

# MINUTES OF THE MAYOR AND CABINET

Wednesday, 18 January 2012 at 6.00 pm

PRESENT: Mayor Sir Steve Bullock (Mayor), Chris Best, Damien Egan, Helen Klier, Paul Maslin, Joan Millbank, Alan Smith and Susan Wise

ALSO PRESENT: Councillor Ami Ibitson and Councillor John Muldoon

Apologies for absence were received from Councillor Peggy Fitzsimmons and Councillor Crada Onuegbu

## 204. Declarations of Interests

The Mayor declared a personal and prejudicial interest in decisions (i) and (ii) relating to Kelvin Grove Primary School as his wife is a Governor at the school and he withdrew from the meeting during their consideration

Councillor Millbank declared a personal and prejudicial interest in Item 17 as a Governor at Crossways Academy and she withdrew from the meeting during consideration of that item.

Councillor Wise declared a personal interest in Item 10 as a resident of Kilmorie Road which was mentioned in the report but which was not the subject of any proposals.

## 205. Minutes

RESOLVED that the minutes of that part of the meeting of the Mayor and Cabinet, which was open to the press and public held on December 7 2011, be confirmed and signed.

## 206. Outstanding scrutiny references

The Mayor received a report on issues which had previously been considered that awaited the responses requested from Directorates.

RESOLVED that the report be received.

## 207. Thames Tunnel Phase 2 Consultation

The report was introduced by the Deputy Mayor who outlined the consultation that had taken place and then urged the Mayor to object to the proposals.

RESOLVED That

(i) a formal objection be made to Earl Pumping Station and Deptford Church Street as Thames Water's preferred sites at Phase 2 consultation on the basis of the concerns set out; and

(ii) Delegates authority to the Executive Director for Resources & Regeneration, in consultation with the Head of Law and Head of Planning, to agree the final response to Thames Water.

## **208. Baring Hall Hotel Confirmation of Article 4 (1) Direction**

Prior to considering this report, the Mayor excluded the press and public so that he could consider Item 20 at this point which provided background commercially sensitive financial information.

The Mayor received presentations from the Deputy Mayor and from the Head of Planning. He stated he had carefully read the printed written submissions and had considered the officer commentary. He informed the meeting he had received a number of representations on this item during the course of the day, all urging him to confirm the Direction. He concluded that he had heard nothing of sufficient weight that could cause him to vary his initial decision and he confirmed the Direction.

RESOLVED That the Article 4 (1) Direction for the Baring Hall Hotel be confirmed.

## **209. Future of Housing**

The report was presented by the Cabinet Member for Customer Services, Councillor Susan Wise and by a representative of the Executive Director for Customer Services.

The Chair of the Housing Select Committee, Councillor Ami Ibitson then presented a reference report on behalf of her Committee. In response, Cabinet Members expressed concerns about possible delays to the appraisal should all of the recommendations of the Select Committee be taken up.

In conclusion the Mayor thanked Councillor Ibitson for her contribution and he responded to each point made by the Select Committee as shown in the resolution below.

RESOLVED That

(i) the current and projected strategic housing demands and supply in the borough be noted;

(ii) the implications of changes to the local authority housing finance regime and the range of options for delivering its housing investment goals be noted;

(iii) a full technical and legal appraisal should be undertaken on how these policy challenges might be addressed to include the following two main options and the variants within each:

- **Council retains ownership of the housing stock including** – stay as we are, bring Lewisham Homes back into Council Management.
- **Council transfers ownership to another organisation including** – partial stock transfer, full stock transfer to an existing Housing Association, setting up a Co-op, Community Gateway or Council and Community Owned (CoCo) vehicle or setting up a Joint Venture vehicle;

(iv) one-off funding of £0.5m be provided from corporate resources to finance this appraisal;

(v) at the present time it is difficult to quantify the cost of carrying out this appraisal, and that although officers will seek to minimise the costs, the complexity and importance of the decision is such that requests for further funding might be required;

(vi) should any other funding model become available during the appraisal period, it be given consideration; and

(vii) that the findings of this exercise should be reported back to Mayor & Cabinet for a final decision.

(viii) the referral submitted by the Housing Select Committee be received and the Select committee be informed of the following Mayoral response to the points it had raised:

3.4 - Agreed

3.5 – Not agreed - The Mayor believes the appraisal should take place as soon as possible and that the pinning down of variables, while worthwhile, should not delay the process.

3.6 – The Mayor believes that given past experience, PFI should not be considered but that LSVT should form part of the appraisal.

3.7 – The Mayor believes this should be a matter for consideration by the Pensions Investment Committee.

3.8 – Agreed.

3.9 – Agreed.

3.10 – Agreed.

3.11 – Agreed.

3.12 - Not agreed – The Mayor believes the alternative suggested would delay the project.

## **210. Excalibur Estate Section 105 Consultation**

RESOLVED

That

(i) the responses to the statutory Section 105 consultation carried out with secure tenants on the Excalibur Estate be noted;

(ii) having considered the report and the responses to the statutory Section 105 consultation, 2 Ector Road (currently in Phase 3), 14 Baudwin and 7 Ector Road (currently in Phase 4) be brought forward into the current decant phase (Phase 1 and 2);

(iii) where necessary, Notice of Seeking

Possession is served and possession proceedings brought against secure tenants of the three additional properties under Ground 10 of Schedule 2 to the Housing Act 1985;

(iv) secure tenants of the three additional properties are re-housed; and

(v) home loss and disturbance payments are made to displaced secure tenants where appropriate in accordance with the Land Compensation Act 1973.

## **211. Council Tax Base 2012-13**

RESOLVED That

(i) the Council be recommended at its meeting on 29 February 2012, to agree a Council Tax Base of 89,419.04 for 2012/13; and

(ii) the current local policy on discounts be continued, with the minimum discount of 10% for second homes and 0% for empty dwellings for 2012/13.

## **212. Music Education Hub**

The Mayor praised the conclusion of the excellent work which had been undertaken.

RESOLVED That

(i) Lewisham Music Service be the lead applicant in the borough bid because of its reach in schools, range of established partnerships and the breadth of our of school projects, ensembles and events across Lewisham; and

(ii) Lewisham Music Service be the lead organisation to take forward the hub bidding process on behalf of Lewisham

Council and that authority to sign off the final bid be delegated to the Executive Director for Children and Young People.

### **213. Primary places provision**

The Mayor declared a personal interest in the first two recommendations and the Deputy Mayor chaired the meeting in his absence while those items were considered.

In answer to a question from Councillor Best, the Executive Director for Children and Young People said access and use of school buildings was a matter for Head Teachers and Governing bodies.

RESOLVED That

(i) the responses to the statutory notices for the enlargement of Kelvin Grove Primary School and the establishment of a 16 place SEN Resource base at Kelvin Grove Primary School received during the representation period be noted;

(ii) the following enlargements should be taken forward to increase permanently the supply of primary places from September 2012;

- Kelvin Grove Primary School be expanded from 2 to 3 forms of entry;
- a 16 place SEN resource base be established at Kelvin Grove Primary School;

(iii) the following projects should be taken forward to consultation in order to increase permanently the supply of primary school places from September 2013:

- Subject to agreement from the governing body and subsequent consultation for implementation in 2013, extend provision at Prendergast Ladywell Fields College so that it becomes an all-age school offering 2 forms of entry in the primary phase whilst retaining its current 8 forms of secondary entry.

- Subject to agreement from the governing body and subsequent consultation for implementation in 2013, establish 2 permanent forms of entry on the site of the Mornington Centre as an enlargement of Torridon Junior School , initially with 2 Reception “bulge” classes in 2013 with admissions to either site based on home to school distance to the nearest site .

(iv) the measures taken to ensure that sufficient places are available to meet the projected demand for Reception places in 2012 be noted; and

(v) an OJEU notice should be published to invite contractors to tender for a further Framework agreement for the provision of modular buildings, ancillary building works and internal re-modelling works.

#### **214. CRPL Business Plan 2012-13**

Councillor Egan asked for an update about work placements in Poundland and was informed discussions were taking place about provision of placements in the next financial year.

RESOLVED That the report detailing progress made by CRPL in managing the Catford Centre in 2011/12 and projections for the coming financial year be presented to full Council on 25 January 2012 for approval;

#### **215. London Boroughs Grants Scheme 2012-13**

RESOLVED That

(i) the overall expenditure for the London Councils Grants Scheme in 2012/2013 be £12,500,000,

(ii) a sum of £391,646 be approved in respect of the London Borough of Lewisham's contribution as outlined in the London Councils' notification to Chief Executives on 16th December 2011, and

(iii) the London Councils grants consultation 2013/15 be noted.

#### **216. HCSC referral Library and Information Service**

The report was presented by the Chair of the Healthier Communities Select Committee, Councillor John Muldoon. In response, the Mayor praised what he believed was a well informed and helpful report which illustrated an understanding of what was involved and he promised to respond to the points made.

**RESOLVED** That the views of the Healthier Communities Select Committee as set out be received and the Executive Director for Community Services be asked to prepares a response.

#### **217. HSC referral on Rent Setting Consultation**

The report was presented by the Chair of the Housing Select Committee, Councillor Ami Ibitson. In response the Mayor pointed out the absence of any indication of where responsibility lay for rent increases or of how any funding gap might be bridged. He indicated the issues raised would be addressed as part of the Budget process in February.

**RESOLVED** That the views of the Housing Select Committee as set out be received and agree the Executive Director for Customer Services be asked to respond to the referral.

#### **218. PAC Mayoral Response Procurement**

**RESOLVED** That the proposed response be reported to the Public Accounts Select Committee.

#### **219. Exclusion of the Press and Public**

**RESOLVED** that under Section 100(A)(4) of the Local



Government Act 1972, 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 paragraphs 3, 4 and 5 of Part 1 of Schedule 12(A) of the Act, as amended by the Local Authorities (Executive Arrangements) (Access to information) (Amendments) (England) Regulations 2006 and the public interest in maintaining the exemption outweighs the public interest in disclosing the information:

**220. BSF Crossways Sixth Form - Stage 1**

RESOLVED That

(i) the PfS approval of the Stage 0 Business Case given on 18th March 2010 be noted;

(ii) the receipt of the Stage 1 submission and subsequent clarifications from the LEP and the observations arising from the evaluation of this submission be noted;

(iii) the update on the BSF programme be noted;

(iv) the update on progress with school organisation and approvals, design development and the timetable for development and the comments re Value for Money, the financial implications, legal implications and key risks be noted;

(v) authority be delegated to the Executive Director for Resources & Regeneration , on the advice of the Head of Law, to approve the LEP's Stage 1 submission, the procedure for which is summarised with the key financial data; and

(vi) officers be instructed to bring back a further report to the Mayor for approval at the end of Stage 2, to set out the full technical and commercial terms of the proposal to be taken to financial close.

## **221. BSF Abbey Manor College Stage 2**

RESOLVED That

(i) the receipt of the Stage 2 submission and subsequent clarifications from the LEP, and the observations arising from the evaluation of this submission be noted;

(ii) the update on the BSF programme be noted;.

(iii) authority be delegated to the Executive Director for Resources & Regeneration, under advice of the Head of Law, to negotiate the terms of any early works agreement and/or letter of underwriting;

(iv) the update on progress with school organisation and approvals, design development and the timetable for development and the comments re value for money, the financial implications, legal implications and key risks be noted;

(v) a development agreement be entered into with the Colleges Management Committee as advised by the Head of Law;

(vi) authority be delegated to the Executive Director for Resources & Regeneration, on the advice of the Head of Law, to approve the LEP's Stage 2 submission, the procedure for which is summarised with the key financial data;

(vii) authority be delegated to the Executive Director for Resources & Regeneration, on the advice of the Head of Law, to further negotiate on the detailed scope of the project, subject to the price not exceeding the New Project Instruction;

(viii) the outstanding approvals required to be satisfied prior to contract close be noted; and

(ix) the Design & Build Agreement with the LEP be entered into on the technical and commercial terms set out in the Stage 2 submission.

## **222. Disposal of 12-26 Friendly Street**

RESOLVED That

(i) the properties at 12-26 (Even) Friendly Street SE8, declared surplus to the Council's requirements;

(ii) the disposal of the Council's freehold interest in 12-26 (Even) Friendly Street SE8 to the Brockley Tenants Co-operative Ltd, on the main terms and conditions detailed be authorised, subject to the Council authorising an application to the Secretary of State under Section 32 of the Housing Act 1985 for consent to dispose of the properties to the Brockley Tenants Co-operative Ltd and to the consent from the Secretary of State being obtained; and

(iii) authority be delegated to the Head of Asset Strategy and Development (interim) in consultation with the Head of Law to agree the final terms and conclude any outstanding matters relating to the sale of the Council's freehold interest in 12-26 (Even) Friendly Street SE8

## **223. Baring Hall Hotel Part 2 Appendix**

The Mayor considered a confidential appendix from a previous dated September 14 2011 in reaching his decision in Part 1 of the agenda on Baring Hall Hotel.