

# MINUTES OF THE MAYOR AND CABINET

Wednesday, 14 January 2015 at 5.40 pm

PRESENT: Sir Steve Bullock (Mayor), Alan Smith, Chris Best, Kevin Bonavia, Janet Daby, Joe Dromey, Damien Egan, Joan Millbank and Rachel Onikosi.

Apologies for absence were received from Councillor Paul Maslin.

## 106. Declaration of Interests

Councillor Joe Dromey declared a personal interest in item 21 as an LEA appointed School Governor for Grinling Gibbons and Lucas Vale Schools.

Councillor Janet Daby declared a personal interest in item 10 as a Board Member for Phoenix Housing.

Councillor Millbank declared a personal interest in item 16 as a Council representative at the London Councils Grant Scheme.

## 107. Minutes

RESOLVED that the minutes of that part of the meetings of the Mayor and Cabinet which were open to the press and public, held on December 3 and December 17 2014 be confirmed as a correct record.

## 108. Matters Raised by Scrutiny and other Constitutional Bodies

No matters were raised.

## 109. Outstanding Scrutiny Matters

RESOLVED that the report be noted.

## 110. Setting the Council Tax Base, the NNDR Base & Discounts for Second Homes and Empty Homes

Having considered an officer report, and a presentation by the Cabinet Member for Resources, Councillor Kevin Bonavia, the Mayor agreed to:

- (i) Recommend to Council for agreement, at its meeting on 21 January 2015, a Council Tax Base of 75,526.1 Band D equivalent properties for 2015/16;
- (ii) Note the Council Tax Base calculation for 2015/16, as set out in the annual Council Tax Base government return, attached at Appendix A to the report;
- (iii) Recommend to Council a budgeted Council Tax collection rate of 96.0%;

- (iv) Recommend to Council that the existing policy of a 0% discount for second homes for 2014/15 be continued, as set out in section six of the report;
- (v) Recommend to Council that the existing policy of a 0% discount for empty homes– Class A (an empty property undergoing structural alteration or major repair to make it habitable) be continued, as set out in section six of the report;
- (vi) Recommend to Council that the existing policy of a 100% discount awarded for a period of four weeks and then a 0% discount thereafter, for empty homes – Class C (a substantially empty and unfurnished property) be continued, as set out in section six of the report;
- (vii) Recommend to Council that the existing policy of an empty homes premium of 50% in respect of long term empty properties be continued, as set out in section six of the report; and
- (viii) Recommend to Council the proposed National Non Domestic Rate (NNDR) estimated net yield of £48.055m, based on the NNDR3 for 2013/14, attached at Appendix B to the report.
- (ix) Recommend to Council the proposed Council Tax Reduction Scheme amount for 2015/16 as set out in section 11 of the report

## **111. Bakerloo Line Consultation**

Having considered an officer report, and a presentation by the Deputy Mayor, Councillor Alan Smith, the Mayor agreed the formal response to the Bakerloo Line Consultation as included in Appendix A of the report.

## **112. Boroughwide 20 mph speed limit**

In considering the proposals the Mayor stated that it was necessary people were made aware that within Lewisham they should drive at 20 mph unless they see a sign that says 30mph. He added that he was delighted with the proposals. Having considered an officer report, and a presentation by the Deputy Mayor, Councillor Alan Smith it was:

RESOLVED that

- i) the proposed approach for the implementation of a 20mph limit on all borough roads, including the proposed programme for planning and delivery of the new limit and mitigation;
- ii) to authorise officers to initiate the statutory procedures to extend the coverage of 20mph limits to all roads for which Lewisham is the Traffic and Highway Authority;

- iii) to the preparation of a communication and publicity campaign to be carried out in parallel with the statutory procedures and scheme implementation;
- iv) that the impact of the implementation of a borough wide 20 mph limit be monitored and reported to Mayor & Cabinet; and
- v) to the use of £1.13m from reserves to fund (i) to (iv) above.

### **113. River Corridors Improvement Plan**

Having considered an officer report, and a presentation by the Deputy Mayor, Councillor Alan Smith the Mayor agreed:

- (i) the draft River Corridors Improvement Plan SPD for public consultation in accordance with the Statement of Community Involvement, and recommend that the Council do the same; and
- (ii) to delegate authority to the Executive Director for Resources and Regeneration to make any minor changes to the text and format of the document prior to the document going to public consultation.

### **114. Local Flood Risk Strategy**

Having considered an officer report, and a presentation by the Deputy Mayor, Councillor Alan Smith, the Mayor agreed

- (i) the draft Local Flood Risk Management Strategy be approved for public consultation; and
- (ii) To delegate power to the Executive Director for Resources and Regeneration to make any minor changes to the text and format of the document prior to the document going to public consultation.

### **115. New Homes Better Places Phase 3 Update**

In considering the report the Mayor extended his thanks to officers for the report which he said was very encouraging. The Mayor added that he look forward to the next update. Having considered an officer report and a presentation by the Cabinet Member for Housing, Councillor Damien Egan:

RESOLVED that

- (i) the progress made in delivering new Council homes in the Borough be noted;
- (ii) the progress made in reviewing sites for their potential for new build housing be noted;

- (iii) the proposal for the ten sites identified below be approved, to proceed with more detailed design and resident consultation exercises, with a view to developing them to the point that they would constitute phase three of the New Homes, Better Places programme. The ten sites proposed for this phase would provide up to 124 new homes.

New build schemes (98 homes):

- Eliot Bank, Forest Hill Ward (21 homes)
- Hillcrest Clubroom, Sydenham Ward (7 homes)
- Kenton Court, Bellingham Ward (29 homes)
- Greystead Road, Forest Hill Ward (30 homes)
- Somerville Court, Telegraph Hill Ward (11 homes)

Conversions programme (26 homes):

- Foreman House, Telegraph Hill Ward (2 homes)
- Slaithwaite Community Room, Lewisham Central Ward (1 home)
- Sector J Club Room, Telegraph Hill Ward (4 homes)
- Honor Oak Housing Office, Telegraph Hill Ward (6 homes)
- Pepys Housing Office, Evelyn Ward (13 homes)

- (iv). It be noted that the previously agreed tenure split of 80% rented and 20% sale is maintained and that the location of the units proposed for sale will be presented to Mayor and Cabinet in the next update report. This will take into account the market conditions at the time and professional sales advice;
- (v) It be noted that final approval to proceed with these sites is expected to be sought in September 2015;
- (vi) in order to maintain maximum pace with delivering the programme, planning permission be sought for the demolition of Kenton Court and Somerville, as soon as possible after they have been decanted and to delegate authority to the Executive Director of Customer Services to let a demolition contract in situ;
- (vii) the progress made by Phoenix Community Housing in developing plans for a 60 unit extra care scheme at Hazelhurst Court in Bellingham, as set out in section 10 be noted, and;
- (viii) the use of Section 106 funding to support the delivery of that scheme, as set out in section 10 be approved and authority be delegated to the Executive Director for Customer Services, in consultation with the Director of Regeneration and Asset Management and Head of Law, to finalise the terms of that grant agreement.

## **116. Homeslessness Lewisham Homes Property Acquisitions**

The Head of Law provided an addendum setting out an amendment to the Legal Implications to correct typographical and minor errors. At Paragraph 12.4, the reference in the first sentence to “Section 1 of the

Local Government Act 2011” should have read “Section 1 of the Localism Act 2011”.

at 12.9 under the heading “Procurement” should have read “As Lewisham Homes is a wholly owned subsidiary and as all of its turnover currently relates to activities for the Council, it is exempt from the EU Procurement Regime. Any new build activity will not jeopardise this as Lewisham Homes will continue to deliver a substantial housing management and maintenance service to the Council. Case law suggests that 90% of turnover should be for the controlling authority. The new draft Public Contract Regulations 2015 which will transpose the 2014 EU Procurement Directive into UK law and are shortly to be introduced, reduces this percentage to 80%. The proposed value of the new build works is around 10% of Lewisham Homes turnover and will not breach the EU Legislation as it stands with greater scope to be given to it once the new Regulations are in force”.

Having considered an officer report together with the addendum provided, and a presentation by the Cabinet Member for Housing, Councillor Damien Egan:

- (i) the continuing extreme levels of demand faced by the Council from homeless households in the borough, and the progress in previously agreed measures that have been implemented to meet that demand be noted;
- (ii) the previously agreed budget for capital works for Hamilton Lodge and 118 Canonbie Road, as set out in section 5 of this report be extended;
- (iii) the business case for an additional programme of property acquisition, to be carried out by Lewisham Homes, as set out in section 6 of this report be noted.
- (iv) the Council provide a loan of up to £20m to Lewisham Homes, on the terms set out at section 8 of the report, to enable Lewisham Homes to acquire up to 100 new units as an additional intervention to help manage homelessness demand, and that the authority to finalise the terms of the loan agreement be delegated to the Executive Director for Resources and Regeneration;
- (v) the proposed changes to the Management Agreement between the Council and Lewisham Homes and to Lewisham Homes’ Articles of Association as set out in section 9 of the report be agreed, to enable Lewisham Homes to acquire and own property, and to initiate discussions with the HCA regarding obtaining Registered Provider status, and agreed that authority to finalise and approve further minor amendments as a result of discussions with Lewisham Homes’ Board in this regard be delegated to the Executive Director for Customer Services; and
- (vi) the timetable and scope of the proposed project to review and consider an extension of Lewisham Homes’ Management Agreement

after its expiry in 2017 be noted, including the potential ways in which Lewisham Homes might further evolve to help meet the Council's housing priorities, as set out at section 10 of the report.

#### **117. Redevelopment Heathside and Lethbridge Phase 4 Update**

Having considered an officer report and a presentation by the Cabinet Member for Housing, Councillor Damien Egan, it was,

RSOLVED that

- (i) subject to Secretary of State's consent under Section 19 of the Housing Act 1985 being obtained, the appropriation of the Council owned land within Phase 4 of the Heathside and Lethbridge Estate re-development scheme, shown in bold edging on the attached plan attached to the report, from housing purposes to planning purposes under Section 122 of the Local Government Act 1972 be agreed; and
- (ii) the making of an application to the Secretary of State under Section 19 of the Housing Act 1985 for consent to the appropriation be approved.

#### **118. Housing Regeneration Leaseholder BuyBacks Part 1**

Having considered an officer report and a presentation by the Cabinet Member for Housing, Councillor Damien Egan, it was:

RESOLVED that any properties in the schemes set out which were previously sold under the Right to Buy be repurchased by the Council at market value (to include reasonable professional fees) where agreement can be reached with leaseholders in advance of a Compulsory Purchase order being made by the Council and to delegate authority to the Head of Corporate Asset Services in consultation with the Head of Law to negotiate, agree and conclude the acquisition terms.

#### **119. CIL Adoption**

Having considered an officer report and a presentation by the Deputy Mayor, Councillor Alan Smith, the Mayor:

- (i) approved the:
  - Lewisham Community Infrastructure Levy (CIL) Charging Schedule as set out at appendix 1 to the report
  - Lewisham CIL Regulation 123 List as set out at appendix 2 to the report.

- Lewisham CIL Installments Policy as set out at appendix 3 to the report; and

(ii) recommended that Full Council adopt the:

- Lewisham Community Infrastructure Levy (CIL) Charging Schedule as set out at appendix 1 to the report
  - Lewisham CIL Regulation 123 List as set out at appendix 2 to the report.
  - Lewisham CIL Installments Policy as set out at appendix 3 to the report.
- With an implementation date of 1<sup>st</sup> April 2015.

## **120. Planning Obligations SPD Adoption**

Having considered an officer report and a presentation by the Deputy Mayor, Councillor Alan Smith, the Mayor:

- (i) approved the Planning Obligations SPD;
- (ii) recommended that Council adopt the Planning Obligations SPD; and
- (iii) delegated power to make any minor editorial changes to the text and format of the document prior to consideration by full Council, to the Executive Director for Resources and Regeneration.

## **121. London Councils Grants Scheme**

Having considered an officer report and a presentation by the Cabinet Member for the Third Sector and Community, Councillor Joan Millbank, it was:

RESOLVED that

- (i) the overall expenditure for the London Councils Grants Scheme in 2015/16 of £10.5m be agreed; and
- (ii) a sum of £306,024 in respect of the London Borough of Lewisham's contribution be agreed.

## **122. Redress Schemes for Lettings Agency Work and Property Management Works**

Having considered an officer report and a presentation by the Cabinet Member for the Public Realm, Councillor Rachael Onikosi, it was:

## RESOLVED

- (i) to delegate the implementation and enforcement arrangements for The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 (2014 No.2359), to the Executive Director of Community Services in consultation where appropriate with the Head of Strategic Housing;
- (ii) that the penalty for non-compliance with the Order shall be £5000; and
- (iii) the Executive Director for Community Services be authorised, in consultation with the Head of Strategic Housing, to periodically review the monetary penalties for non-compliance with the Order, taking the recommendations of Department of Communities and Local Government guidance into account and to subsequently determine an alternative penalty level if considered appropriate. This will include any decision on whether to allow any penalty reduction for 'prompt' payment or a penalty reduction or waiver in extenuating circumstances.

### **123. Provision of Grounds Maintenance Services Lewisham Homes**

Having considered an officer report and a presentation by the Cabinet Member for Housing, Councillor Damien Egan, the Mayor:

- (i) approved, in principle, Lewisham Homes to take over the management of the estates element of the grounds maintenance service either in partnership with an external contractor or deliver it internally through their Direct Labour Organisation (DLO); and
- (ii) approved the consultation proposals as outlined in paragraph 5 of the report.

### **124. Management Report Overview**

Councillor Best was told that she would be sent a briefing on the current situation on payment of invoices.

Having considered an officer report and a presentation by the Cabinet Member for Policy and Performance, Councillor Jo Dromey, it was

RESOVLED that the Management Report be noted.

### **125. Annual complaints report**

Having considered an officer report and a presentation by the Cabinet Member for Policy and Performance, Councillor Jo Dromey, it was:

RESOLVED that

- (i) the contents of the report be noted; and
- (ii) any amendments be made to the Council's complaints policy felt necessary following the contents of the report or concerns raised by the Independent Assessor be agreed.

## **126. Reconstitution of Governing Bodies**

Having considered an officer report and presentation, it was:

RESOLVED that

- (i) the Instrument of Government for the schools identified below, and set out in Appendices 1-29 of the report be made by Local Authority order dated 14 January 2015 be agreed;

Addey and Stanhope - Appendix 1  
Ashmead - Appendix 2  
Baring - Appendix 3  
Brent Knoll - Appendix 4  
Chelwood Nursery - Appendix 5  
Childeric - Appendix 6  
Clyde Early Childhood Centre - Appendix 7  
Coopers Lane - Appendix 8  
Dalmain - Appendix 9  
Deptford Park - Appendix 10  
Good Shepherd - Appendix 11  
Greenvale - Appendix 12  
Grinling Gibbons and Lucas Vale Federation- Appendix 13  
Holbeach- Appendix 14  
Horniman - Appendix 15  
John Ball - Appendix 16  
Kilmorie -Appendix 17  
Marvels Lane - Appendix 18  
New Woodlands - Appendix 19  
Rathfern - Appendix 20  
Rushey Green - Appendix 21  
Sandhurst Infant and Nursery - Appendix 22  
Sandhurst Junior - Appendix 23  
Sir Francis Drake - Appendix 24  
St Bartholomew's - Appendix 25  
St John the Baptist - Appendix 26  
St Stephen's - Appendix 27  
Sydenham - Appendix 28  
Watergate - Appendix 29

- (ii) Appendices 1 to 29 detail the Instrument of Government the Local Authority is proposing to make by order. Where appropriate, the Instrument of Government has also been agreed by the Southwark Diocesan Board of Education or the Education Commission, Trustees and Foundation Governors and the Local Authority.

## **127. Instrument of Government Leathersellers Federation of Schools**

Having considered an officer report and presentation, it was:

RESOLVED that

- (i) the Governors of the Leathersellers' Federation of Schools decision be noted, to change the names of schools in the Federation from:
- Prendergast Hilly Fields College to Prendergast School.
  - Prendergast Ladywell Fields College to Prendergast Ladywell School,
  - Prendergast Vale College to Prendergast Vale School; and
- (ii) the Instrument of Government for The Leathersellers' Federation of Schools be made by Local Authority order dated 14 January 2015.

## **128. Appointment of LA Governors**

Having considered an officer report and presentation, it was:

RESOLVED that

- (i) the person set out in paragraph 6 of the report be appointed as a Local Authority governor;
- (ii) the information concerning the recommended new governor in Appendix 1 of the report be noted;
- (iii) the persons set out in paragraph 7 of the report be nominated as Local Authority governors; and
- (iv) the information concerning the recommended nominated governors in Appendix 2 of the report be noted.

## **129. Exclusion of Press and Public**

RESOLVED that in accordance with Regulation 4(2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information)(England) Regulations 2012 and 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, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information:

25. Housing Regeneration Leaseholder BuyBacks Part 2

**130. Housing Regeneration Leaseholder BuyBacks Part 2**

This item was considered in conjunction with the open report. The Mayor;

- (i) agreed that any properties in the schemes set out which were previously sold under the Right to Buy be repurchased by the Council at market value (to include reasonable professional fees) where agreement can be reached with leaseholders in advance of a Compulsory Purchase order being made by the Council and to delegate authority to the Head of Corporate Asset Services in consultation with the Head of Law to negotiate, agree and conclude the acquisition terms.
- (ii) noted the financial information provided;
- (iii) agreed that the budgets already programmed into the Capital programme be brought forward to 2015/16 to enable the buy backs to proceed.
- (iv) agreed to delegate authority to the Executive Director for Resources and Regeneration to agree the programming of the required budget.