



Cabinet

MINUTES of the OPEN section of the Cabinet held on Tuesday 19 November 2013 at 2.00 pm at the Council Offices, 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Ian Wingfield (In Chair)
Councillor Fiona Colley
Councillor Dora Dixon-Fyle
Councillor Richard Livingstone
Councillor Catherine McDonald
Councillor Victoria Mills
Councillor Veronica Ward

1. APOLOGIES

Apologies for absence were received from Councillors Barrie Hargrove and Peter John.

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

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

Item 7 - Deputation requests

Additionally Unison and representatives of home care workers requested an opportunity to address cabinet in respect of Item 15 – Ethical Care Charter Task and Finish Group – Progress and Feasibility Report.

3. NOTICE OF INTENTION TO CONDUCT BUSINESS IN A CLOSED MEETING, AND ANY REPRESENTATIONS RECEIVED

No closed items were considered at this meeting.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were no disclosures of interests or dispensations.

5. PUBLIC QUESTION TIME (15 MINUTES)

The following question was submitted by Mr Mick Barnard to the Leader of the Council. Mr Barnard did not attend the meeting to ask the question. The question was read out by the deputy leader and cabinet member for housing management on behalf of the leader and answer given as set out below:

Question to Councillor Peter John from Mr Mick Barnard:

“You will be aware of the contents of both the Constitution and Code of Governance in relation to what is required when making decisions, recommendations and amendments, documenting the reasons and providing a rationale on which these are based. Are there any exceptions to these rules and if so what ?”

Response by the Leader of the Council (read out by the Deputy Leader and Cabinet Member for Housing Management)

“There is no requirement in common law to give reasons for administrative decision however it is always good practice. The principles of decision making for the council are detailed in Article 1.3 of the constitution. In addition there is an obligation for any executive decision made by decision-making bodies at meetings to be recorded in a written statement which includes details of:

- the decision and the date it was made
- the reasons for it
- any alternative options considered and rejected
- any conflicts of interests declared and any dispensations granted in respect of any declared conflict.

The proper officer is responsible for ensuring that the written statement is produced but if the proper officer was not present at the meeting the person presiding at the meeting has that responsibility.”

6. MINUTES

RESOLVED:

That the open minutes of the meeting held on 22 October 2013 be approved as a correct record and signed by the chair.

7. 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 request had been submitted in line with the constitutional deadline for the receipt of deputation requests and was therefore eligible for consideration by cabinet.

RESOLVED:

That the deputation request from Southwark Association of Street Traders together with the Chair of Walworth Town Team be heard.

The deputation spokesperson addressed the meeting to outline to cabinet issues relating to Walworth town centre, including East Street Market and adjoining streets, which they state had been severely hit by the loss of local residents through the decanting of the Heygate Estate, the decanting of the Aylesbury Estate and the loss of local jobs.

The deputation asked cabinet to consider urgent action to address the following six points:

1. Parking - more parking to be made available and the introduction of lower flexible parking charges
2. Business rate reductions
3. Events and promotions to increase footfall
4. Business support
5. Cleaner, Greener, Safer Walworth (refuse from commercial rubbish bins)
6. Better co-ordination: Asking Southwark council to work better with the whole community in Walworth to ensure sustainable local regeneration.

It was agreed that a report on the issues raised by the deputation be received at a future cabinet meeting.

8. PETITION - OLD ROTHERHITHE LIBRARY AND CIVIC CENTRE

RESOLVED:

That the petition in respect of the Old Rotherhithe Library and Civic Centre be noted.

The petition spokesperson addressed the meeting urging the council to consider the regeneration and revitalisation of the Old Rotherhithe Library and Civic Centre for community provision and services as an alternative to the demolition of the building.

The petition spokesperson asked that the council work to bring the structure of the Old Rotherhithe Library and Civic Centre back to public function and value, whilst meeting the actual needs of the neighbours.

Cabinet asked that dialogue continue with the group who presented the petition to explore ideas and opportunities available within the locality.

9. RESPONDING TO DEPUTATION BY OSWIN STREET RESIDENTS

Oswin Street residents were in attendance for the consideration of this item and were given an opportunity to address cabinet in respect of the issues outlined in the report to cabinet.

RESOLVED:

1. That the report and in particular the option appraisal undertaken in relation to the construction vehicle route prior to formal approval by planning and highway authorities be noted.
2. That the residents' request that no construction vehicles travelling to or from the former London Park Hotel construction site travel along Oswin Street be endorsed.
3. That there be further monitoring and enforcement of any breaches of the approved construction management plan by either Balfour Beatty or Lend Lease.

10. HARMSWORTH QUAYS COOPERATION AGREEMENT

RESOLVED:

1. That the director of regeneration and director of legal services be instructed to complete the Harmsworth Quays Cooperation Agreement consistent with the principles document set out in Appendix 1 of the report.
2. That support to the objective of Kings College establishing a new major campus at Harmsworth Quays, to include significant elements of teaching, research and administrative facilities, and to that end instructs officers to support Kings in their viability and feasibility testing be confirmed.
3. That the findings of the emerging review of the Canada Water Area Action Plan be noted and that officers be instructed to ensure any redevelopment of Harmsworth Quays includes a mix of uses and maximises the amount of employment generating uses.

11. REVENUE MONITORING REPORT QUARTER 2, 2013/14, INCLUDING TREASURY MANAGEMENT

RESOLVED:

1. That the following be noted:
 - the general fund outturn forecast for 2013/14 and forecast net movement in reserves by department
 - the housing revenue account's (HRA) forecast outturn for 2013/14 and resulting forecast movement in reserves
 - the treasury management activity for the first six months of 2013/14.
2. That the forecast performance for the collection of council tax be noted.
3. That the forecast performance for the collection of business rates and the risks associated with the business rate retention scheme be noted.
4. That the general fund budget movements that exceed £250,000, as shown in

Appendix A of the report be approved.

12. QUARTERLY CAPITAL MONITORING REPORT QUARTER 2 AND CAPITAL PROGRAMME REFRESH 2013-21

RESOLVED:

1. That the general fund capital programme for the period 2013/14 to 2021/22 as at Quarter 2 2013/14, as detailed in appendices A and D of the report be noted.
2. That the housing investment programme for 2013/14 and future years as at Quarter 2 2013/14, as detailed in Appendix B of the report be noted.
3. That the virements and variations to the general fund and housing investment capital programme as detailed in Appendix C of the report, including the updated budget requirement for Phases 1 and 2 of the Aylesbury regeneration programme, as reflected in paragraphs 100-106 of the report be approved.
4. That the re-profiling of the expenditure and resources for 2013/14 and future years for both the general fund and housing investment programmes as detailed in Appendices A, B and D of the report as at Quarter 2 2013/14 be approved and it be noted that further re-profiling will be required during the year based on more up to date information available at that time.

13. MOTIONS REFERRED FROM COUNCIL ASSEMBLY

RESOLVED:

Making Southwark a Carbon Neutral Council

That the motion referred from council assembly as a recommendation to cabinet, set out below be noted.

That council assembly:

- Recognises the urgent need to plan for a greener, healthier future for Southwark and notes the council's existing commitment to reduce emissions in the borough by 80% on current levels by 2050.
- Welcomes the council's energy and carbon reduction strategy which sets out what the council will do to reduce both council emissions and those from the borough as a whole.
- Notes that the strategy sets out the council's plans to reduce operational emissions from all the council's offices, schools, libraries and leisure centres. Council assembly further notes the council's commitment to encouraging all council staff to work sustainability through monthly workshops and events as part of the council's green buildings programme.

- Notes that the council itself is responsible for 14.5% of the borough's total carbon emissions (including council homes), and believes the council should be leading the way in emissions reduction to encourage residents and local businesses to follow suit.
- Welcomes that this winter, Southwark is leading the way by delivering London's first energy from waste district heating network. Energy from the SELCHP facility will provide heating and hot water to five housing estates in the north east of the borough, in the process reducing carbon emissions by 8,000 tonnes per annum.
- Council assembly therefore and calls on cabinet to ensure the borough continues to make progress against its carbon reduction targets and encourages members who have ideas about what more the council could be doing to bring them forward to cabinet to help the borough achieve its goal.
- Welcomes the real energy efficiency improvements that we are making to our housing stock, making use of funding opportunities such as the energy companies obligation to install cavity wall and solid wall insulation. Council assembly notes that one such project recently completed on 2,200 properties has reduced carbon emissions by around 2,000 tonnes per annum.
- Notes that the council continue to work with a large number of the biggest commercial carbon emitters in the borough through the 200 Club programme of events, providing a forum for encouraging and educating about sustainability and energy efficiency in the work environment.
- Recognises that as well as minimising impact on the environment, reducing emissions will also cut the council's energy bill, save money that can be put to good use elsewhere and reduce pollution.
- Believes that the aspiration of the council should be to be carbon neutral but that the environment is best served by setting challenging but realistic carbon emissions targets.
- Recognises that for a borough of the size and nature of Southwark to be carbon neutral, then both the investment and green technology needs to be available. Council assembly notes that with the government cuts the borough is facing and the green technologies currently available that this is not possible in the next four years.

Green Southwark

That the motion referred from council assembly as a recommendation to cabinet, set out below be noted.

- That council assembly welcomes this administration's commitment to improving Southwark's environment and notes the progress that has been made since 2010, despite aggressive cuts to local budgets from the government.

- That council assembly believes that a green Southwark not only improves our natural environment, but contributes to the health and wellbeing of our residents, the vibrancy of our communities and the richness of our heritage.
- That council assembly notes that 17 Southwark parks and green spaces are now in receipt of the prestigious Green Flag award – more than in the borough's history. It congratulates the fantastic work of the council's parks team, Friends Groups and volunteers who have all made this possible.
- That council assembly notes that Southwark is the 5th best in the whole of England for having sites of importance for nature conservation in positive management demonstrating the council's commitment to the preservation and enhancement of biodiversity across the borough.
- That council assembly welcomes this administration's £8 million investment in Burgess Park which has seen 331 newly planted trees, 92,000 plants and shrubs, new play areas and outdoor gym equipment, the planting of St Georges Gardens and of course a world class new BMX track.
- That council assembly believes that in order tackle climate change, the council itself must set an example and therefore welcomes the news that Southwark has achieved a 20.6% reduction of energy use on its operational estate and school buildings since 2009.
- That council assembly regrets the failure of the Tory Liberal Democrat government's to live up to its promise to be "the greenest government ever" after it slashed the budget for helping fuel poor households with their energy bills, failed to ensure that the energy companies meet their obligations on energy efficiency and failed to back a decarbonisation target.
- That council assembly welcomes the cabinet's commitment to creating a greener Southwark and urges them to continue to ensure that Southwark remains a green borough.
- That council assembly notes the introduction of a tree warden network to Southwark and, for the first time ever, a tree management strategy which records the borough's current tree stock, aims to increase community involvement in tree management and sets out the council's vision for trees for the coming years.
- That council assembly welcomes the opening of two new air quality stations in the borough, at the Old Kent Road and Elephant and Castle and welcomes this reversal of policy from the previous administration.
- That council assembly believes part of a green Southwark is to encourage sustainable forms of transport and notes that the number of people cycling and walking in the borough has increased with the help of key initiatives including free adult cyclist training.

Save Our Local Pubs

That the motion referred from council assembly as a recommendation to cabinet, set out below be agreed.

That council assembly:

1. Recognises the important role local pubs play in the life of our borough by providing a community hub for residents to meet, relax, debate and do business.
2. Notes with regret the decline of community pubs in recent years, as the use of properties for other means has become more financially lucrative.
3. Recognises the community campaigns and their activists who have already successfully managed to get their pubs listed as assets of community value and looks forward to working with those who set up new businesses and create much needed employment.
4. Welcomes the council's groundbreaking approval to bring into force Article 4 planning directions on change of use to help protect our high streets and community assets such as pubs. This makes Southwark the first authority nationally to make such a change.
5. Recognises that highly indebted property companies own over half of Britain's pubs. These charge high rents to tied tenants of pubs. The Fair Deal for Your Local Campaign estimates that to pay these high rents a pint of lager is on average 80p per pint higher and ale is 65p per pint higher than justified by inflation and like for like changes in taxes since 1987. This is pricing pubs out of the market.
6. Council assembly therefore calls on the government to commit to statutory regulation of the relationship between large scale pub landlords and their tenants which specifically includes a "free of tie" option which will enable them to buy produce on the open market and pay a fair rent for their building.

Support for Free Healthy School Meals

That the motion referred from council assembly as a recommendation to cabinet, set out below be noted. It was also noted that the Leader had written to the Deputy Prime Minister as requested below.

That council assembly:

- welcomes the final stage of the roll out of free healthy school meals to all primary school children in the borough.
- notes the feedback from parents, carers and teachers who are reporting improved attainment, better concentration, fewer discipline issues, and healthy eating both inside and outside of school.
- is encouraged that such positive feedback will be contributing towards the

challenge of childhood obesity in Southwark.

- welcomes the commitment from the coalition government that they will be following Southwark's example and introducing a national scheme of school meals for the youngest children in primary schools.

However, council assembly also:

- believes that the government scheme will fall short of what is needed by only providing free school meals for the youngest children.
- notes with concern that the government scheme will mean that primary school children in years 3, 4, 5 and 6 would lose their free healthy school meal unless local councils like Southwark have their own scheme in place and prioritises the budget to do so.
- notes that the Liberal Democrat Group in Southwark has consistently voted to remove the budget for free healthy school meals which would result in children losing this important meal each day.
- notes that free healthy school meals in Southwark have been opposed by Liberal Democrat members who have voted against them and by Bermondsey and Old Southwark MP, Simon Hughes, who was writing to constituents as recently as September opposing Southwark's plans.

That council assembly therefore:

- utterly condemns Southwark Liberal Democrat's record opposition to free healthy school meals in Southwark for all primary school children.
- asks cabinet to write to the Deputy Prime Minister welcoming his announcement on free school meals for all children in their first three years of school, urging an expansion of the scheme to all primary school children, and offering to work with government to show how Southwark has made this such a resounding success.
- calls on cabinet to continue to deliver free healthy school meals for all primary school children in Southwark.

Green Flags

That the motion referred from council assembly as a recommendation to cabinet, set out below be agreed.

That council assembly:

1. Notes that Southwark residents benefit hugely from the many green spaces across the borough, and believes the council should do as much as possible to promote our parks to maximise use.
2. Further notes the great progress which has been made in this respect over

recent years with Southwark having now been awarded a total of seventeen green flags across the borough.

3. Notes that the council can only apply for flags in parks it owns and maintains and so parks such as St Francis would not be eligible.
4. Calls on the cabinet member for transport, environment and recycling and his team to commit to nominating other parks in Southwark for the Green Flag awards for 2014/15, including Nursery Row, Mint Street and Surrey Square which are all wonderful assets to their neighbouring communities.
5. Council assembly further calls on the cabinet member to consider other parks for future rounds of green flag awards including Goose Green and Dawsons Heights as well as Camberwell Green, Nunhead Green and Pasley Park.

Damp in Peter Butler House

That the motion referred from council assembly as a recommendation to cabinet, set out below be noted.

That council assembly notes that in the last three years, the council has received three formal complaints regarding damp in Peter Butler House – two which were due to condensation and one due to a defective balcony all of which have now been resolved.

That council assembly notes that officers have commissioned a survey to assess all dwellings within the block to identify any underlying issues and necessary remedial actions and welcomes the council's commitment to this.

That council assembly calls on the cabinet member for housing management to consider the outcome of the survey and take any remedial action necessary.

Clean Up Tower Bridge Road

That the motion referred from council assembly as a recommendation to cabinet, set out below be noted.

1. That council assembly welcomes the efforts of the Tower Bridge Road Business Alliance to improve Tower Bridge Road.
2. That council assembly welcomes the investment made through the community restoration fund that supported the creation of the Alliance and its initial activities.
3. That council assembly congratulates the Alliance on the success of its recent projects, funded through the cleaner greener safer budget, particularly the decoration of shop shutters, which have helped to improve the appearance of the street and allowed businesses to see the benefits of working with the Alliance.
4. That council assembly welcomes the high standards in street cleaning across the borough and the record public satisfaction with street cleanliness. It further welcomes the council's economic wellbeing strategy which sets out the council's

plans to further improve partnership working with businesses to ensure that the council fully considers the different needs and expectations of businesses, their customers, local communities and residents when delivering basic services.

5. That council assembly calls on the cabinet to:
 - continue to ensure that the planned improvements to Tower Bridge Road by Transport for London respond to the needs of local businesses and results improve the general appearance of the street.
 - Implement plans in the economic wellbeing strategy so that businesses on Tower Bridge Road and elsewhere in the borough can have more input into ensuring that local services meet their needs.

Making Cathedrals Ward Safer for Residents and Cyclists

That the motion referred from council assembly as a recommendation to cabinet, set out below be agreed.

That council assembly:

1. Recognises the large number of developments that are either under construction or soon to be under construction in Cathedrals Ward and other areas of the borough and that this brings with it significant construction traffic and logistical challenges.
2. Notes that all construction sites in the area have to have agreed construction management plans in place to demonstrate how deliveries will take place. This often results in a local road closure or a pit lane being installed to ensure HGV's can safely access and unload next to sites.
3. Notes that construction management plans must take account of the safety of other road users around the site including pedestrians and cyclists and that this is rigorously enforced.
4. Notes that all contractors have logistics companies working for them who arrange delivery slots so there should not be any local parking - all deliveries are just-in-time.
5. Notes that for very large projects contractors may need to rent a logistics site such as holding bays on Druid Street for the Shard and London Bridge Station.
6. Notes that the council takes action against any contractors caught parking up locally such highways inspectors taking action against parking on Hopton Street.

That council assembly therefore calls upon cabinet to:

7. Instruct officers to work with contractors to assist them in finding suitable sites to use as waiting areas for construction vehicles which arrive before their allotted time and to continue to rigorously enforce against any use of local streets for circling or parking of vehicles.

14. PARTNERSHIP AGREEMENT VIA SECTION 75 WITH SOUTHWARK COUNCIL AND SOUTHWARK CLINICAL COMMISSIONING GROUP

RESOLVED:

1. That the partnership approach to commissioning proposed between the council and the local clinical commissioning group for the services set out within the report be noted.
2. That the proposed agreement between the council and the clinical commissioning group under section 75 of the National Health Services Act 2006 be approved and authority be delegated to the strategic director of children's and adults' services to execute the agreement.
3. That authority to approve changes to the services contained within the agreement, be delegated to the strategic director of children's and adults' services.
4. That the opportunity for further service transformation to achieve improved health outcomes in Southwark be noted.
5. That an annual report be received on the progress and performance of services governed by the agreement alongside options for future service transformation.

15. ETHICAL CARE CHARTER TASK AND FINISH GROUP - PROGRESS AND FEASIBILITY REPORT ON THE WORK OF THE TASK AND FINISH GROUP

Unison and representatives of home care workers were in attendance and were given an opportunity to address cabinet. They pledged their support to cabinet for its agreement and commitment to sign up to the charter. Issues relating to payment for attendance to training, travel time and future involvement in the commissioning process were raised.

RESOLVED:

1. That the principles of the charter be noted and agreement be given to sign up to the charter, and the council's intention to work towards its implementation be continued.
2. That it be noted that affordability and sustainability is and will remain a key consideration when working through the approach to making progress on the charter and the strategic director of finance and corporate services be requested to do financial modelling and set aside a provisional sum in the budget.
3. That it be agreed that a commissioning based approach (as opposed to varying existing contract or bringing home care services in house) is likely to be the most affordable way to implement the charter and will have greatest impact on the quality of provision as set out in paragraphs 40-47 of the report.
4. That the vision and values for home care service that have been developed through the stakeholder group and reviewed by the 'task and finish' group be noted and

agreed.

5. That the strategic director of children's and adults' services develop a new commissioning strategy to deliver the vision and values for home care in a way that is consistent with the charter principles. The strategy would need to ensure that additional investment in home care services achieves measurable improvements in quality, user experience and outcomes.
6. That the interim steps to improve the delivery of home care services including providers better co-ordinating visits to minimise travel time be noted and agreed and that a workforce development group be established to devise a training and development programme that will support up-skilling home care workers as set out in paragraph 38 of the report.
7. That it be noted that there will be a report back to cabinet in June 2014 with a proposed approach for the re-commissioning of home care services in line with the ethical homecare charter.

EXCLUSION OF PRESS AND PUBLIC

It was moved, seconded and

RESOLVED:

That the press and public be excluded from 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.

The following is a summary of the closed part of the meeting.

16. MINUTES

The closed minutes of the meeting held on 22 October 2013 were approved as a correct record and signed by the chair.

The meeting ended at 4.10pm.

CHAIR:

DATED:

DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 21 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, WEDNESDAY 27 NOVEMBER 2013.

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.