the affordable housing fund (AHF) set out in the report and in line with the council's local planning policy framework.
3. That officers be instructed to prepare a further report for presentation to cabinet in September 2012 that sets out a fully costed range of options for the delivery of new affordable council homes, including the broader impact on council and local services.

13. COMMUNITY INFRASTRUCTURE LEVY (CIL) PRELIMINARY DRAFT CHARGING SCHEDULE

RESOLVED:

1. That the community infrastructure levy (CIL) preliminary draft charging schedule (Appendix A of the report) be approved for public consultation.
2. That the draft infrastructure delivery plan (Appendix B), the equalities analysis (Appendix C) and the consultation plan (Appendix D) be noted.
3. That it be noted that the funding gap of £139m in respect of improvements to the Elephant and Castle Northern line station cannot be met from the borough wide community infrastructure levy which is expected to generate around £112m by 2026.

14. LOCAL COUNCIL TAX SUPPORT SCHEME

RESOLVED:

1. That as Council Tax Benefit (CTB) is to be abolished by the government from 1 April 2013, the requirement for the council to adopt a Local Council Tax Support (CTS) scheme in its place by 31 January 2013 with a 10 per cent reduction in funding be noted.
2. That the underlying principles to approaching this change in government funding as described in paragraphs 12-14 of the report be approved.
3. That, subject to consultation, the proposed option for Local Council Tax Support (CTS), detailed at Appendix A (model 10) of the report be approved, which will result in capping future council tax support to 85 per cent.
4. That the proposed consultation strategy and the 8 week consultation period be approved.

5. That the principles underlying the consultation as outlined in paragraphs 45-52 of the report be approved.
6. That the proposal for the removal of the current second adult rebate element from the new scheme be approved in principle, and the need to consider again in October 2012 following the outcome of the consultation process be noted.
7. That it be noted following consultation that a further report will be presented to cabinet in October 2012 seeking recommendation to council assembly in November 2012 for adoption of the Local Council Tax support scheme.

15. QUARTERLY CAPITAL MONITORING REPORT OUTTURN AND CAPITAL PROGRAMME REFRESH 2012-2022

RESOLVED:

1. That the outturn position for 2011/12 for the general fund capital programme including the overall position of the programme from 2011-21 (Appendix A of the report) be noted.
2. That the outturn position for 2011/12 for the housing investment programme (Appendix B of the report) be noted.
3. That the virements and funded variations to the general fund capital programme (Appendix C of the report) be approved.
4. That the reprofiling of general fund expenditure and resources in the new financial year 2012/13 in light of the outturn position in 2011/12, and new bids for both general fund and housing investment programmes (Appendix D of the report) be approved.
5. That the strategic director of finance and corporate services be requested to present an updated programme report with the remaining items for refresh in September 2012 in light of updated resources and information.

16. REVENUE OUTTURN REPORT 2011/12, INCLUDING TREASURY MANAGEMENT

RESOLVED:

That the following be noted:

- The general fund outturn for 2011/12; and movement on reserves
- The budget movements in Appendix A of the report
- The schools budget outturn, which has been taken to the dedicated schools grant reserve
- The housing revenue account's (HRA) outturn for 2011/12 and movement on reserves
- The collection fund's year-end surplus balance

- The treasury management activity for the year.

17. AUTHORISATION OF DEBT WRITE-OFFS OVER £50,000 FOR NATIONAL NON DOMESTIC RATES - REVENUES & BENEFITS SERVICE

RESOLVED:

That the write off of the debt of £242,413.59 for 10 debts which are irrecoverable be approved.

18. DISPOSAL OF THE COUNCIL'S FREEHOLD INTEREST IN ELMINGTON ESTATE SITES C, D, E AND G, CAMBERWELL, SE5

RESOLVED:

1. That the disposal of Elmington Estate sites C, D, E and G on the main terms and conditions that are set out in the closed report be approved.
2. That the head of property be authorised to agree any variations to these terms that may be necessary to achieve the successful regeneration of Elmington Estate sites C, D, E, and G.
3. That in the unlikely event that this recommended sale does not proceed to exchange, the head of property be authorised to agree the terms of a sale with any one or combination of the under bidders set out in the closed report and/or any other third party, provided that these terms conform with the council's legal obligation to achieve the best consideration reasonably obtainable where that is required.
4. That the capital receipt from the sale of the property be recycled into the council's housing investment programme.

19. APPROVAL TO TAKE A LEASE ON THE GROUND FLOOR OFFICES, 1 LUGARD ROAD, SE15 2HG AND OF THE PRINCIPLE HEADS OF TERMS

RESOLVED:

1. That it be agreed to take a lease of Block C, 1 Lugard Road, SE15 2HG (identified on the plan attached to the report), subject to acceptable terms being agreed with the landlord.
2. That authority be delegated to the chief executive to agree detailed lease terms, as recommended by the head of property, and to complete a lease of the premises on the terms (or better) set out in the closed version of the report.
3. That the capital requirements for the acquisition of the lease and fit out costs, as detailed in the closed version of the report be noted and that it will be incorporated into the capital outturn report that is being presented to cabinet in July 2012.

20. DISPOSAL OF 170 SUMNER ROAD, SE15 6JL

The cabinet agreed to hear a deputation from the North Peckham Tenants and Residents Association on the need for a community hall in the area (item 6).

RESOLVED:

1. That the disposal of the council's freehold interest in 170 Sumner Road, London SE15 6JL ("the Property"), as shown hatched black on the plan attached to the report, to the bidder identified and on terms set out in the accompanying closed agenda report be approved, subject to any further negotiations considered necessary by the head of property.
2. That should the sale not proceed to completion within a reasonable time as determined by the head of property, the property be offered to the underbidder or re-offered for sale on the open market and then sold on terms to be approved by the head of property for the best consideration that can reasonably be obtained.

21. APPOINTMENTS TO OUTSIDE BODIES 2012/13

RESOLVED:

That appointments to the following outside bodies for the municipal year 2012/13 be agreed:

- Better Bankside Board - Councillor Adele Morris
- Waterloo Quarter Business Alliance - Councillor David Noakes
- Kings College Hospital NHS Council of Governors - Councillor Catherine McDonald.

22. PUBLIC HEALTH SHARED SERVICE BETWEEN LAMBETH AND SOUTHWARK COUNCILS

This item had not been circulated five clear days in advance of the meeting. The chair agreed to accept this item as urgent as the timescales to put in place a shared Lambeth-Southwark Director of Public Health and specialist public health team in line with public health transition deadlines of April 2013 would have meant that a delay in any cabinet decision would be detrimental to the change process.

As set out in the advice by the director of legal services, the public health transfer requires a due diligence exercise in order to establish where TUPE or similar arrangements apply. In order to discharge the NHS and council's statutory obligations to consult with affected staff, as receiver and sender organisations under TUPE, consultation with the affected Directors of Public Health would need to take place in August 2012, with consultation with other affected staff taking place between October and December 2012. Any delay in considering the report could have negatively impacted on the commencement of the statutory consultation in August 2012, as set out in the transition timetable.

RESOLVED:

1. That agreement be given to share a Director of Public Health (DPH) and a specialist public health team with Lambeth Council.
2. That a joint due diligence exercise between Lambeth and Southwark take place on the DPH function to inform and validate the financial model for the public health shared service and that this will be undertaken under the oversight of the chief executive in consultation with the cabinet member for health and adult social care.
3. That authority be delegated to the chief executive to undertake immediate work with the NHS South-East London Cluster and Lambeth Council to specify and establish the shared DPH and specialist public health team.

23. 161-179 (ODD) MANOR PLACE AND 6 STOPFORD ROAD, SE17 - DISPOSAL OF FREEHOLD INTEREST

This item was withdrawn.

EXCLUSION OF PRESS AND PUBLIC

It was moved, seconded and

RESOLVED:

That the press and 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 of paragraph 10.4 of the Access to Information Procedure Rules of the Southwark Constitution.

24. SELECTION OF PREFERRED BIDDER AND DISPOSAL OF THE COUNCIL'S FREEHOLD INTEREST IN SITES C,D, E AND G AT ELMINGTON ESTATE, CAMBERWELL, LONDON SE5

The cabinet considered the closed information relating to this report. See item 18 for decision.

25. APPROVAL TO TAKE A LEASE ON THE GROUND FLOOR OFFICES, 1 LUGARD ROAD, SE15 2HG AND OF THE PRINCIPLE HEADS OF TERMS

The cabinet considered the closed information relating to this report. See item 19 for decision.

26. DISPOSAL OF 170 SUMNER ROAD, SE15 6JL

The cabinet considered the closed information relating to this report. See item 20 for decision.

27. 161-179 (ODD) MANOR PLACE AND 6 STOPFORD ROAD, SE17 - DISPOSAL OF FREEHOLD INTEREST

This item was withdrawn.

The meeting ended at 6.50pm.

CHAIR:

DATED:

DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 21 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, 25 JULY 2012.

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.