

Cabinet

MINUTES of the OPEN section of the Cabinet held on Tuesday 17 October 2023 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 Helen Dennis
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

None.

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

None received.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Councillor Darren Merrill declared a non-disclosable pecuniary interest in respect of the deputation request on Kintore Way nursery as his son attends this nursery. Although not a disclosable pecuniary interest, Councillor Darren Merrill indicated his intention to withdraw from the meeting while this request was heard.

5. MINUTES

RESOLVED:

That the minutes of the meeting held on 12 September 2023 be approved as a correct record and signed by the chair.

ANNOUNCEMENT BY THE LEADER OF THE COUNCIL - ONGOING NEWS FROM ISRAEL AND GAZA

The leader expressed his horror at the terrorist attacks in Israel and the civilian loss of life in Gaza. The leader of the council sent his sympathy and support to all families affected by these tragic events.

The leader advised that the council are working closely with the community and Metropolitan Police Service to offer reassurance.

Members and all those present observed a minute's silence as a sign of respect.

6. PUBLIC QUESTION TIME (15 MINUTES)

None were received.

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).

Having declared a non-disclosable pecuniary interest, Councillor Darren Merrill for the purposes of transparency withdrew from the meeting while the deputation request was being heard from parents at Kintore Way nursery.

RESOLVED:

1. That the following deputation requests be heard:

- Local residents controlled parking zone, Queens Road, Nunhead and Dulwich areas
 - Southwark Disablement Association on behalf of group of parent carers' client financial contributions to their social care services
 - Parents of Kintore Way nursery.
2. A spokesperson for each deputation addressed cabinet for five minutes and questions were asked of the deputations for a period of five minutes.

8. FAIRER, GREENER, SAFER: SOUTHWARK ANNUAL PERFORMANCE REPORT 2022-23

RESOLVED:

That the council's performance over 2022-23 and the progress highlighted as set out in Appendix 1 of the report be noted.

9. MEDIUM TERM FINANCIAL STRATEGY AND CAPITAL UPDATE

RESOLVED:

That the following be noted:

1. The requirement for a medium term financial strategy to align with the Council Delivery Plan 2022-2026 and the ambitions set out in the Southwark 2030 vision whilst safeguarding the council's financial sustainability.
2. The 2023-24 revenue budget forecasts and indicative gaps for the following three years and the mitigation plans in place to address these.
3. The updated capital programme 2023-24 to 2032-33 as outlined in the body of the report and detailed in the appendices.
4. The significant short and long term pressures on the housing investment programme (HIP) caused by the macro-economic climate and government policy and the potential mitigating actions and corresponding impact on the housing revenue account.
5. The proposal, in light of constrained capital financing, to develop a refreshed set of governance and proposals to ensure that all future capital bids remain affordable and in alignment with key council objectives.
6. The critical importance of financial sustainability (paragraphs 81-91 of the report) and the need to ensure that the level of council reserves for both the general fund and the housing revenue account (HRA) are sustained or increased to a prudent level.

That the following be approved:

7. The approach to addressing the housing revenue account (HRA) projected overspend in 2023-24 in Appendix 1 of the report.
8. The approach to contain the HRA and HIP spending in the medium and longer term to within the projected funding envelope in Appendix 1 of the report.
9. The virements and variations to the capital programme as detailed in Appendix 3 of the report.
10. The inclusion within the general fund capital budget of a revenue-generating asset as detailed at paragraph 62 of the report.

10. GENERIC EMERGENCY PLAN

RESOLVED:

1. That the annual review of the generic borough emergency plan with the understanding that further lessons from incidents and exercises will continue to be incorporated into future learning and planning, be agreed.
2. That it be agreed that updated councillor briefing sessions are put in place to inform both existing and new councillors of their role in emergency planning and to inform future development of incident management.
3. That it be noted that the council's emergency arrangements will continue to be guided by pan-London resilience standards and approach, including any ongoing arrangements resulting from the review of the national COVID-19 response.
4. That in the light of the fluidity in Covid infection rates and new strains emerging across London, that the council reserves the right to activate council wide emergency response arrangements, acting on the advice of public health locally and regionally as appropriate.

11. GATEWAY 0 - THE PROVISION OF CARE SERVICES IN FLEXI CARE HOUSING

RESOLVED:

1. That the strategic options assessment for delivery of flexi care services for Southwark council be approved.

2. That approval of the gateway 1 be delegated to the strategic director of children and adult services, in consultation with the cabinet member for health and wellbeing and the cabinet member for new homes and sustainable development.
3. That the reasons for recommendation two in paragraphs 99 and 100 of the report be noted.

12. ANNUAL SCHOOL PLACE PLANNING REPORT FINANCIAL AND ACADEMIC YEAR 2023-24

RESOLVED:

1. That the updated forecasts of primary and secondary school places from 2023-2024 onwards set out in section 8 (primary) and section 14 (secondary) of the report be noted.
2. That the continuing oversupply of primary places and sufficiency of secondary places across the borough and actions being undertaken to monitor supply and demand be noted.
3. That the actions outlined in the report to match primary demand with capacity of places as part of the “Keeping Education Strong” strategy be noted.

13. COMMERCIAL PROPERTY PORTFOLIO: ADDITION OF INCOME GENERATING ASSET

RESOLVED:

1. That the circumstances leading to the proposed acquisition of the freehold asset and actions and investment due diligence being undertaken by officers and their professional advisers be noted.
2. That the acquisition of the freehold interest as detailed in the closed report be approved to include:
 - a. Noting the agreed heads of terms, price and acquisition costs
 - b. Noting the valuation and building survey statements.
3. That it be agreed to delegate to the director of planning and growth, advised by and in consultation with strategic director of finance, the assistant chief executive for governance and assurance, the leader of the council and the cabinet member responsible for finance, authority to:

- a. Complete the purchase of the freehold interest
- b. Agree detailed transaction terms
- c. Agree the financing structure to be adopted to fund the acquisition of the asset.

14. ELEPHANT AND CASTLE TOWN CENTRE - COMPULSORY PURCHASE ORDER

Councillor Helen Dennis confirmed the receipt of a late representation from Latin Elephant and noted the points made in this submission and advised that conversations will continue on the points raised, as part of the statutory consultation process.

RESOLVED:

1. That it be agreed to authorise the withdrawal of the London Borough of Southwark (Elephant and Castle Town Centre) Compulsory Purchase Order 2023 dated 2 February 2023.
2. That it be agreed that the director of planning and growth be authorised on behalf of the council to notify the Secretary of State and affected parties of the withdrawal referred to in recommendation 1 and to take any steps necessary to deal with all ancillary or incidental issues arising from such withdrawal.
3. That it be agreed subject to the prior completion of a deed of variation to the existing CPO indemnity agreement between the council, Elephant & Castle Properties Co. Limited ("EC") and Get Living plc dated 1 February 2023, the council makes and (subject to any necessary confirmation by the Secretary of State) implements a new CPO ("the new 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 of the report ("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 incorporating sound mitigation lobby, 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

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 C** of the report.

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 of the report.

4. That it be agreed that the director of planning and growth be authorised on behalf of the council to finalise the terms of and enter into the deed of variation to the CPO indemnity agreement dated 1 February 2023, and
5. Subject to completion of the deed of variation to the CPO indemnity agreement referred to in recommendation 4, it be agreed that 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 new 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 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 new CPO
 - (c) approve agreements with land owners setting out the terms for the withdrawal of objections to the new CPO, including where appropriate seeking the exclusion of land or new rights from the new CPO or giving undertakings as to the enforcement of the terms of the new CPO;
 - (d) make any deletions or amendments to the draft CPO map at Appendix A and/or the related draft ownership schedules of the new 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 new 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 (as varied);
 - (f) take all necessary actions in relation to any legal proceedings relating to the new 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 new CPO, and to take all necessary steps in respect of other legal proceedings that relate to the making, confirmation or implementation of the new 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 new 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.

15. GATEWAY 0 - STRATEGIC ASSESSMENT - COMMERCIAL FLEET PROCUREMENT

RESOLVED:

Decision by the Cabinet

1. That the content of the strategic options assessment for delivery of commercial fleet procurement for Southwark Council be noted.
2. That the outcomes and recommendations of the strategic options assessment which are summarised in paragraph 71 of the report be noted and approved.

Decision by the Leader of the Council

3. That the decision to approve the gateway 1 procurement strategy and associated gateway 2 contract awards for the required light commercial, specialist and heavy goods vehicles be delegated to the cabinet member for climate emergency, clean air and streets, in consultation with the cabinet member for cabinet member for homes, communities and finance for the reasons noted in paragraph 75 of the report.

16. APPOINTMENT TO OUTSIDE BODIES 2023-24 - LONDON COUNCILS TRANSPORT AND ENVIRONMENT COMMITTEE (S101 JOINT COMMITTEE)

RESOLVED:

That Councillor Kieron Williams be appointed as the council's representative to serve on the London Councils Transport and Environment Committee (S101 Joint Committee).

MOTION TO EXCLUDE THE PRESS AND PUBLIC

That the press and public be excluded from the meeting for the following item 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.

17. COMMERCIAL PROPERTY PORTFOLIO: ADDITION OF INCOME GENERATING ASSET

The cabinet considered the closed information relating to this item. Please see item 13 for the decision.

The meeting ended at 12.50pm.

CHAIR:

DATED:

DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 17 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, WEDNESDAY 25 OCTOBER 2023.

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.