

MINUTES OF THE MAYOR AND CABINET

Wednesday, 7 September 2016 at 6.00 pm

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

ALSO PRESENT: Councillor John Paschoud, Councillor Paul Bell, Councillor John Coughlin, Councillor Brenda Dacres, Councillor Amanda De Ryk, Councillor Alan Hall, Councillor Helen Klier, Councillor Jim Mallory, Councillor John Muldoon, Councillor Jacq Paschoud and Councillor Alan Till.

471. Declaration of Interests

The Mayor declared a prejudicial interest in Item 4 as a Trustee of the Surrey Canal Sports Foundation and withdrew from the meeting during consideration of this item.

472. Minutes

RESOLVED that the minutes of the meeting held on July 13 2016 be confirmed and signed as a correct record.

473. Outstanding Scrutiny Matters

RESOLVED that the report be noted.

474. New Bermondsey (formerly Surrey Canal Triangle) Regeneration - Proposed Compulsory Purchase Order

The Mayor withdrew from the meeting having declared a prejudicial interest in this item. The discussion on this and all the following items was chaired by the Deputy Mayor, Councillor Alan Smith.

The Deputy Mayor introduced the report and recounted his personal involvement in Regeneration over the last six and a half years as portfolio holder. He pointed out that the Renewal group already held interests in 90% of the land needed for the regeneration proposals and that the use of CPO powers by the Council could allow the assembly of land allowing completion of the Renewal scheme.

The Executive Director for Resources and Regeneration reminded the Cabinet that the CPO proposals had been deferred in February following which the Chief Executive had facilitated discussion between Renewal and Millwall FC which had failed to arrive at a satisfactory resolution.

The Head of Planning next outlined the Planning background highlighting the Core Strategy which promoted the growth of large scale development in the

north of the Borough and identified five key sites accompanied by delivery stages.

The Executive Director for Resources and Regeneration confirmed that notice of this Cabinet meeting and determination of a CPO proposal had been given to all involved parties on August 8. She stated that representations from Eversheds and Shoosmiths had been circulated to all Cabinet members.

Willow Winston, an affected local resident and business owner, next addressed the Cabinet. She explained she had set up her business in the area 16 years ago and had lived with the threat of a CPO for the last six years. She said she had received only a desultory offer of £58,000 for her 700 square feet of living and workspace. She believed the threat of a CPO had led to health problems for her. She stated she thought development might be good in many respects and that she had taken part in one cordial meeting with Renewal but overall she believed consultation with her and other local business owners had been completely inadequate. She called on the Cabinet to defer any decision on the CPO to allow meaningful consultation to take place with local residents and business owners.

Councillor Brenda Dacres addressed the Cabinet in her capacity as Chair of the Labour Group. She said Group members had considered the CPO proposals in a meeting without Cabinet member attendance. They had unanimously concluded that the CPO was premature and not in the public interest. Councillor Dacres said negotiations between Millwall FC, Renewal and other interested parties should continue and that a CPO should only be considered as a last resort.

The Chief Executive pointed out there had already been a five month deferral and he had appointed an independent facilitator to arrange a meeting between Renewal and Millwall FC. This had taken 3 months to conclude and while the meeting had been congenial, promises by the parties to share information had not been honoured. He reported there had thus been only one meeting with no agreed proposals.

Mr Peter Garston, a Fan Director of Millwall FC next addressed the Cabinet. He said the Club was the heartbeat of the area and he feared a CPO would threaten the existence of the highly regarded Millwall Community Scheme. He said reprovision of facilities to areas not adjacent to the Den were not acceptable. He urged Cabinet members to either vote against or defer the CPO proposal.

Having been able to question all the presenters, Cabinet members considered carefully all the evidence which had been presented to them before reaching their conclusions.

Councillor Joe Dromey said the area was in need of new development but that granting a CPO required compelling reasons and he believed the onus should have been on Renewal to secure agreement with the other parties. He did not feel confident in entrusting such a massive project to a company with no track record in delivering successful developments. In terms of applying a

public interest test he stated the priority for his ward was the provision of affordable housing and he did not believe the promise of 12% for housing being affordable in this project was sufficient. He recognised this was a difficult and finely balanced decision but that he could not support a CPO.

Councillor Rachel Onikosi said her understanding of the evidence offered led her to the conclusion that extensive efforts to reach agreements had been made over many years but that only Renewal had the finances and land holdings in place to successfully carry out the project.

Councillor Joan Millbank said she would apply a public interest test to the broader project and with the range of jobs, transport links, housing, and community facilities on offer she believed there was an amazing placemaking opportunity available.

The Deputy Mayor said he had been a Councillor for 18 years and this was the best offer he had seen for the area. He stated as Chair he would only vote in favour of the project if there was an equality of votes.

Councillor Kevin Bonavia noted the Den would be protected and alternative provision would be made for Millwall's excellent community schemes. He said he would have liked more affordable housing but the proposals would create some new genuinely affordable housing.

Councillor Janet Daby said she believed Millwall FC had had ample opportunity to bring proposals to the table but development was needed now and on balance the Renewal proposals appeared to be the best option.

Councillor Chris Best said she was excited by the project with a sports led regeneration that would create the biggest sporting facility in the capital for 50 years.

Having considered an officer report, and presentations by the Deputy Mayor, Councillor Alan Smith, Willow Winston, an affected business and property owner, the Chair of the Labour Group, Councillor Brenda Dacres and a fan Director of Millwall FC, Peter Garston, the Cabinet, for the reasons set out in the report:

RESOLVED that:

(a) the pre-conditions for compulsory purchase set by Mayor & Cabinet on 7th March 2012 have been met;

(b) a Compulsory Purchase Order be made pursuant to powers under Section 226(1)(a) of the Town and Country Planning Act 1990 and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 (in accordance with the procedures in the Acquisition of Land Act 1981) for:

i) the acquisition of the land shown coloured pink on the plan at Appendix 2, be approved save for the interests of the Council, Renewal and persons with the benefit of rights of light; and

ii) the acquisition of new rights over the land shown coloured blue on the plan attached at Appendix 2 be approved for the purpose of facilitating the comprehensive redevelopment, development and improvement of the Site to provide a mixed use residential-led scheme.

(c) delegated authority be granted to the Executive Director for Resources and Regeneration in consultation with the Head of Law:

i) subject to a satisfactory Deposit or satisfactory alternative security being provided by Renewal pursuant to the CPO Indemnity Agreement dated 20 December 2013, all necessary and appropriate steps be taken to secure the making, confirmation and implementation of the Compulsory Purchase Order (CPO) including the publication and service of all notices and promotion of the Council's case at any Public Inquiry, including but not limited to the steps described below;

ii) any further or additional land referencing as may be considered appropriate be carried out, including service of requisitions for information pursuant to Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 or Section 330 of the Town and Country Planning Act 1990;

iii) any amendments, deletions, or additions to the draft Order Map and/or draft Schedules to the CPO be made so as to include and describe all interests in land and rights required to facilitate the carrying out of the Scheme;

iv) such changes as may be considered necessary or appropriate be made to the draft Statement of Reasons prior to publication;

v) interests and new rights in the Order Land be acquired either by agreement or compulsorily (including pursuant to any blight or purchase notices) and dispose of the same to Renewal;

vi) approval be given to negotiate, agree terms and enter into agreements with interested parties, including agreements for the withdrawal of blight or purchase notices and/or objections to the CPO and/or undertakings not to enforce the CPO on specified terms, including where appropriate seeking the exclusion of land or rights from the CPO;

vii) in the event that the Secretary of State notifies the Council that it has been given the power to confirm the CPO to confirm the CPO if the Executive Director for Resources and Regeneration, in consultation with the Head of Law, is satisfied that it is appropriate to do so;

viii) in the event the CPO is confirmed by the Secretary of State (or by the Council if given the power to do so), to complete all necessary statutory procedures and to take steps to implement the CPO, including by way of General Vesting Declaration and/or Notice to Treat/Notice of Entry;

ix) all steps be taken in relation to any legal proceedings relating to the CPO, including defending or settling claims referred to the Upper Tribunal (Lands Chamber) and/or applications made to the courts and any appeals;

x) approval be given to retain and/or appoint external professional advisers and consultants to assist in facilitating the promotion, confirmation and implementation of the CPO, the settlement of compensation and any other claims or disputes;

xi) all such other steps be taken as may be considered necessary or appropriate to acquire all interests and rights required for the Scheme (whether by agreement or CPO) and to dispose of the same to Renewal;

(d) approval be given to the acquisition by the Council for planning purposes pursuant to Section 227 of the Town and Country Planning Act 1990 of Renewal's freehold interest (both its existing freehold and any freehold interest that Renewal may subsequently acquire by private treaty) in land within Phases 1A, 1B, 2 and 3 as shown shaded grey on the plan at Appendix 3 and the grant of a lease of that land to Renewal (with an option for Renewal to repurchase the freehold interest) on the terms set out in the Heads of Terms attached at Appendix 4, including any variation thereto as the Executive Director for Resources and Regeneration, in consultation with the Head of Law, may consider appropriate;

(e) the variation of the CPO Indemnity Agreement of 20th December 2013 be approved to ensure the agreement provides for the Council to be indemnified by Renewal in respect of all compensation and other costs arising in respect of any interference with rights affecting the land acquired by the Council and leased back to Renewal as provided for in recommendation (d) above.

475. Syrian Refugees

Having considered an officer report, and a presentation by the Cabinet Member for Resources, Councillor Kevin Bonavia, the Cabinet, for the reasons set out in the report:

RESOLVED that:

(1) the Council responds to the ongoing humanitarian crisis caused by conflict in Syria by resettling up to 10 Syrian refugee households in Lewisham.

(2) the outline timetable for receiving the first households and overall participation in the Syria Vulnerable Persons Relocation scheme be noted;

(3) the Lewisham Syrian Refugee Offer at Appendix 1 sets out that accommodation will be procured from the private rented sector, the local community and/or voluntary sector agencies to accommodate Syrian

refugees;

(4) the Lewisham Syrian Refugee Offer proposes the tendering and appointment of a support resettlement service;

(5) the Syrian Refugee Offer attached at Appendix 1 be approved;

(6) the Syrian Refugee Offer be referred to Council on 21 September 2016;

(7) responsibility be delegated to the Executive Director for Customer Services to enter into a formal agreement with the Home Office to resettle up to 10 Syrian refugee households in Lewisham;

(8) the budgetary provision of £50,000 be approved for contingency costs and administration of the Lewisham Refugee Offer.

476. LGO Housing Benefit

The Cabinet Member for Resources offered apologies on behalf of the Council for the failings which had been identified in the report.

Having considered an officer report, and a presentation by the Cabinet Member for Resources, Councillor Kevin Bonavia, the Cabinet, for the reasons set out in the report:

RESOLVED that the contents of the report be received and forwarded to Council for consideration.

477. Transfer of Music Service

Having considered an officer report, and a presentation by the Cabinet Member for Children & Young People, Councillor Paul Maslin, the Cabinet, for the reasons set out in the report:

(1) the responses from users, stakeholders and staff from the consultation about the future of the Music Service which overwhelmingly support the Service's proposal that it becomes an independent charity be noted;

(2) the business case for the transfer of the Music Service to charitable status be approved;

(3) the Music Service is a named resident organisation in the Fellowship Inn development proposed by Phoenix Community Housing and supported by the Heritage Lottery Fund;

(4) the setting up of a new charity, Lewisham Music (working title) be approved, in anticipation that once established Lewisham Music Service transfers into this new organisation;

(5) the proposed governance structure for Lewisham Music be approved

(6) a final decision on the future of the Music Service be made at a Mayor and Cabinet meeting in January 2017 or as soon thereafter as possible, on presentation of a Business Plan for Lewisham Music and details of the transfer terms.

478. Primary school expansion

Having considered an officer report, and a presentation by the Cabinet Member for Children & Young People, Councillor Paul Maslin, the Cabinet, for the reasons set out in the report:

RESOLVED that there should be a consultation on the proposal to enlarge Ashmead Primary School from 1 to 2 forms of entry with effect from September 2017 and that officers should report back to Mayor and Cabinet by the end of 2016 with the results and next steps.

479. Federations Revisions to Instruments of Government

Having considered an officer report, and a presentation by the Cabinet Member for Children & Young People, Councillor Paul Maslin, the Cabinet for the reasons set out in the report:

RESOLVED that:

(1) the Instrument of Government for the federation of schools identified below be made by Local Authority order dated 7 September 2016.

The Leathersellers' Federation
The King Alfred Federation
The Fairlawn and Haseltine Federation

480. Streetlighting dimming and Response to SDSC

Having considered an officer report, and a presentation by the Deputy Mayor, Councillor Alan Smith, the Cabinet, for the reasons set out in the report:

RESOLVED that:

(1) the proposed variable lighting policy set out be approved and in particular agrees the proposals to:

- Implement dimming of 50% in locations described in 5.10;
- Exempt street lights where there may be concerns about dimming in relation to crime reduction, road safety or other Council priorities as described in paragraphs 5.11 and 5.12;
- Switch lights on 10 minutes later and off 10 minutes earlier as part of a 'trimming' exercise to cut energy consumption;
- Review the implementation of the variable lighting policy with a report to the Sustainable Development Select Committee in 12 months' time.

(2) the proposed response to the comments from Sustainable Development

Select Committee referred to Mayor and Cabinet on the 1 June 2016 be approved and this report be referred to the Select Committee.

481. Gypsy and Traveller Sites Local Plan

The Head of Planning tabled a set of corrections to the report.

Councillor Egan stated that the proposals in the report had been warmly welcomed by Lewisham's Gypsy and Traveller Network.

Having considered an officer report and errata sheet, and a presentation by the Deputy Mayor, Councillor Alan Smith, the Cabinet, for the reasons set out in the report:

RESOLVED that:

(1) the following documents be approved for statutory public consultation:

- GTSLP Potential Site(s) Report and
- Integrated Impact Assessment comprising a Sustainability Appraisal, Strategic Environmental Assessment and Equalities Analysis Assessment for the GTSLP Potential Site(s) Report.

(2) the changes made to the Consultation Statement be noted;

(3) the Council be recommended to do the same to approve the documents specified for public consultation;

(4) authority be delegated to make any minor changes to the text and format of the documents prior to consideration by the Council, to the Executive Director for Resources and Regeneration.

482. Catford Regeneration Response to SDSC

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

RESOLVED that the proposed response to the comments and views of the Select Committee, as set out, be approved and reported to the Select Committee.

483. Response to SDSC use of S106 and CIL

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

RESOLVED that the proposed response to the comments and views of the Select Committee, as set out, be approved and reported to the Select Committee.

484. Poverty in Lewisham Response

Having considered an officer report, and a presentation by the Cabinet Member for Policy & Performance, Councillor Joe Dromey, the Cabinet:

RESOLVED that:

- (1) the responses from the Executive Director for Resources and Regeneration to the Safer Stronger Communities Select Committee report Poverty in Lewisham be approved;
- (2) the Cabinet Member of Policy and Performance be appointed as the lead member responsible for the overseeing the Council's actions to tackle poverty;
- (3) a Lewisham Poverty Taskforce be convened to develop a comprehensive Poverty Strategy; and
- (4) this report be forwarded to the Safer Stronger Communities Select Committee.

The meeting closed at 9.08pm