

Item No:	Classification: OPEN	Date: June 2011	Meeting Name: Overview & Scrutiny Committee
Report Title:		Call-in: Elephant & Castle Regeneration – Shopping Centre (Cabinet decision 17 May 2011)	
Ward(s) or Group affected:		All	
From:		Head of Overview & Scrutiny	

BACKGROUND INFORMATION

1. On 17 May 2011 the cabinet considered a report on the Elephant & Castle Regeneration – Shopping Centre (included as appendix).
2. The cabinet agreed:
 1. That in principle agreement be given to enter into a Co-operation Agreement with KPI III SARL and Lend Lease (Elephant and Castle) Ltd, the initial structure of which is set out in paragraph 9 of the report.
 2. That in principle agreement be given to enter into an Agreement with KPI III SARL for the regeneration of the shopping centre, the principal terms of which are set out in paragraphs 10 -13 of the report.
 3. That in principle agreement be given to vary the Regeneration Agreement dated between the council and Lend Lease (Elephant and Castle) Ltd to reflect the amended approach described in the report.
 4. That the head of property be instructed to negotiate the detailed terms of the Agreements referred to at 1-3 above, and report back to cabinet on the conclusion of those negotiations.
 5. That the head of property be instructed to ensure that the communication and consultation elements of the Co-operation Agreement outlined in paragraph 8 of the report are fully compliant with the Regeneration Agreement consultation strategy as outlined in paragraph 18 of the report. This includes the clear expectation that initial, indicative computer generated images of the shopping centre will be issued to the Regeneration Forum on the 26 May 2011.

REASONS FOR CALL-IN

3. On 20 May 2011 the Chair of Overview & Scrutiny Committee - Councillor Lisa Rajan - and three members of the committee (Councillors David Hubber, Tim McNally and Paul Noblet) requested a call-in of the decisions on the following grounds:

“The decision was not taken in accordance with the following principles of decision making as set out in the constitution:

1. The link between strategy and implementation has not been maintained:

- a) The masterplan for the Elephant & Castle envisaged a coherently planned town centre, not a piecemeal approach to development, including the Heygate, Rodney Road and Shopping Centre footprints - this decision contradicts para 32 of the Regeneration Agreement, which states that 'The shopping centre is included in the RA and the agreed strategy for bringing forward the development of the shopping centre within the RA is that: the Shopping centre will form part of the outline planning application along with the Heygate'.
 - b) Previous Cabinet discussions have highlighted the importance of including transport funding considerations in any developer deal at the E&C. Officer advice should have been obtained on the feasibility of configuring the transport interchange without stipulating any funding for TfL or Network Rail in the deal.
2. Due consultation and taking of professional advice from officers: the Council is opening itself up to possible challenge by abandoning the original town centre vision as in the masterplan and failing to go back to the market on what is now essentially two separate development plans - the report gives no indication that advice was taken as to whether the Council needs to reprocur.

CALL-IN MEETING

- 4. The committee will consider the call-in request and in particular whether or not the decision might be contrary to the policy framework or not wholly in accordance with the budget.
- 5. If, having considered the decision and all relevant advice, the committee is still concerned about it then it may either:
 - a) refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or
 - b) refer the matter to council assembly if the decision is deemed to be outside the policy and budget framework.
- 6. If the committee does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the scrutiny meeting.

BACKGROUND DOCUMENTS

Background Papers	Held at	Contact
Report to Cabinet Member May 2011	160 Tooley Street London SE1 2TZ	Everton Roberts Constitutional Team 020 7525 7221

APPENDICES
Cabinet member report

Audit Trail

Lead Officer	Shelley Burke, Head of Overview & Scrutiny	
Report Author	Peter Roberts, Scrutiny Project Manager	
Version	Final	
Dated	May 2011	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Communities, Law & Governance	No	-
Cabinet Member	No	-