



EXECUTIVE

MINUTES of the OPEN section of the meeting of the EXECUTIVE held on TUESDAY 9th September 2003, at 7.00pm at the Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Nick Stanton (Chair)
Councillor Beverley Bassom, Housing
Councillor Catherine Bowman, Regeneration
and Economic Development
Councillor James Gurling, Communication
and Performance Improvement
Councillor Catriona Moore, Health and Social Care
Councillor Richard Porter, Community Safety, Social Inclusion
and Youth
Councillor Richard Thomas, Environment and Transport
Councillor Bob Skelly, Education and Culture
Councillor Lorraine Zuleta, Resources

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Caroline Pidgeon.

NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS AS URGENT

The Chair gave notice that the following items of business would be considered for the reasons of urgency to be specified in the relevant minute:-

Part A (open information)

Item 7a – Appropriation for Planning Purposes of the Council Owned Section of Potters Field Former Coach Park Site – Supplemental Report

Part B (confidential/exempt information)

Item 1 - Dulwich Park Restoration Project – Appointment of Lead Consultant

DISCLOSURE OF INTERESTS AND DISPENSATIONS

Councillors Catherine Bowman and Richard Thomas declared personal interests in item 14 – Motion Submitted in Accordance with Council Procedure Rule 3.9 – Elephant & Castle Regeneration Area.

Councillors Beverley Bassom and Catherine Bowman declared personal interests in item 18 – Review of Tenancy Agreements for Secure Tenancies.

PUBLIC QUESTIONS

The following question was asked to the Leader of the Council by Mr Charles Wynn Evans of Burbage Road, SE24:-

"The July issue of the magazine Living South, widely circulated to residents in the Borough, included in its report on the proposals for development of the Herne Hill Velodrome the statement that the sum of £0.5 million pounds was to be forthcoming from the London Borough of Southwark as a contribution towards the capital costs of the development proposals. Please could the leader confirm whether this report was accurate and the Borough's precise position with regard to the following financial matters associated with the Council's involvement in the velodrome redevelopment including:-

- 1 If a contribution towards the velodrome development costs has been promised, what sum has been promised, on what conditions and when the decision to make this contribution was made and by whom.
- 2 If no such undertaking has been given, what is the Borough's current position with regard to potential funding contributions?
- 3 Whether it remains the case (as confirmed by planning officers at the Dulwich Community Council meeting in June) that the Borough is prepared to guarantee the new lease of the velodrome site to be taken by the proposed new trust and the amount of the estimated potential liability associated with such a guarantee."

The Leader replied by saying that the Living South Magazine was not published by the Council.

In relation to questions one and two, the Leader advised that no contributions had been promised by the Council to anyone. There was however a suggestion that the Council could contribute half a million pounds towards the scheme, which would be considered as part of the Council's 3 year Capital Strategy.

In relation to question three the Leader advised that at present there was no guarantee of a lease from the Council. However what has been said is that if the Dulwich Estate so require, the Council would consider being a guarantor but would do a thorough risk analysis first.

Mr Evans replied by saying that the residents believed that the planning permission granted was perverse and that the Traffic Surveys were flawed and asked whether the Council was prepared to consider the necessary investment.

The Leader explained that the relevant Executive Member responsible for this issue was not at the meeting and apologised for this. He endeavoured to answer the question by stating that his understanding was that the velodrome as it stood was not a long term viable option without further investment.

He believed it was a fantastic opportunity for South London if handled right and felt that there was a need to undertake a feasibility study.

The following question was asked to the Leader of the Council from Mr Andrew Fletcher of Burbage Road, SE24

“If the outlining planning permission for the Velodrome had not been granted at the 30th June meeting, and as a result all operations ceased at the Stadium, what would have been the Council’s financial liability to:

- 1 The Sports Council following the rebuild of the track in early 1990’s?
- 2 The dilapidation’s charge that would have become due to the Dulwich Estate at the termination of the lease?”

The Leader replied by saying that the Council would have no financial liability to the Sports Council as the Council had carried out the required work at that time.

The Leader advised Mr Fletcher that the dilapidation charge had not been calculated and was therefore not known.

Mr Fletcher asked whether it would have been reasonable for this to have happened.

The Leader advised Mr Fletcher that it would be the responsibility of the Dulwich Estate as they owned the land.

MINUTES

RESOLVED: That the open Minutes of the meetings held on the 21st and 29th July 2003 be approved as correct records and signed by the Chair.

REQUEST FOR DEPUTATION – INTERNATIONAL PEOPLE’S DEMOCRATIC UHURU MOVEMENT

The Executive received a request for a deputation from Ms Patricia Mbasani on behalf of the International People’s Democratic UHURU Movement in relation to concerns over issues relating to Gloucester Grove Primary School.

- RESOLVED:**
1. That the comments of the deputation be noted.
 2. The Leader gave an undertaking to review the correspondence that had been sent to Councillor Bob Skelly by the deputation relating to the issues of concern.

6. **RATIFICATION OF THE SELECTION PROCESS FOR THE ELEPHANT LINKS COMMUNITY INFORMATION EXCHANGE (CIX) STRATEGIC PARTNER**
(see pages 1 to 8)

RESOLVED: That the selection process for the CIX strategic partner and the award of a contract as set out in the report be approved.

7. **APPROPRIATION FOR PLANNING PURPOSES OF THE COUNCIL OWNED SECTION OF POTTERS FIELD FORMER COACH PARK SITE**
(see pages 9 to 27 and supplemental report (item 7a) pages 317 to 326)

The Executive received a deputation from Ms Karen Cooksley of Masons Solicitors in relation to the proposed appropriation of Potters Field.

A further request for a deputation had been received from Mr Richard Mckenny. The Chair however advised Mr Mckenny that the issues he wished to raise were of a specific nature and would be more appropriate for consideration once the Executive were considering wider proposals and invited Mr McKenny to bring his deputation at that stage. Following the hearing of the deputation from Ms Cooksley, it was agreed that the meeting be adjourned for 15 minutes for legal advice to be taken. The meeting reconvened at 8.20p.m.

The legal representative advised the meeting that the Executive Members could be completely satisfied that the material before them, including the oral presentation on behalf of Berkeley Homes, contained nothing to show that the recommendation contained in the report would be illegal, improper, ultra vires or would otherwise be grounds for a successful judicial review.

The legal representative stated that the decision before the Members did not carry the risk of compensation under section 237 of the Town and Country Planning Act 1990 at this stage as the question of compensation (if any were to become payable) would only arise at a much later date. He clarified that the issue of compensation could arise if the adjoining land owner suffered a loss as a result of the restrictive covenant being breached. The Executive was not being asked to decide on a particular specific use.

The legal representative also advised the meeting that Berkeley Homes had had nearly two weeks to respond to the main committee report, as they had done in their solicitor's letter. He advised that the deputation on behalf of Berkeley Homes did not raise new issues that need deflect the Members from making a decision or from adopting the recommendation before them if they were minded to do so.

The Members were advised to make their decision having regard to the report, the letter from Berkeley Homes and the deputation.

The Chair indicated that the Executive had taken into account the information contained in the report, the supplemental report and the comments of the deputation and the additional legal advice in reaching their decision.

RESOLVED: That the appropriation of Potters Field for planning purposes be approved.

8. **DISPOSAL OF PROPERTIES AT AUCTION: 54 VICARAGE GROVE , SE5 AND 37 ELM GROVE, SE15** (see pages 28 to 37 and supplemental report (item 8a) pages 327 to 330)

- RESOLVED:**
1. That the Strategic Director of Regeneration be authorised to dispose of the Council's interest in various properties at auction, as detailed in the schedule attached in the revised appendix B (the "Properties").
 2. That the Strategic Director Regeneration be authorised to set the level of reserve below which each property will not be sold.
 3. That the capital receipt from the sale of the Properties is recycled and used in accordance with the provisions of the Capital Finance Regulations for the purposes of the schemes identified in the schedule attached in the revised appendix B.
 4. That the recovery from the purchaser of the Council's professional fees amounting to 2% of the purchase price for each property be authorized.

9. **QUARTER REPORT REGENERATION (QUARTER ONE 2003/2004)**
(see pages 38 to 65)

RESOLVED: That the progress set out in the report be noted.

10. **QUARTERLY PERFORMANCE REPORT – QUARTER 1 – ENDING 30TH JUNE 2003** (see pages 66 to 92)

- RESOLVED:**
1. That the new reporting format set out in paragraphs 7 & 8 of the report be agreed as the basis for presentation in the year ahead.

2. That the progress being made against the CPA Improvement plan be noted and welcomed.
3. That the continued improvements in Housing Benefit processing, delivery of debt reduction, significant improvements in street cleanliness, improved performance in provision of childcare places in disadvantaged areas and management action which has begun to have effect on levels of staff sickness be noted.
4. That the Strategic Director of Education & Culture to take account of the impact of staffing supply on Special Educational Needs statements in the report to be brought to the next Executive meeting.
5. That the Strategic Director of Regeneration provide an interim report to the relevant Executive Member on actions taken to ensure consistent and improved performance in processing planning applications.

11. **DRAFT SCHOOL ORGANISATION PLAN 2003 – 2008** (see pages 93 to 162)

Consideration of this item was deferred to the next meeting of the Executive.

12. **GOVERNANCE AROUND SECTION 31 PARTNERSHIP ARRANGEMENTS AND AGREEING SUCH ARRANGEMENTS FOR ADULT MENTAL HEALTH SERVICES AND NHS FUNDED NURSING CARE** (see pages 163 to 186)

- RESOLVED:**
1. That the Governance Framework in place, to support the s31 Partnership Arrangements and the integration agenda be noted.
 2. That Executive meets with the Board of Southwark Primary Care NHS Trust twice a year to review health and social care performance, joint objectives and the modernisation agenda.
 3. That the post of Assistant Director – Community Care be deleted from the Council's establishment and replaced with a Head of Older People's and Physical Disabilities Services post.
 4. That a s31 Arrangement be set up for the pooling of budgets between the Council and Southwark Primary Care Trust for Adult Mental Health Services and the Southwark Primary Care Trust act as the lead commissioner for Southwark's integrated Adult Mental Health Services.

5. That a s31 Arrangement be set up for the Council and South London & Maudsley NHS Trust to integrate the provision of adult Mental Health services.
6. That a s31 Arrangement be set up for the Council to commission NHS Funded Nursing Care for all vulnerable adults in need of registered residential care with nursing care in Southwark.

13. **MOTION SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 3.9 – ANTI-SOCIAL BEHAVIOUR** (see pages 187 to 189)

RESOLVED: That the Executive notes:

1. That anti social behaviour continues to be a problem affecting many Southwark residents.
2. The serious problems that local authorities including Southwark have had in applying for and enforcing Anti-Social Behaviour Orders in the past.
3. That some aspects of the Government's anti social behaviour bill 'respect and responsibility' – for instance Part 1 dealing with closure of crack houses and Part 6 which proposes to restrict the use of air guns and imitation weapons – will strongly increase local authorities powers to deal with anti-social and criminal behaviour and should be commended;
4. That other aspects – for instance, on the spot fines for 10 year olds and new powers to disperse groups of two or more – are ill-conceived, unnecessary and possibly counterproductive;
5. That MPs could only vote on the Bill as a package of measures, thus explaining why the Bill failed to receive cross party support at its third reading.

The Executive therefore hopes that the Bill will be substantially improved following its passage through the House of Lords.

14. **MOTION SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 3.9 – ELEPHANT & CASTLE REGENERATION AREA** (see pages 190 to 192)

RESOLVED: That the motion and the comments of the Strategic Director of Regeneration be noted and that a further report be received in December 2003.

15. **MOTION SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 3.9 – LOWERING OF VOTING AGE** (see pages 193 to 195)

RESOLVED:

That the Executive notes:

1. That 16 and 17 year olds may leave school, get married, join the armed forces and are liable to taxes as other adults but may not vote for the MPs, councillors or other offices who legislate on these subjects.
2. That while 18 year olds can sit on a jury or be tried in an adult court, they do not have the opportunity to stand for election to their local council.
3. That the introduction of citizenship education onto the curriculum in schools in this Council's area in September 2002 will lead to 16 year olds having a greater knowledge of political affairs than most adults and yet no way of expressing their knowledge through the ballot box.
4. That after leaving school at 16, young people might have to wait up to seven years to cast a vote in a general election and six years in a council election.

Believes:

1. That not allowing sixteen and seventeen year olds to vote increases their detachment from the democratic structures and from society as a whole, meaning they are less likely to vote when they get the chance and they will be less active members of society in later life.
2. That society has moved on to the extent that 16 year olds are nowadays adults.
3. That this should be reflected in the age at which people should be allowed to vote in public elections.
4. That the arguments for lowering the age at which people can stand as a candidate for public office to 16 are similarly compelling.

Resolves:

1. To support the campaign for the voting age to be lowered to 16 and for the right to stand in local elections to be lowered to 16.

2. To encourage our local MPs to back moves towards lowering the voting age and the age for standing as a candidate for public office.
3. To host an event to boost support for the campaign among young people, the media and the general public in this area.

16. **MOTION SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 3.9 (3) – NEW BUS ROUTE FOR DULWICH** (see pages 196 to 198)

RESOLVED: That the Executive gives its whole hearted support to a campaign to persuade Transport for London to provide a new bus service for Dulwich with a route which will link Crystal Palace, the Kingswood Estate, Kingsdale School, Dulwich Village, East Dulwich (including Dulwich Hospital, Housing & Social Services offices, and Dulwich Leisure Centre), and Camberwell (King’s College Hospital and the Maudsley).’

17. **MOTION SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 3.6(11) – AIRCRAFT NOISE** (see pages 199 to 201)

RESOLVED: That the approach set out be the Executive Member for Environment & Transport be endorsed.

18. **REVIEW OF TENANCY AGREEMENTS FOR SECURE TENANCIES** (see pages 202 to 274)

At this juncture Councillors Beverley Bassom and Catherine Bowman declared that they had a personal interest in this item.

RESOLVED:

1. That the progress undertaken so far be noted.
2. That the Strategic Director of Housing be instructed to proceed with the next stages of the consultation process including the report back to the next Tenants Council and the consultation exercise with individual secure tenants.
3. That a final report be referred to the Executive to consider the outcome of the consultation process and to confirm the changes and amendments to the secure tenancy. Those changes and amendments to be implemented from April 2004.

19. **MID-TERM REVIEW OF BELLENDEN RENEWAL AREA** (see pages 275 to 312)

RESOLVED:

1. That the findings of Bellenden Renewal document attached as Appendix One of the report be noted.

2. That the Action Plan be agreed in principle and subject to the availability of resources.
3. That the specific proposal with regard to Gowlett and Hinckley Roads, as set out at paragraph 12 of the report be agreed as part of that Action Plan.

20. **MOTION SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 3.9(3)** (see pages 313 to 316)

- RESOLVED:**
1. That Executive notes that officers have been working to make improvements in both the traffic and highways divisions of regeneration, environment & leisure through the best value process and some of these improvements have already been put into place. However the Executive notes that Traffic Management and Highway Engineering are located in different departments and now believes that merging these services is likely to make further improvements in the way the Council manages both major projects and routine maintenance of the transport network.
 2. That the Strategic Directors of Regeneration and Environment & Leisure be instructed to:
 - a) work up proposals to create an integrated Transport Infrastructure Team within the Environment & Leisure Department.
 - b) Consult with staff and their representative Trade Unions on proposals.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the 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 categories 7, 8 and 9 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 section of the meeting (Part B).

MINUTES

The Minutes of the closed section of the meetings held on 21st and 29th July 2003 were agreed as correct records and signed by the Chair.

1 **DULWICH PARK RESTORATION PROJECT – APPOINTMENT OF LEAD CONSULTANT**

The Executive appointed a Lead Consultant for the Dulwich Park Restoration Project, for stage one of the project.

The Executive also appointed the same consultants for stage two of the project subject to there being Heritage Lottery Fund approval.

The meeting ended at 9.30p.m.

CHAIR:

DATED:

DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 18 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, WEDNESDAY 17TH SEPTEMBER 2003.

THE ABOVE DECISIONS WILL NOT BE IMPLEMENTABLE UNTIL AFTER THAT DATE. SHOULD A DECISION OF THE EXECUTIVE BE CALLED-IN FOR SCRUTINY THEN THE RELEVANT DECISION WILL BE HELD IN ABEYANCE PENDING THE OUTCOME OF SCRUTINY CONSIDERATION.