



## Cabinet

MINUTES of the OPEN section of the Cabinet held on Tuesday 16 April 2013 at 4.00 pm at the Council Offices, 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Peter John (Chair)  
Councillor Ian Wingfield  
Councillor Fiona Colley  
Councillor Dora Dixon-Fyle  
Councillor Barrie Hargrove  
Councillor Claire Hickson  
Councillor Richard Livingstone  
Councillor Catherine McDonald  
Councillor Veronica Ward

### 1. APOLOGIES

All members were present.

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

The chair gave notice that the following late items would be considered for reasons of urgency, to be specified in the relevant minute:

Item 8 – Deputation requests

Item 21 – Lakanal Inquiry: Coroner's recommendations

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

No representations were received.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

None were declared.

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

### **Public question from Matthew Egan**

1. The following public question was asked by Matthew Egan to Councillor Catherine McDonald, cabinet member for health and adult social care:

"Is the cabinet aware of the damaging impact that zero hour contracts can have on both care standards for those people receiving homecare services in Southwark and on the workers providing it?"

Response by Councillor Catherine McDonald

"I recognise the potential impact and uncertainty that the use of 'zero hours' contracts can have for homecare workers - for example on their hours and income - and that 'zero hours' contracts along with many other factors can affect the quality of care provided.

I want to work towards eliminating providers' use of zero hours contracts to help front-line workers and to help in the quality of provision.

I want to thank Unison for providing its helpful ethical home care charter highlighting this issue. That is why I am asking cabinet to agree to create a task and finish group (with Unison and stakeholders' input) to support the implementation of principles of the charter (including those relating to the three outstanding areas and report back in Autumn 2013. I hope to be able to make firm commitments on each of the areas after receiving that report, subject to the results of that feasibility work."

### **Public question from Sue Plain**

2. The following public question was asked by Sue Plain to Councillor Catherine McDonald, cabinet member for health and adult social care:

"Can the council confirm that they have tested the contracts of employment issued to home care workers employed by London Care, Enara and other home care Agencies to determine whether they meet the "mutual obligation" criteria? If not, would you say on what grounds the council has described them as "permanent contracts" in the report "developing a quality strategy and best practice principles for home care services: initial review of Unison's ethical care charter."

Response by Councillor Catherine McDonald

"The council has not reviewed each and every contract of employment in place between the many hundreds of home care workers employed by private sector providers and the wide range of other providers who operate in the borough, but I am aware that there will be many different arrangements.

I understand the reference to permanent contracts within the report (see paragraphs 53 and 54 of the report) sets out the council's interpretation of the principle of stage 2 of the charter that "zero hours" contracts will not be used in place of permanent

contracts. The report makes no comment on whether employment contracts used by our local providers are permanent or not.

Home care workers provide a crucial service and we need to ensure they have fair terms and conditions. Zero hours contracts of employment create uncertainty for home care workers; their hours and income can fluctuate week to week. This is why I am asking officers to set up a task and finish group with input from Unison and stakeholders to look at the feasibility of all the options available to reduce the use of zero hours contracts."

## **6. MINUTES**

### **RESOLVED:**

That the open minutes of the meeting held on 19 March 2013 be approved as a correct record and signed by the chair.

## **7. PETITION - REDUCE AIR POLLUTION**

The petition spokesperson addressed the meeting to outline concerns from residents' of the borough in respect of air pollution on main roads near schools with particular reference to the detrimental impact upon the health of children and the general community. The spokesperson asked the council to roll out the clean air for schools initiative, sign all schools up to the airtext service, the provision of a dedicated budget to the environmental protection team for air quality improvement initiatives, and to work closely with Transport for London (TfL) to reduce air pollution.

### **RESOLVED:**

That a report is received by cabinet in three months to assess progress made, with specific reference to resources within the public health budget and measures to promote engagement with schools.

## **8. DEPUTATION REQUESTS**

This item had not be circulated five clear days in advance of the meeting. The chair agreed to accept the item as urgent as the requests had been submitted in line with the constitutional deadline for the receipt of deputation requests and were therefore eligible for consideration by cabinet.

### **RESOLVED:**

That the deputation requests be heard.

#### **Southwark home care workers**

The deputation spokesperson addressed the meeting in respect of an item on the cabinet agenda "Developing a quality strategy and best practice principles for home care services;

initial review of Unison's ethical care charter." The deputation reported that while they were grateful for the introduction of the London living wage there still remained some issues of concern relating to zero contract hours, including sickness and travel time. As well as the impact on home care workers these concerns were felt to potentially impact on the continuity of care with clients (especially when a client suffers dementia). The deputation requested that Unison and home care workers be included on the task and finish group.

#### **Peckham Vision and businesses in Holly Grove and Blenheim Grove**

The deputation spokesperson addressed the meeting in respect of an item on the cabinet agenda "Gateway to Peckham – public square and station regeneration". The deputation raised concerns about the impact the regeneration would have on properties and business in the immediate area. The deputation which comprised a number of businesses and residents to represent these concerns asked that the decision be deferred in order that their concerns relating the proposals before cabinet could be discussed before a decision was made. Particular concern was expressed in respect of recommendation 2 of the report.

#### **9. REPORT INTO TRA HALLS AND COMMUNAL ROOMS (HOUSING, ENVIRONMENT, TRANSPORT AND COMMUNITY SAFETY SCRUTINY SUB-COMMITTEE)**

Councillor Gavin Edwards, chair of the housing, environment, transport and community safety scrutiny sub-committee presented the report to cabinet.

##### **RESOLVED:**

That the recommendations of the review of tenants and resident association (TRA) halls and communal rooms be noted, and that the deputy leader and cabinet member for housing management bring back a report to cabinet, in order to respond to the overview and scrutiny committee, within eight weeks.

#### **10. ACCESS TO MATERNAL HEALTH AND EARLY YEARS SERVICES FOR THE GYPSY AND TRAVELLER COMMUNITIES (HEALTH, ADULT SOCIAL CARE, COMMUNITIES & CITIZENSHIP SCRUTINY SUB-COMMITTEE)**

Councillor Mark Edwards, chair of the health, adult social care, communities and citizenship scrutiny sub-committee presented the report to cabinet.

##### **RESOLVED:**

1. That the recommendations of overview & scrutiny committee, in respect of provision of travellers' sites and funding of Southwark Travellers Action Group, as set out at paragraph 9 of the report be noted.
2. That the recommendations of the review of access to maternal health and early years services for the gypsy and traveller communities in Southwark, and that the relevant cabinet members bring back a report to cabinet, in order to respond to the overview and scrutiny committee, within eight weeks.

## **11. DEVELOPING A QUALITY STRATEGY AND BEST PRACTICE PRINCIPLES FOR HOME CARE SERVICES: INITIAL REVIEW OF UNISON'S ETHICAL CARE CHARTER**

### **RESOLVED:**

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

1. That the key objectives of the UNISON ethical care charter and steps already being taken by the council to meet these objectives, including the prior commitment to introduce the London living wage (LLW) for all new contracts be noted.
2. That the council's aspiration to develop an approach to commissioning high quality home care services which fully embraces the principles of the charter be confirmed and the key milestones including the aim to implement LLW for existing home care contract in July 2013 be noted and it also be noted that the current contracts run until summer 2014.
3. That the strategic director of children's and adults services establish a task and finish group to develop a commissioning approach for Southwark that supports the council's aspiration to implement the principles of the charter – including those relating to the three outstanding areas – zero hours contracts, payment for travel time, occupational sickness schemes - subject to affordability, contractual commitments and with reference to the demands of personalised budgets. That Unison, home care users and providers be included on the task and finish group. That it be noted that the task and finish group will be required to report back on progress, feasibility, plans and affordability analysis to the cabinet in November 2013.
4. That the continual intention of the council to establish a reference group of key stakeholders, Unison and home care users and providers to have strong and regular input to the task and finish group be noted, including Unison, users and providers to inform the commissioning approach, including a set of best practice principles to inform the commissioning approach to home care services which are, as far as is practical, consistent with the ethical charter.
5. That the work currently underway to develop a training partnership with home care providers focused on developing the skills and quality of the home care workforce be noted.

#### **Decisions of the Leader of the Council**

6. That the cabinet member for health and adult social care be given delegated authority to approve any contract variation to existing home care contracts to implement LLW, taking account of legal and procurement advice and the incorporation of measures to ensure enhanced quality and performance is linked to payment of LLW.

## **12. GATEWAY TO PECKHAM - PUBLIC SQUARE AND STATION REGENERATION**

### **RESOLVED:**

1. That the progress made to date be noted.
2. That officers be instructed to commence negotiation with all interested parties in the area.
3. That the director of regeneration be authorised:
  - a) To approve the detailed provisions and requirements of a business engagement package in consultation with the cabinet members for regeneration and corporate strategy and communities and economic wellbeing.
  - b) To prepare and report back to cabinet at the earliest opportunity on a land information and assembly strategy, which would include:
    - i. Continued engagement and negotiations to acquire all interests and approve agreements with landowners of land within the area shown in Appendix 1 of the report
    - ii. Undertake referencing and/or obtain further information using requisitions under the Acquisition of Land Act 1981
    - iii. Amend the boundaries of the areas edged in bold and shown in Appendix 1 of the report should it be required
    - iv. Enter into agreement with Network Rail for the Gateway to Peckham project.

## **13. MANOR PLACE DEPOT, OCCUPATION ROAD, WALWORTH, LONDON SE17 3BE - DISPOSAL OF FREEHOLD INTEREST**

### **RESOLVED:**

1. That the head of property be authorised to dispose of the council's freehold interest in Manor Place Depot, Occupation Rd, SE17 (the "property"), on the terms outlined in the closed version of the report.
2. That the resulting capital receipt be recycled into the council's capital programme.
3. That the head of property agree any minor variations to the terms of the sale, with the purchaser, which may arise prior to completion of the transaction or alternatively to agree terms with any of the under bidders subject to best consideration requirements if in the unlikely event the original offer fails to progress to completion.

## **14. DISPOSAL OF 91-99 ATHENLAY ROAD, LONDON SE15**

### **RESOLVED:**

1. That the head of property be authorised to dispose of the council's freehold interest

in 91-99 Athenlay Road ("the land"), on the terms outlined in the closed version of the report.

2. That authority be delegated to the head of property to agree any minor variations to the terms agreed with the proposed purchaser which may arise prior to the completion of the transaction or alternatively agree terms with any of the under bidders subject to best consideration requirements if in the unlikely event that the original offer fails to progress to completion.

## **15. DISPOSAL OF 236 & 240 LORDSHIP LANE, LONDON SE22**

### **RESOLVED:**

1. That the disposal of the council's freehold interest in land at 236 and 240 Lordship Lane SE22 ("the land") for a residential development be approved on the following terms and conditions:
  - a. That the head of property be authorised to agree any variations to these terms that may be necessary to achieve the successful disposal of 236 & 240 Lordship Lane SE22.
  - b. That in the unlikely event that this recommended disposal does not proceed to exchange of contract, the head of property be authorised to agree the terms of a disposal with any one of the under bidders set out in the closed report and/or any other third party, subject to best consideration or market value requirements.
  - c. The capital receipt from the sale of the property is recycled into the housing investment programme.

## **16. ST. OLAV'S PUBLIC CONVENIENCE SITE, ALBION STREET RESOLUTION TO MAKE COMPULSORY PURCHASE ORDER FOR SITE ASSEMBLY PURPOSES**

### **RESOLVED:**

1. That the council makes a compulsory purchase order under Section 226(1) of the Town & Country Planning Act 1990 (as amended by section 99 of the Planning and Compulsory Purchase Act 2004) for the acquisition of the freehold interest in the land shown edged on the plan attached at Appendix 1 to the report for the purposes of securing the redevelopment of St Olav's square as part of the wider Albion street regeneration and in line with the aspirations of the Canada Water Area Action Plan (AAP).
2. That the director of regeneration be authorised to:
  - a) Take all necessary steps to secure the making, confirmation and implementation of the compulsory purchase order including the publication and service of notices and the presentation of the council's case at public inquiry should one be called.

- b) To acquire the freehold interest in the land within the compulsory purchase order either by agreement or compulsorily for the purposes of redeveloping St Olav's Square as part of the wider Albion Street regeneration.

**17. HOUSING AND COMMUNITY SERVICES REPORT BACK ON DECIMA STREET TENANTS AND RESIDENTS ASSOCIATION DEPUTATION**

**RESOLVED:**

That the contents of the report be noted.

**21. LAKANAL INQUIRY - CORONER'S RECOMMENDATIONS**

The item had not been circulated five clear days in advance of the meeting. The chair agreed to accept this item as urgent due to the importance of the recommendations and the requirement for cabinet to consider urgently.

**RESOLVED:**

That the contents of the report be noted and officers be instructed to provide a full response to the coroner's recommendations, to be considered by cabinet at its meeting of 14 May 2013.

**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 Southwark Constitution.

The following is a summary of the closed part of the meeting.

**18. MANOR PLACE DEPOT, OCCUPATION ROAD, WALWORTH, LONDON SE17 3BE - DISPOSAL OF FREEHOLD INTEREST**

The cabinet considered the closed information relating to this report. See item 13 for decision.

**19. DISPOSAL OF 91-99 ATHENLAY ROAD, LONDON SE15**

The cabinet considered the closed information relating to this report. See item 14 for decision.

**20. DISPOSAL OF 236 & 240 LORDSHIP LANE, LONDON SE22**

The cabinet considered the closed information relating to this report. See item 15 for decision.

The meeting ended at 6.50pm.

**CHAIR:**

**DATED:**

**DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 21 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, WEDNESDAY 24 APRIL 2013.**

**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.**