

Cabinet

MINUTES of the OPEN section of the Cabinet held on Tuesday 6 December 2022 at 11.00 am at the Council Offices, 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Kieron Williams (Chair)
Councillor Jasmine Ali
Councillor Evelyn Akoto
Councillor Stephanie Cryan
Councillor Dora Dixon-Fyle MBE
Councillor James McAsh
Councillor Darren Merrill
Councillor Catherine Rose
Councillor Martin Seaton

1. APOLOGIES

All members were present.

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

The chair gave notice of the following late items:

- Item 07: Deputation report
- Item 12: Policy and Resources Strategy 2023-24 to 2025-26 update
- Item 13: Council Tax Base 2023-24
- Item 14: Indicative Housing Revenue Account and Rent Setting
- Item 20: Strategic Management update.

Reasons for urgency and lateness will be specified in the relevant minutes.

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

There were no closed items for this meeting.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

ANNOUNCEMENT - OFSTED INSPECTION OF CHILDREN SERVICES

Councillor Jasmine Ali, deputy leader and cabinet member for children, young people, education and refugees was delighted to announce the good result of the Ofsted inspection for children services. The authority was rated 'good' in all categories of its social care and safeguarding of children in the borough. The report highlighted that: "children are at the heart of practice in Southwark".

Specific mention was made in the report for the support to care-leavers. They all talked about how well they had been supported across every aspect of their lives. They told inspectors that Southwark is a "special council" and "like family to them."

Cabinet expressed their thanks to all the staff for their hard work and dedication.

5. PUBLIC QUESTION TIME (15 MINUTES)

There were none.

6. MINUTES

RESOLVED:

That the minutes of the meeting held on 18 October 2022 be approved as a correct record and signed by the chair.

7. DEPUTATION REQUESTS

The report had not been circulated five clear days in advance of the meeting. The chair agreed to accept this item as urgent (the request had been received in line with the council's constitutional deadline for the receipt of deputation requests).

RESOLVED:

1. That the deputation request from residents of Astbury Road Area Residents' Association (ARARA) in respect of the movement of extremely

large vehicles in the Astbury Road, Colls Road, Dayton Grove, York Grove, Regal Row and section of Queens Road, SE15 area be heard.

2. A spokesperson for the deputation addressed cabinet for five minutes and questions were asked of the deputation for a period of five minutes.

8. PETITION: LAYOUT OF THE REDESIGNED CALTON AVENUE/COURT LANE JUNCTION AND ACCESS

RESOLVED:

1. That a petition from local residents relating to access concerns with regard to the redesigned Calton Avenue/Court Lane junction be received.
2. Spokespersons for the petition addressed cabinet for a period of five minutes and the petition was debated.

9. SOUTHWARK STANDARDS REPORT 2021-22

Jo Bell, primary head at St. John's and St. Clement's Church of England primary school, was in attendance to provide his input to the report.

RESOLVED:

That the Southwark Standards Report 2021-22 as set out in Appendix 1 of the report be noted.

10. PLACE PLANNING ACROSS SOUTHWARK'S PRIMARY SCHOOLS: A STRATEGY FOR FUTURE-PROOFING QUALITY AND SUPPLY

Jo Bell, primary head at St. John's and St. Clement's Church of England primary school, was in attendance to provide his input to the report.

RESOLVED:

That the strategy and approach for future proofing the quality of education and supply of school places, attached as Appendix 1 of the report, be agreed.

11. CLOSURE OF ST FRANCESCA CABRINI PRIMARY SCHOOL

RESOLVED:

1. That the governing body's recommendation for the closure of St Francesca Cabrini Roman Catholic Primary School from 1 September 2023 be approved.

2. The appendices of the report were considered and noted in making the decision to approve the governing body's recommendation for the closure of St Francesca Cabrini Roman Catholic Primary School from 1 September 2023.

12. POLICY AND RESOURCES STRATEGY 2023-24 TO 2025-26 UPDATE

The report had not been circulated five clear days in advance of the meeting. The chair agreed to accept this item as urgent as the council were committed to publishing budget proposals at the earliest possible opportunity to ensure they were available to the public for comments and questions. Presenting the report to cabinet on 6 December 2022 gave the opportunity for debate prior to presentation of budget figures to cabinet on 17 January 2023.

RESOLVED:

1. That the outcome of the autumn statement delivered on 17 November 2022, and that the provisional local government finance settlement is due to be delivered on the 21 December 2022 (paragraphs 20-21 of the report), be noted.
2. That it be noted that before the announcement of the final local government settlement, strategic directors will continue to work with their respective cabinet members to find additional savings options.
3. That the intention to prepare a balanced one-year 2023-24 budget for recommendation by cabinet, in advance of council assembly in February 2023, be noted.
4. That it be noted that the budget proposals for 2023-24 contained within this report include:
 - Estimated government grant (settlement funding assessment) is assumed to remain cash flat at £153.65m, a reduction of £3m from the October 2022 position
 - Other grant income of £89.8m, an increase from the October position of £4.7m largely a result of the ring-fenced social care grant. The distribution of the social care grant is highly uncertain and will not be known until the provisional settlement
 - Estimated council tax revenues of £137.9m, including a council tax increase of 4.99% (2% social care precept and 2.99% general increase)
 - A forecast deficit on the collection fund in 2022-23 of £4.4m after allowing for spreading adjustments – this will be offset by government funding set aside for this purpose
 - Pay provision, contractual inflation and energy price inflation of £25m.
5. That it be noted that the Greater London Authority (GLA) is expected to

increase its council tax precept and that given current circumstances, including Transport for London (TFL) finances, this increase could be significant.

6. That it be noted that GLA council tax precept is due to be set on the 23 February 2023, therefore a council tax setting committee will need to be convened.
7. That the current budget options proposed to help achieve a balanced 2023-24 budget be noted (Appendices B to E of the report) including:
 - Efficiency savings of £12.1m
 - Net income increase of £1.2m
 - Savings impacting on services of £1.1m
 - Commitments and growth of £4.8m.
8. That the updated budget gap for 2023-24 of £6.3m be noted.
9. That the draft fees & charges schedules at Appendix F of the report be noted.
10. That it be noted that the officers will complete further work in light of the provisional settlement, when published, to present further options and a fully balanced budget position for cabinet on 17 January 2023.
11. That the initial departmental narratives at Appendix A of the report, pending further detail in January be noted.
12. That it be noted that equality impact assessments are ongoing and that a cumulative impact assessment will be presented to cabinet as part of the budget update in January.
13. That officers be instructed to undertake further consultation for new budget options where necessary or appropriate.
14. That it be noted that the report to cabinet on 17 January 2023 will be considered by overview and scrutiny committee on 23 January and that any recommendations arising will be incorporated into the final report to cabinet in February 2022 for recommendation to council assembly on 22 February 2023.

13. COUNCIL TAX BASE 2023-24

The report had not been circulated five clear days in advance of the meeting. The chair agreed to accept this item as urgent as the council tax base calculation for 2023-24 needed to be made between 1 December 2022 and 31 January 2023. The figure was used for revenue budget setting purposes and has historically been reported to members at the December cabinet.

RESOLVED:

1. That the council tax base for 2023-24 is set at 109,174 (107,267 in 2022-23) band D equivalent dwellings (appendix A of the report) be agreed.
2. That the schedule of discounts and exemptions in paragraph 11 of the report be approved, which remains unchanged and will continue to be effective for 2023-24 from 1 April 2023. This is including the premium applicable for long-term empty dwellings (empty at least 10 years).
3. That the assumed council tax collection level for 2023-24 should remain at 97.20% (2022-23 97.20%) noting the risks outlined in the report be agreed.
4. That the 2023-24 council tax base for St. Mary Newington parish is set at 12,509 (12,262 in 2022-23) band D equivalent dwellings be noted.
5. That the 2023-24 council tax base for St. Saviour's parish is set at 1,262 (1,229 in 2022-23) band D equivalent dwellings be noted.
6. The following be noted:
 - no changes to the council tax reduction scheme (CTRS) for 2023-24, as set out in paragraphs 18 to 22 of the report
 - any minor and consequential amendments to the CTRS written policy are to remain delegated to the strategic director of finance and governance, in consultation with the monitoring officer.
7. That the proposed continuation of the current council tax section 13a (1)(c) policy covering discretionary relief terms (refer to paragraphs 16 to 17 of the report) be noted:
 - to continue council tax discretionary relief (0% to 100%) for young people leaving Southwark council's care aged 18 to 24 years, for the period 1 April 2023 to 31 March 2024
 - to continue foster carers discretionary relief (0% to 100%), for the period 1 April 2023 to 31 March 2024.

14. INDICATIVE HOUSING REVENUE ACCOUNT (HRA) BUDGET AND RENT SETTING 2023-24

The report had not been circulated five clear days in advance of the meeting. The chair agreed to accept this item as urgent as the council was committed to publishing budget proposals and changes in rents and charges at the earliest opportunity to ensure they were available for consultation with tenants and

homeowners in advance of the final report being considered by cabinet on 17 January 2023. It was critical that decisions were made in good time to facilitate rent letter production and ensure that the 28-day statutory notification period can be complied with, such that the changes can be implemented and become effective from 3 April 2023.

RESOLVED:

1. That capped rent increase of 7% for all directly and tenant managed (TMO) housing stock within the Housing Revenue Account (HRA) (including estate voids, sheltered housing and hostels), with effect from 3 April 2023 be noted on a provisional basis. This is the maximum permitted under the government's temporary rent cap for 2023-24.
2. That the proposed voluntary commitment to cap rent increases at 7% for the council's shared ownership properties in line with the council's other housing stock as set out at paragraph 17 of the report with effect from 3 April 2023 be noted on a provisional basis.
3. That the changes to tenant service charges, comprising estate cleaning, grounds maintenance, communal lighting and door entry maintenance as set out in paragraphs 34-35 of the report with effect from 3 April 2023 be noted on a provisional basis.
4. That the proposed changes to sheltered housing service charges as set out in paragraphs 36-38 of the report with effect from 3 April 2023 be noted on a provisional basis.
5. That the proposed changes to charges for garages and other non-residential facilities as set out in paragraphs 39-40 of the report with effect from 3 April 2023 be noted on a provisional basis.
6. That the proposed change to district heating and hot water charges, including metered charges as set out in paragraphs 41-58 of the report with effect from 3 April 2023 be noted on a provisional basis.
7. That the proposed one-off match funding for discretionary housing payments (DHP) for 2023-24 as set out in paragraph 70 of the report be noted on a provisional basis.
8. That the proposed budget movements for 2023-24 as set out in Appendices C to E of the report be noted on a provisional basis.
9. That the commitment to ensure that savings proposals are primarily based on efficiencies be reaffirmed, and where staffing reductions form part of any savings proposal, that due consultation and process is followed with trade unions.

10. That officers be instructed to provide a final report on rent setting and the HRA Budget for 2023-24, following consultation with residents, for final consideration at their meeting on 17 January 2023.

15. THE THRIVING HIGH STREETS FUND

RESOLVED:

1. That the proposals set out for a £1.4m thriving high streets fund (THSF) programme be approved.
2. That an allocation of £460,000 revenue funding from the UK Shared prosperity fund to invest in the thriving high streets fund (THSF) grants programme for three years 2022-23 to 2024-25 in line with the grant agreement agreed with the Greater London Authority (GLA) (pending) be approved.

16. STREETS FOR PEOPLE

RESOLVED:

1. That the need to take further action to deliver the council ambition for healthier neighbourhoods, cleaner air, thriving town centres and safer roads by providing opportunities for active travel and improving streets in the borough through council wide policies be noted.
2. That it be noted that a comprehensive programme of community engagement will be delivered to ensure residents have an opportunity to inform the design and use of roads in their neighbourhoods.
3. That it be noted that this programme will commence with the launch of the consultation process on Southwark's Sustainable Transport Strategy (previously referenced as The Movement Plan).
4. That the timetable for all subsequent local area based consultative processes, required to deliver the council ambition for healthier neighbourhoods, cleaner air, thriving town centres and safer roads, to be brought to cabinet early in the New Year be noted.

17. AIR QUALITY STRATEGY & ACTION PLAN (2023 - 2027) AND AIR QUALITY MANAGEMENT AREA

RESOLVED:

That the Air Quality Action Plan 2023 – 2027 at Appendix 1 of the report, and Air Quality Management Area at Appendix 2 be approved.

18. SOUTHWARK DISTRICT HEATING NETWORK LOCAL DEVELOPMENT ORDER

RESOLVED:

1. That a draft District Heating Network Local Development Order (Appendices A and B of the report) be approved for public consultation.
2. That the equalities impact analysis which is in Appendix C of the report be noted.
3. That it be noted that the council has made an environmental impact assessment (EIA) screening opinion and has resolved that the Local Development Order does not comprise development which requires EIA.

19. DRIVING UP STANDARDS FOR THE PRIVATE RENTED SECTOR - PHASE 2

RESOLVED:

1. That the success of the first phase of the pilot scheme for licensing which comprised of (1) a borough wide additional licensing scheme for houses of multiple occupation that are not licensable under the mandatory scheme, and (2) designations 1 and 2 of selective licensing for all private rented sector homes that aren't licensable under mandatory or additional licensing and focused on the wards with most need be noted.
2. That the introduction of a 5-year selective licensing scheme (designation 3) comprising of 4 wards; North Walworth, Nunhead & Queens Road, Old Kent Road and Peckham as detailed in Appendix 1 of the report be agreed.
3. That the introduction of a 5-year selective licensing scheme (designation 4), comprising of 10 wards; Camberwell Green, Chaucer, Dulwich Hill, Dulwich Wood, London Bridge & West Bermondsey, Peckham Rye, Rotherhithe, Rye Lane, South Bermondsey and Surrey Docks as detailed in Appendix 2 of the report be agreed.
4. That it be agreed that officers make an application to the Secretary of State for the Department for Levelling Up, Housing and Communities for approval of designations 3 and 4 of selective licensing.
5. That authority be delegated to the strategic director of environment and leisure to make any minor amendments to the schemes as necessary during the 5-year duration, for the effective administration of the schemes.

20. SENIOR MANAGEMENT UPDATE

The report had not been circulated five clear days in advance of the meeting. The chair agreed to accept this item as urgent as a decision on the proposals was required in December to ensure the proposed reorganisation could be finalised and implemented in line with the published reorganisation timetable. This would ensure the council's senior management structure is aligned to the priorities and commitments contained in the Council Delivery Plan without undue delay; it will also mean that colleagues affected by the reorganisation receive confirmation of its personal impact in line with the timescales they are expecting.

RESOLVED:

1. That the proposed reorganisation of the council's senior management structure, which includes proposals to delete five posts graded G18 and above, create five posts graded G18 and above, and reallocate functions between departments be noted.
2. That it be noted that these proposals are subject to consultation with affected employees and trade union representatives.
3. That authority be delegated to the chief executive, as the council's head of paid service, to finalise and implement the proposed reorganisation, including the creation of any posts graded G18 and above, once the consultation period has closed and all consultation responses have been taken into account.
4. That it be noted that the proposals in the report will be followed by proposals for a further phase of reorganisation, which will be developed by March 2023.

21. ADOPTION OF STATEMENT OF COMMUNITY INVOLVEMENT (SCI) AND DEVELOPMENT CONSULTATION CHARTER (DCC)

RESOLVED:

1. That the updated statement of community involvement (SCI) at Appendix A to the report be approved and adopted.
2. That the development consultation charter (DCC) at Appendix B to the report be approved and adopted, noting that it forms part of the statement of community involvement.

22. ELEPHANT AND CASTLE TOWN CENTRE - COMPULSORY PURCHASE ORDER

RESOLVED:

That it be agreed:

1. 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 ("the Order Land") 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 plan¹ for the purpose of facilitating the redevelopment, development and improvement on or in relation to that land, namely a mixed use town centre redevelopment 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, nightclub, commercial, business and services, access and highway works, public realm and landscaping, car and cycle parking, plant and servicing and associated and ancillary works and structures ("the Scheme") on and adjacent to the Order Land, with the land comprised within the Scheme ("the Scheme Land") being shown edged red on the plan at Appendix B of the report.
2. The director of planning and growth be authorised on behalf of the council to 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 security for the council's liabilities, and
3. Subject to completion of the CPO indemnity agreement referred to in recommendation 2 of the report, the director of planning and growth be authorised on behalf of the council to:
 - (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 Order Land as may be necessary to facilitate the Scheme, either by agreement or compulsorily, including entering into negotiations with any

¹ Colour versions of the CPO map are attached at Appendix A of the report; a black and white version of the draft CPO map, showing the areas to be acquired (pink) as hatched black and the areas of new rights (blue) as light grey is included at Appendix L of the report.

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 deletions or amendments to the draft CPO map at Appendix A and/or the related draft ownership schedules of the CPO (including any minor additions) 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, pursuant to section 233 of the Town and Country Planning Act 1990, 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 other legal proceedings that relate to the making, confirmation or implementation of the CPO.
 - (g) authorise entry onto land to undertake surveys under section 172 Housing and Planning Act 2016 and/or other relevant powers.
 - (h) where necessary in the absence of agreement, to exercise powers under section 271 and/or 272 Town and Country Planning Act 1990 in respect of the extinguishment of rights of statutory undertakers and electronic communications code network operators.
 - (i) 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.
 - (j) take all necessary, ancillary or incidental steps to give effect to the recommendations in the report.
4. That the corrections/update set out in paragraph 4 of the addendum report be noted.

23. FUNDING PROSPECTUS

RESOLVED:

1. That the council wide funding prospectus for the voluntary and community sector (VCS) (Appendix 1 of the report) which sets out our new commitments to funding applicants be noted.
2. That the richness and diversity of the 12 regular funding programmes contained in the prospectus and how these are available to meet a wide range of community needs to ensure that Southwark remains a dynamic, diverse, responsive and supportive council be noted. In 2022, 402 grants have been made with the smallest £500 and 62 contracts with the largest over £6m.
3. That the principles, commitments and purpose that underpin the funding programmes be noted and how these frame the prospectus as a practical guide to how we provide funding as well as setting out how we will meet the challenges that emerged from the reviews.
4. That the following changes to working practice set out in the prospectus be noted.
 - We will monitor funding to our Black, Asian and minority ethnic led organisations across our grants programmes. Where there is evidence of gaps, we will target funding for those groups and work to close the gap.
 - We will commit to ensuring there is funding support to our different communities and have started to collect information that will tell us whether organisations applying for funding are led by people from our diverse communities. This will ensure that funding reaches organisations that reflect the population of the borough.
 - We will still collect information that tells us which communities VCS organisations are working with and will ensure that there is support to organisations who have not received council funding before to apply for funding.
 - Assessment panels for grant making will include community representatives from outside the council.
5. That it be noted that a review of the current VCS outcomes framework is currently underway so that is aligned with the council delivery plan and will be brought to cabinet in summer 2023.

24. PROGRESS WITH INSOURCING OF LEISURE SERVICES

RESOLVED:

1. That the progress that has been made towards delivery of the leisure insourcing, including the challenges, opportunities and management of risk

associated with this programme be noted.

2. That the staffing structure that has been developed across the centres, modelled around the TUPE transfer, with a supporting management structure and an initial mobilisation team structure be noted.
3. That work underway on developing new branding, to ensure a strong and easily identifiable brand is created for the council's leisure services, which clearly defines the service within the community and within the wider leisure sector be noted.
4. That the ongoing work associated with harmonisation of terms and conditions in line with TUPE regulations, and in discussion with the recognised Trade Unions be noted.
5. That the financial target operating model that is being developed, to underpin the delivery of the service after transfer be noted.

25. GATEWAY 1 - PROCUREMENT STRATEGY APPROVAL FOR SOLICITORS FRAMEWORK

RESOLVED:

1. That the procurement strategy outlined in the report to use the London Boroughs Legal Alliance (LBLA) Solicitors Framework to provide solicitor services to the council for a maximum period of three years and four months from 24 March 2023 at an estimated annual value of £2.7m and an estimated total value of £9.m be approved.
2. That it be noted that the LBLA management fee of £11,434 per annual is for both the Barristers Framework and the Solicitors Framework.
3. That approval of the Gateway (GW) 2 contract award decision to join the LBLA Solicitors Framework be delegated to the strategic director of finance and governance.

26. REPORT OF THE ENVIRONMENT AND COMMUNITY ENGAGEMENT SCRUTINY COMMISSION: STREAMLINING PLANNING APPLICATIONS FOR RETROFIT AND RENEWABLE ENERGY

RESOLVED:

That the recommendations in the scrutiny review report: streamlining planning applications for retrofit and renewable energy (Appendix A of the report) as set out in section three, page two, of the report be considered and that the relevant cabinet member reports back within

eight weeks.

27. APPOINTMENTS TO OUTSIDE BODIES - MOUNTVIEW

This nomination was deferred.

EXCLUSION OF THE 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 Southwark Constitution.

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

28. MINUTES

RESOLVED:

That the minutes of the closed section of the cabinet meeting held on 18 October 2022 be approved as correct record and signed by the chair.

The meeting ended at 1.30pm.

CHAIR:

DATED:

DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 17 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, WEDNESDAY 14 DECEMBER 2022.

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.