

## Cabinet

MINUTES of the OPEN section of the Cabinet held on Tuesday 7 April 2020 at 4.30 pm

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**PRESENT:** Councillor Peter John OBE (Chair)  
Councillor Rebecca Lury  
Councillor Evelyn Akoto  
Councillor Jasmine Ali  
Councillor Stephanie Cryan  
Councillor Richard Livingstone  
Councillor Victoria Mills  
Councillor Leo Pollak  
Councillor Johnson Situ  
Councillor Kieron Williams

**OTHER MEMBERS PRESENT:** Councillor Helen Dennis  
Councillor Jane Salmon

### 1. APOLOGIES

The leader welcomed cabinet members and Councillors Jane Salmon and Helen Dennis as members of overview and scrutiny committee to the virtual meeting.

The monitoring officer explained that while the council had received a letter challenging this cabinet meeting being held, the council has considered the regulations, and she is satisfied that the meeting is called appropriately and that the council is proceeding in a lawful manner.

There were no apologies.

### 1. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair gave notice of the following late items:

- Item 5: Public Questions
- Item 12: Repairs Service Improvement Plan

- Item 20: Putting Residents First Review - Update
- Item 30: Community Harm and Exploitation Reduction Plan 2020-2021
- Item 40: Borough and Bankside Social Regeneration Charter

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

No representations were received in respect of the items listed as closed business for the meeting.

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

There were no declarations of interest

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

#### **1. Public Question from Toby O'Connor**

What are the main challenges and opportunities for public engagement in planning processes in the coronavirus situation for example with the current consultations on the statement of community involvement, regeneration charters, the local plan EIP and planning committee meetings?

#### **Response**

We are reviewing the democratic processes in light of the seriousness of the coronavirus pandemic. The current unprecedented situation will mean that some decisions and progress on adopting planning policies will be delayed. At the moment it is too early to give details but in the main we are working solely on supporting our residents through this crisis.

Mr O'Connor asked a supplemental question relating to public engagement during the covid outbreak.

The Leader confirmed that public engagement would be considered seriously. Addenda to reports on this meeting's agenda covered the issues, and decision-making would go forward following governmental regulations.

### **LATE PUBLIC QUESTIONS**

#### **2. Public Question from Aysen, Wendover TRA**

I would like to know, what is the council's intention or plan to keep estates clean & hygienic. As I live on Aylesbury/ Wendover block there is no cleaning already. Are they going to deep clean each estate, where lots of people are living, which makes us more exposed?

#### **Response for questions 2 – 7**

Following the postponement of this cabinet meeting as a result of COVID-19 and in response to these questions the cabinet member arranged a meeting with Southwark Group of Tenant Organisation (SGTO) in which he answered these questions – you can find a recording of the meeting here:

[https://soundcloud.com/user-762195973?fbclid=IwAR0PXFfVuQYkLIA4J2yao\\_YwueAlv270goV-4EVyhe3B5zg7WdF548CAFd4](https://soundcloud.com/user-762195973?fbclid=IwAR0PXFfVuQYkLIA4J2yao_YwueAlv270goV-4EVyhe3B5zg7WdF548CAFd4)

Information on coronavirus, including the impact on council services and housing advice, is also available on the council's website here: <https://www.southwark.gov.uk/health-and-wellbeing/public-health/for-the-public/coronavirus>

The cabinet member thanks you for your questions and will continue to engage with you throughout this process.

### **3. Public Question from Danielle, Lindley Estate**

What happens with urgent repairs for council properties, things like broken boilers, electricity outages, uncontrollable leaks. Will the repairs service continue operating? Do we continue ringing the call centre in the usual way? How can households/tradespeople ensure they stay safe whilst social distancing measures are in place?

### **4. Public Question from June, Brandon Estate**

Are there any plans for a council tax amnesty? There is talk of mortgage and rent amnesty done by the Government. A service charge 3 month relief holiday for leaseholders would help. A 3 month amnesty for charges for major works/heating again would be a big help to leaseholders.

### **5. Public Question from Chinelo, Bell Gardens Estate**

I have questions around cleaning communal spaces, in particular places that aren't often cleaned, if at all. For example, "outdoor" corridors guarded by balconies/hand railings. Will cleaning protocols be updated to be more inclusive and thorough?

### **6. Public Question from Grace, Southampton Way**

Is the council planning for when the situation gets worse and more staff go off sick? We will definitely need more care workers, street cleaners, meals delivery, childcare for key workers, housing for homeless - can the council recruit now to speed up DBS checks and training etc where needed?

### **7. Public Question from Bryan and Lea, Caroline Gardens**

For council tenants who lose their employment due to Covid-19, are plans in place to help with rent and council tax? If so, what are the plans; and how do you access that help?

### **8. Public Question from Harpreet Aujla**

Will you suspend all decisions on the Elephant and Castle shopping centre due to the Covid 19 pandemic and the economic uncertainty raised by this crisis period we have entered? The Chancellor has announced help for workers and small businesses; will you protect business owners, traders and workers likewise?

## Response

The redevelopment of the shopping centre is a long term project that is embedded in both London and Southwark planning policies. In December the High Court dismissed a claim for a judicial review of the decision to grant planning permission for the redevelopment. On 15 January the developer announced its intention to close the centre at the end of July and the next day it formally wrote to all businesses to inform them of this decision.

It is important to recognise that the decision to close the Shopping Centre was a decision taken by the Centre's owner, not Southwark Council. The decision by the owner predates the current health emergency. The owner has confirmed that traders rent and service charges have been reduced to zero to help them during this period and will be monitoring Government advice in the coming weeks to guide next steps.

Today, 7 April, cabinet is being asked to make public powers available to facilitate the delivery of this long terms project which will deliver an extensive package of public benefits that are detailed in the report. These decisions will neither hasten nor delay the closure of the centre. Rather the proposed decisions are a sensible and pragmatic approach which will help bring certainty for our residents and businesses who live and work in the area.

The council remains strongly committed to supporting small independent traders and their employees located at the centre. We have successfully pressed the developer to bring forward a comprehensive package to assist traders to relocate and continue to trade in the area. Temporary accommodation is being provided for traders at Castle Square, and Elephant Arcade. Subject to the health emergency we expect independent traders to be able to relocate to these locations before the end of July and to begin trading from their new premises soon after that. Permanent locations have also been secured for some traders through S106 agreements at Elephant Park, and One Elephant. A relocation fund comprising a minimum of £635,000 and tailored business advice and support has also been established.

Following a deputation of traders on 28 January 2020 we announced the setting aside of an additional £200,000 for trader support from the council. This transition grant is part of a package of additional support. In addition to the funds, traders will be given access to Southwark Works, who can offer career advice to those traders looking to change their work or upskill.

The implementation of this package is the best way in which we can help support traders to speedily resume economic activity. Delaying decisions would only increase uncertainty for them and jeopardise the viability of their businesses and the jobs they provide.

Support to help deal with the impact of the coronavirus outbreak continues to be offered through the business support desk and through the council's business rates team. Advice and guidance on any available financial assistance, business rates relief and other support can be accessed by emailing [SouthwarkBusinessDesk@southwark.gov.uk](mailto:SouthwarkBusinessDesk@southwark.gov.uk). In addition, the council's COVID-19 support for businesses and employers webpage (<https://www.southwark.gov.uk/health-and-wellbeing/public-health/for-the-public/coronavirus/covid-19-support-and-information-for-businesses-and-employers>) is kept up to date with the latest information and guidance on the support available to Southwark businesses.

### 9. Public question from Mr Santiago Peluffo Soneyra

Will you commit within the next 10 days to make use of funding streams to support the thousands of sole traders and micro-businesses who do not qualify for the grants for small businesses and are in desperate need of cash coming into their pockets while they are out of business?

**Response**

Southwark was one of the first councils to ensure businesses received their grant funding immediately. As at today 1,490 businesses will have had their grants issued to a value of £26m. We have also ensured that all recovery and enforcement action in relation to rates has been suspended for *all* businesses. Where businesses have been struggling financially they have been encouraged to contact us to make alternative payment arrangements including payments delayed until June.

While we welcome the support for businesses that has been announced by government, particularly in terms of business grants, we also recognise the gaps in this support that mean many of the businesses most affected by the coronavirus outbreak will not be eligible. These include small businesses with rateable values of above £51k, as well as huge numbers of businesses who do not pay business rates, for example those in workspaces and other multi let premises.

In response, the council is proposing a Business Hardship Fund specifically targeted at those businesses who are ineligible for other forms of support. These unprecedented times for the local economy has led us to repurpose the Southwark Pioneers Fund for this purpose. The Pioneers Fund was set up to support local enterprises to start and grow, and promote social value.

Grants of up to £10,000 will be made available for small businesses that cannot access other forms of support and can demonstrate hardship as a result of covid-19. The council has committed in excess of £2m to this fund to support small Southwark business experiencing hardship. Small businesses who are not eligible for either of the two government grant funds or self-employment income support may apply if they satisfy the following criteria:

- Is registered and trades in the London Borough of Southwark
- has fewer than 10 full time equivalent employees; *and*
- is facing financial hardship as a result of the COVID-19 pandemic that affects its ability to continue to trade and threatens permanent closure.

We recognise the extreme difficulties that many businesses are currently facing. We hope that the Business Hardship Fund will enable many more Southwark businesses to weather the storm than may otherwise be the case.

**6. MINUTES**

**RESOLVED:**

That the minutes of the open section of the meeting held on 4 February 2020 be approved as a correct record and signed by the chair.

## **7. DEPUTATION REQUESTS**

There were no deputation requests.

## **8. LIVING WAGE PLACE ACTION PLAN**

### **RESOLVED:**

That the draft 'Southwark Living Wage Place Action Plan' to make Southwark an accredited Living Wage Place, as set out in Appendix 1 of the report be approved.

## **9. GATEWAY 1: PROCUREMENT STRATEGY APPROVAL ADULT COMMUNITY SPECIALIST DRUG AND ALCOHOL TREATMENT SERVICES**

### ***RESOLVED:***

#### **Decisions of the Cabinet**

1. That EU light touch regime competitive procurement process outlined in the report for adult community specialist drug and alcohol treatment services at an estimated annual cost of up to £3,420,000 for a period of three years from 1 April 2021 with the option to extend for up to nine years in increments with break clauses at the council's sole discretion, making a total estimated maximum contract value of up to £41,040,000, be approved.

#### ***Decision of the Leader of the Council***

2. To delegate the final decision for the updated contract commencement date to the cabinet member for community safety and public health following the creation of an updated procurement plan with revised anticipated dates.

## **10. POLICY AND RESOURCES STRATEGY: CAPITAL MONITORING REPORT, INCLUDING CAPITAL PROGRAMME UPDATE 2019-20 (MONTH 9)**

### **RESOLVED:**

1. That the outturn and resources for 2019-20 and future years for both the general fund and housing investment programmes as detailed in Appendices A, B and D of the report be noted.
2. That the virements and variations to the general fund and housing investment capital programme as detailed in Appendix C of the report be approved.
3. That the inclusion in the programme of the capital bids set out in Appendix E of the report be approved.
4. That the significant funding requirement of £458.5m which needs to be identified for the general fund programme to be fully delivered over the remaining term of the programme, as detailed in Appendix A of the report be noted.

5. That the significant funding requirement of £96.5m which needs to be identified for the housing investment programme to be fully delivered over the remaining term of the programme, as detailed in Appendix B of the report be noted.

#### **11. THE HOUSING REPAIRS SERVICE: REPORT FROM SOUTHWARK HOUSING SCRUTINY COMMISSION**

##### **RESOLVED:**

1. That the housing scrutiny commission report on the housing repairs service, Appendix 1 of the report be noted.
2. That the recommendations from the housing scrutiny commission be noted and that the relevant cabinet member reports back to cabinet within eight weeks.

#### **12. REPAIRS SERVICE - IMPROVEMENT PLAN**

##### **RESOLVED:**

##### **Decisions of the Cabinet**

1. That the repairs improvement plan be approved and a report back on progress be received in June 2021
2. That progress in implementing the plan be reported quarterly to the lead cabinet member and also to tenant's representatives through the council's new tenants forum or a sub group of that forum.
3. That the proposed transfer of building services from environment and leisure to the housing and modernisation department be noted. One of the key gains from the shift to housing is that Southwark Building Services will become more seamlessly part of the council and part of the overall housing team

##### **Decision of the Leader of the Council**

4. That authority be delegated to the cabinet member for housing management and modernisation to update the repairs improvement plan to strengthen it as work on it progresses and further specific improvements and actions are identified.

#### **13. RECOMMENDATIONS ON BRANDON ESTATE - RESPONSE TO OVERVIEW AND SCRUTINY COMMITTEE**

##### **RESOLVED:**

That the recommendations arising from the overview and scrutiny committee be agreed and progress of actions noted.

## **14. ADULT SOCIAL CARER FAIRER CONTRIBUTIONS POLICY**

### **RESOLVED:**

#### **Decisions of the Cabinet**

1. That the information contained in the report and its appendices be noted.
2. That it be agreed to adopt the proposed changes to the council's charging policy which are as follows includes the following:
  - Simplify the Fairer Contributions Policy document (FCP) to make our approaches to residential and non residential financial assessments clearer
  - Increase the minimum contribution towards social care costs from £3 to £5
  - Specify a charge of £200 for the council to arrange care for full cost service users assessed to require non-residential care excluding alarms
  - Use light touch assessments for those receiving alarm services only
  - Promote deferred payment agreements and charges on property as a way of paying for residential care
  - Implement a review trigger where allowances exceeding £20 per week on DRE (disability related expenditure) are claimed from April 2021
3. That the proposed changes to be adopted as outlined in Appendix 1 be agreed. The FCP to be applied from April 2020.
4. That the responses to the consultation on the proposed changes to the FCP as set out within the report and in Appendix 2 be noted.
5. That the equality and impact analysis set out in Appendix 3 of the report be noted.

#### **Decision of the Leader of the Council**

6. To the final decision on the future of the direct debit discount scheme be delegated to the cabinet member for children, schools and adult care following a further consultation on this process.

## **15. GATEWAY 1: PROCUREMENT STRATEGY APPROVAL - COMMUNITY RE-ABLEMENT PROVISION**

### **RESOLVED:**

1. That the procurement strategy outlined in the report to undertake a competitive tender to establish a re-ablement contract which will be for term of three years from 3 February 2021, with provision to extend the contracts for a further two years (1+1) through annual extensions be approved.



2. That the projected maximum annual contract value for this service is £1.4m and therefore the contract value for the initial three-year terms is £4.3m and £7m if both the extension options are exercised, be noted.
3. That it also be noted that an additional cost, over the current service budget of approximately £100,000 per annum, will be identified to create an in-house team as described from paragraph 16 of the report.
4. That it be noted that approval will be sought, via a Gateway 3 report, for the extension of the current contract for a further five months to allow for the completion of the procurement procedure and implementation of the new arrangements.

**16. GATEWAY 1: PROCUREMENT STRATEGY APPROVAL - LEARNING DISABILITIES ACCOMMODATION BASED SUPPORT AND OUTREACH SUPPORT SERVICES**

**RESOLVED:**

1. That the procurement strategy of tendering this contract for a period of five 5 years plus two years (1 + 1) 'in lots' ( as set out in Option 5b and paragraph 43 of the report) with an estimated annual contract value of £10.9m making a total cost of circa £76.3m if both extensions are exercised be approved.
2. That the delegation of the award decision in the Gateway 2 to the strategic director of children's and adults' services in consultation with the cabinet member for children, schools and adult care to ensure the speedy delivery of our commitment to achieving the best outcomes and value for money for Southwark residents be approved.

**17. DELIVERING A CLIMATE STRATEGY FOR SOUTHWARK - UPDATE**

Councillor Helen Dennis asked whether the council would consider any community energy sources. Councillor Richard Livingstone confirmed that a report is due back in summer on this.

**RESOLVED:**

1. That the contents of the report and progress on delivering a climate strategy for Southwark be noted.
2. That the engagement approach, timetable and strategy structure detailed in the report and other actions in response to the Council's declaration of a Climate Emergency in March 2019 be agreed.
3. That a members' working group be established as set out in the report.
4. That Cabinet notes the additional officer advice, attached to the addendum report and agrees that officers, in consultation with the Cabinet Member for Environment, Transport and the Climate Emergency, make necessary changes to the engagement process due to the impact of the Coronavirus pandemic.

**18. GATEWAY 1 - PROCUREMENT STRATEGY APPROVAL: SUPPLY OF GAS AND ELECTRICITY TO SOUTHWARK COUNCIL**

**RESOLVED:**

1. That the use of the joint London Energy Project and LASER Energy Framework Agreement to administer the purchase and supply of the council's corporate gas and electricity contracts (one gas, one electricity) for the period 1 October 2020 to 31 March 2025 under a rolling forward buying arrangement at an estimated value of £15m per annum and a total estimated value of £67.5m be approved.
2. That authority be delegated to the strategic director of environment and leisure in conjunction with the cabinet member for environment, transport and the climate emergency to award the contract, and agree the subsequent purchasing options within the framework agreement. This will also include finalising any specific terms of the contract, and do all things necessary to facilitate the execution, implementation and operation of the contract, including the use of ancillary services available under the agreement (to be detailed in the gateway 2 report for the supply of gas and electricity).

**19. CONSULTATION ON PROPOSALS FOR THE PRIVATE RENTED SECTOR 2020 - 2026**

**RESOLVED:**

1. That the public consultation on the proposals for changes to the Southwark's mandatory licensing scheme be approved.
2. That the public consultation on the council's proposals for the additional licensing scheme in Southwark for 5 years from 2021 be approved.
3. That the public consultation on the council's proposals for the selective licensing scheme to operate in Southwark for 5 years from 2021 be approved.
4. That the public consultation on the proposed Gold Standard Charter be approved.
5. That the financial commitment made from the London Devolution Reserve to support the development of a renter's union be noted and that work is undertaken to allow a renter's union to open its doors in Southwark in 2021 to coincide with the new licensing schemes.

**20. PUTTING RESIDENTS FIRST REVIEW - UPDATE**

**RESOLVED:**

**Decisions of the Cabinet**

1. That it be noted that the council's asset management department has begun to review

and refresh the processes that shape how the council involves and engages residents with regard to major works to their blocks and estates. This will ensure lessons learnt to this point are adopted and applied going forward.

2. That it be noted that the putting residents first (PRF) review will look again at the current PRF standards and consider how the council can improve its resident consultation, particularly with reference to the new resident involvement structure and digital communication options.
3. That it be noted that the review will seek to ensure that engagement with residents places major works as a core foundation of the Great Estates Guarantee, links appropriately with the new build programme and seeks to enhance resident safety on their estates.
4. That it be noted that consultation with residents will begin at the first Local Housing Forums taking place in April, with a final report to cabinet scheduled for October 2020. A full proposed timetable can be found in Appendix 1 of the report.

*Decision of the Leader of the Council*

5. To delegate the final decision for the timing of the Putting Residents First Review to the cabinet member for housing management and modernisation following the creation of an updated consultation calendar.

**21. SOUTHWARK GREAT ESTATES PROGRAMME - GUARANTEE**

**RESOLVED:**

**Decisions of the Cabinet**

1. That approval be given to undertake consultation with residents on the set of baseline commitments within the Great Estates Guarantee as set out in paragraphs 16 - 43 and detailed in Appendices 1 and 2 of the report.
2. That the approach to introducing new secure growing spaces on estate land be noted; the adoption of a new allotment expansion guarantee and to keep a new estate-based allotment waiting list be approved.
3. That it be noted that the council's asset management strategy will set out the approach to managing the external appearance of homes so that they are left clean and tidy, and any interventions respect the form and appearance of the building.
4. That it be noted a new lighting strategy will be delivered on one of the estate improvement pilots, learning from this pilot will be applied on other estates.
5. That it be noted that work is underway to develop a new waste infrastructure standard.

**Decision of the Leader of the Council**

6. That authority be delegated to the cabinet member for social regeneration, Great estates and new council homes to approve the Great Estates Guarantee following

consultation.

## **22. ROUTES TO 11,000: A NEW COUNCIL HOMES STRATEGY FOR SOUTHWARK**

### **RESOLVED:**

#### **Decisions of the Cabinet**

1. That the 'Routes to 11,000' council homes strategy, setting out the framework in which the council will deliver new homes and address the lack of truly affordable housing being delivered in the private and other sectors be approved.
2. That it be noted that based on this strategy a three year rolling action plan, including measures and risk register will be developed to implement the strategy and to respond to the changing opportunities and challenges. This will be monitored by the Programme Delivery Board with progress reported to cabinet.
3. That it be noted that the delivery of truly affordable homes to address the lack of inexpensive housing being delivered in the private sector is a financial challenge that the council is stepping up to address through widening its approach in developing a pipeline of new council homes, delivered through growing partnerships and approaches to finance the programme.
4. That it be noted that the council aims to leave a legacy of homes that deliver a lasting mark on the borough and as well as delivering homes that will be seen as an exemplar, visually and practically as homes that people enjoy living in and are proud of.
5. That the work to create a new a council home equivalent standard that guarantees a similar level of affordability and security but can be delivered outside of the housing revenue account (HRA) to allow the council greater flexibility in meeting the needs of the borough be approved.

#### **Decision of the Leader of the Council**

6. That authority be delegated to the cabinet member for social regeneration, great estates and new council homes the agreement of a revision of the consultation process in the charter of principles to allow for a more tailored approach that allows for a more meaningful consultation and also allows for a wider range of engagements techniques to be used.

## **23. ELEPHANT AND CASTLE SHOPPING CENTRE PROGRESS REPORT**

### **RESOLVED:**

1. That the contents of the report be noted.
2. That the allocation of £200,000 for additional support for Elephant and Castle Local Independent Operators that are being displaced by the development of the Shopping Centre be agreed.
3. That decisions on individual grant payments arising from the allocation of the

£200,000 additional support package be delegated to the head of the chief executive's office.

## 24. ELEPHANT AND CASTLE CENTRE COMPULSORY PURCHASE ORDER

### RESOLVED:

That the following be agreed:

1. That subject to the prior completion of an indemnity agreement with Elephant & Castle Properties Co. Limited ("EC"), the Council makes and (subject to any necessary confirmation from the Secretary of State) implements a Compulsory Purchase Order ("CPO") under section 226(1)(a) of the Town and Country Planning Act 1990 and section 13 Local Government (Miscellaneous Provisions) Act 1976 (and in accordance with the procedures in the Acquisition of Land Act 1981) in respect of the area edged red on the plan at Appendix A for the acquisition of the land shown coloured pink on the same plan and the creation and acquisition of new rights over the land shown coloured blue on the same plan for the purposes of facilitating the redevelopment, development and improvement of the land edged red on the plan at Appendix A of the report and the adjacent London College of Communication site edged green on the plan at Appendix B of the report("the LCC Site") to provide a mixed use town centre scheme including residential, retail, offices, education, assembly and leisure, a new station entrance and station box for use as a London Underground operational railway station, access and highway works, public realm and landscaping, car and cycle parking, plant and servicing and associated and ancillary works and structures ("the Scheme").
2. The director of regeneration be authorised on behalf of the council to:
  - (i)finalise the terms of and enter into the CPO indemnity agreement with EC to underwrite in full the Council's costs and liabilities associated with the proposed CPO, including suitable financial security for the Council's liabilities, such agreement to contain as a pre-condition to the making of a CPO that the Director of Regeneration has received evidence that the LCC Site is the subject of a contract for sale between its owner the University of Arts, London ("UAL") and Elephant Three Properties Limited ("E3") and that there is a contract in place between EC and UAL for the relocation of the LCC as part of the Scheme, and
  - (ii)subject to completion of the CPO indemnity agreement referred to in recommendation 2.1:
    - (a) take all necessary steps to secure the making, confirmation and implementation of the CPO, including the publication and service of all notices and the presentation of the Council's case at public inquiry should one be called;
    - (b) acquire for planning purposes all interests in land and new rights within the CPO area as may be necessary to facilitate the Scheme, either by agreement or compulsorily, including entering into negotiations with any third parties for the acquisition of their land interests and/or for new rights over their land (as appropriate), the payment of compensation and dealing

with any blight notices served in connection with the CPO;

- (c) approve agreements with land owners setting out the terms for the withdrawal of objections to the CPO, including where appropriate seeking the exclusion of land or new rights from the CPO or giving undertakings as to the enforcement of the terms of the CPO;
- (d) make any minor additions, deletions or amendments to the draft CPO map at Appendix A and/or the related draft ownership schedules of the CPO should the need arise, so as to include all interests in land and rights required to facilitate the construction, maintenance and use of the Scheme;
- (e) dispose of the land acquired from third parties pursuant to the CPO and/or through private negotiations in accordance with the terms of the CPO indemnity agreement;
- (f) take all necessary actions in relation to any legal proceedings relating to the CPO, including defending or settling (as appropriate) any compensation claims referred to the Lands Chamber of the Upper Tribunal due to the making or implementation of the CPO, and to take all necessary steps in respect of any other legal proceedings that relate to the making, confirmation or implementation of the CPO;
- (g) appoint and/or retain such external professional advisors and consultants as are necessary to assist the Council in facilitating the Scheme, including in the promotion of the CPO and the settlement of any compensation claims.

## **25. ELEPHANT AND CASTLE SHOPPING CENTRE - INTERFERENCE WITH PROPERTY RIGHTS**

### **RESOLVED:**

That the following be agreed:

1. the council entering into an agreement with Elephant Three Properties Limited ("E3") and Elephant & Castle Properties Co. Limited ("EC") for
  - (a) the acquisition by agreement by the council of a leasehold interest from University of the Arts, London ("UAL") in the London College of Communication ("LCC") site shown edged green on the plan at Appendix A of the report ("the LCC Site"). The acquisition will be under section 227 Town and Country Planning Act 1990 ("the 1990 Act") for the purpose of facilitating the carrying out of development, redevelopment or improvement on or in relation to that land; and
  - (b) the disposal by the council of the LCC Site by way of the grant of an underlease to UAL under section 233(1)(a) of the 1990 Act on the basis that the terms of that disposal appear to the council to be expedient in order to secure the best use of that or other land and any buildings or works which

have been, or are to be, erected, constructed or carried out on it.

2. the council entering into an agreement with EC for
  - (a) the acquisition by agreement by the council of a leasehold interest (or interests) in the Elephant & Castle Shopping Centre site and other land in the vicinity of the Shopping Centre as shown edged red on the plan at Appendix B ("the East Site") and edged brown on the plan at Appendix C ("the Nib Site"). The acquisition(s) will be under section 227 of the 1990 Act for the purpose of facilitating the carrying out of development, redevelopment or improvement on or in relation to that land; and
  - (b) the disposal(s) by the council of the East Site and the Nib Site by way of the grant of an underlease (or underleases) under section 233(1)(a) of the 1990 Act on the basis that the terms of the disposal(s) appear to the council to be expedient in order to secure the best use of that or other land and any buildings or works which have been, or are to be, erected, constructed or carried out on it.
3. that the agreements referred to in recommendations 1 and 2 shall contain a full indemnity and financial security arrangements in favour of the Council and shall contain as a pre-condition to the entry into the resultant leases that the Director of Regeneration has received evidence that the LCC Site is the subject of a contract for sale between UAL and E3 and that a contract is in place between UAL and EC for the relocation of LCC to the East Site.
4. the council entering into the leasehold acquisitions and disposals envisaged by the agreements in recommendations 1 and 2.
5. that the council's intention in acquiring the leasehold interests under section 227 of the 1990 Act is to enable third party rights that exist over the LCC Site, the East Site and the Nib Site to be overridden pursuant to section 203 of the Housing and Planning Act 2016 ("the 2016 Act").
6. The director of regeneration be authorised on behalf of the council to:
  - (a) finalise the terms of and enter into (i) the agreements referred to in recommendations 1 and 2, and (ii) the resultant leases and underleases in accordance with the terms of the agreements;
  - (b) subject to completion of the agreements referred to in recommendations 1 - 2, pay compensation properly claimed where due to third parties arising from the interference of their rights over the LCC Site, the East Site and the Nib Site in accordance with section 204 of the 2016 Act;
  - (c) defend or settle (as appropriate) any compensation claims referred to the Lands Chamber of the Upper Tribunal in respect of rights that are overridden due to the exercise of the council's powers and to take all necessary steps in respect of any other legal proceedings that relate to the use of the aforementioned powers to override third party private rights over the LCC Site, the East Site and the Nib Site.

## **26. DRAFT LONELINESS STRATEGY**

### **RESOLVED:**

#### **Decisions of the Cabinet**

1. That the draft strategy to tackle loneliness and social isolation in Southwark be approved
2. That the final public consultation on the strategy be approved. The consultation is to be published on the council's consultation hub and will run for at least six weeks.

#### **Decision of the Leader of the Council**

3. That the final decision for the timing of the Draft Loneliness Strategy be delegated to the cabinet member for community safety and public health following the creation of an updated consultation calendar.

## **27. GATEWAY 1 - PROCUREMENT STRATEGY APPROVAL: MAIN CONTRACTOR PROCUREMENT: QUEENS ROAD 4**

### **RESOLVED:**

1. That the procurement strategy outlined in the report to undertake a single supplier negotiation as a direct award to Wernick Buildings Limited under the LHC framework for the contract for the construction of Queens Road 4 (128-148 Asylum Road, SE15), at a maximum contract value of £14.7m for an anticipated period of 14 months commencing in July 2020 be approved.
2. That it be noted that the Gateway 2 decision report to award the main works contract will be taken by the strategic director of housing and modernisation in consultation with the cabinet member for housing management and modernisation in line with contract standing orders (CSO).

## **28. GATEWAY 1 PROCUREMENT STRATEGY APPROVAL - MMC CONTRACTOR SERVICES FOR THE NEW HOMES ROOF TOP DEVELOPMENTS AND ASSOCIATED WORKS (FRAMEWORK)**

Councillor Cryan asked whether this strategy had any provision for apprenticeships. The monitoring officer confirmed that this would be covered by the Fairer Future procurement strategy requirements.

### **RESOLVED:**

1. That the procurement strategy in relation to the procurement of a delivery partner for roof top developments, other modular opportunities, and associated works through a single Modern Methods of Construction (MMC) delivery partner through the use of the LHC Offsite Construction of New Homes Framework be approved.
2. That the award decision for the Gateway 2 reports for the delivery agreement and all



individual project contracts be delegated for approval to the strategic director of housing and modernisation, in consultation with the cabinet member for social regeneration, great estates and new council homes, for the reason outlined in paragraph 63 of the report.

3. That it be noted that the total estimated contract sum of this approval is £36,000,000 and a total estimated cost of £43,000,000 inclusive of fees, subject to the separate IDM (individual decision by member) for specific schemes. It is estimated that the length of the individual build contracts will range from 12 to 15 months depending on the complexities of each site, with the overall contract lasting for up to 5 years from Summer 2020 to 30 June 2025.

## **29. NEW KEY WORKER HOUSING POWERS (CHURCHYARD ROW)**

### **RESOLVED:**

1. That it be agreed to make use of new powers to rent homes to keyworkers at intermediate rents through the council's housing revenue account.
2. That it be agreed that the 36 studio units at Churchyard Row should be used as a pilot for this new approach of letting homes to keyworkers.
3. That given the nature of these units, that it be agreed let these 36 units on flexible fixed-term tenancies to ensure these are retained for keyworkers.
4. That authority be delegated to the strategic director of housing and modernisation to agree a local lettings plan following consultation and to finalise the details of the scheme including the conditions of tenancy.

## **30. COMMUNITY HARM & EXPLOITATION REDUCTION PLAN 2020-2021**

### **RESOLVED:**

1. To approve a Community Harm and Exploitation Reduction Plan that incorporates the recommendations from the Cross Political Party Panel on Serious Youth Violence and Southwark Extended Learning Review on Violence and Vulnerability.
2. To note that the Action Plan includes the mandatory areas as currently set out for all London Boroughs by the Mayor's London Violence Reduction Unit (LVRU), and the recommendations already agreed by Cabinet to adopt the public health approach to serious youth violence prevention.

## **31. DRAFT WALWORTH SOCIAL REGENERATION CHARTER**

### **RESOLVED:**

That the formal consultation on the draft Walworth Social Regeneration Charter attached as Appendix 1 to the report commence.

### **32. DRAFT SOCIAL REGENERATION CHARTER FOR BERMONDSEY & THE BLUE**

#### **RESOLVED:**

1. That the geographies of the social regeneration charters as set out in the map attached as Appendix 1 to the report be agreed.
2. That formal consultation on the Bermondsey & The Blue Social Regeneration Charter attached as Appendix 2 to the report commence.

### **33. GATEWAY 1: ALTERNATIVE PROVISION PROCUREMENT STRATEGY**

#### **RESOLVED:**

1. That the recommendation to proceed with a procurement strategy that establishes a Framework Agreement for Alternative Provision (AP) in Southwark for a period of 4 years from November 2020 to October 2024 with an estimated maximum total budget of £8.36 million be approved.
2. That the recommendation to delegate approval of the Gateway 2 Contract Award recommendation to the strategic director for children's and adults' services, in consultation with the cabinet member for children, schools and adult care be approved.

### **34. DISPOSAL OF FREEHOLD INTEREST IN 4 D'EYNSFORD ROAD, LONDON SE5**

#### **RESOLVED:**

5. That the lease of 4 D'Eynsford Road, held by Excelcare Limited be varied, to permit redevelopment of the property as an 80+ nursing bed and residential care home (subject to planning).
6. That arrangements for the block contract booking by the council of beds in the new care home, including a rebate mechanism should the council from time to time agree to release, at Excelcare's request, any of the beds reserved for its use (see paragraph 12 of the report) be noted.
7. That the council's freehold interest in 4 D'Eynsford Road be disposed of to Excelcare Limited's property company "Latchworth" subject to:
  - a) Satisfactory completion and opening of the new building
  - b) Its registration with the Care Quality Commission
  - c) Entering into a care contract of 25 years duration with Excelcare operating company "Giles Court" under an agreed price structure
  - d) A payment to the council for the freehold, via a rebate and balancing mechanism

- e) A time-limited overage clause to protect against alternative use, requiring the transferee to pay the council a proportion of any additional value released through the subsequent development of the property (if any) within a 15 year period.
- 8. That the use of the property shall be restricted to social care including accommodation with support for vulnerable people for a term of not less than 15 years, unless the council decides that it no longer requires care services to be provided under the block contract arrangement.
- 9. That subject to the above, the negotiation of detailed terms, sign off of due diligence and agreement of transactional documents shall be delegated to director of regeneration, in consultation with the strategic director of finance & governance.

### **35. ACQUISITION OF NEW HOUSING AT HARPER ROAD, BOROUGH**

#### **RESOLVED:**

- 1. That pursuant to s17 of the Housing Act 1985 the council acquires a long leasehold interest in the land edged red on the plan at Appendix A of the report in accordance with the principal terms set out substantially in paragraph 16 of this report and fully in paragraph 4 of the closed version of the report subject to that land being developed with housing in accordance with the planning consent granted for application 18/AP/0657.
- 2. That as part of the consideration payable for the new housing, on its completion the council pursuant to s 233 of the Town and Country Planning Act 1990 transfers to the freeholder of the land edged red on the plan at Appendix A of the report the freehold interest in the land shaded blue on the same plan.
- 3. That authority be delegated to the director of regeneration authority to agree detailed terms of the transaction.

#### **EXCLUSION OF PRESS AND PUBLIC**

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 Constitution.

The following is a summary of the decisions taken in the closed part of the meeting.

### **36. MINUTES**

The minutes of the meeting held on 4 February 2020 were approved as a correct record and signed by the chair.

### **37. GATEWAY 1: ALTERNATIVE PROVISION PROCUREMENT STRATEGY**

The cabinet considered the closed information relating to this item. Please see item 33 for the decision.

**38. DISPOSAL OF FREEHOLD - 4 D'EYNSFORD ROAD, LONDON, SE5**

The cabinet considered the closed information relating to this item. Please see item 34 for the decision.

**39. ACQUISITION OF NEW HOUSING AT HARPER ROAD, BOROUGH**

The cabinet considered the closed information relating to this item. Please see item 35 for the decision.

**40. BOROUGH AND BANKSIDE SOCIAL REGENERATION CHARTER**

**RESOLVED:**

1. That Cabinet agrees to commence formal consultation on the Borough and Bankside Social Regeneration Charter attached as Appendix 1 to this report.

Meeting ended at 7.10 pm

**CHAIR:**

**DATED:**

**DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 17 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, FRIDAY 17 APRIL 2020.**

**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.**