AGENDA

MAYOR AND CABINET

Date: WEDNESDAY, 20 NOVEMBER 2019 at 6.30 pm

Committee Rooms 1 & 2
Civic Suite
Lewisham Town Hall
London SE6 4RU

Enquiries to: Kevin Flaherty 0208 3149327
Telephone: 0208 314 9327 (direct line)
Email: kevin.flaherty@lewisham.gov.uk

MEMBERS

Damien Egan Mayor L
Councillor Chris Best Deputy Mayor and Cabinet Member for Health and Adult Social Care L
Councillor Chris Barnham School Performance and Children's Services L
Councillor Paul Bell Housing L
Councillor Kevin Bonavia Democracy, Refugees & Accountability L
Councillor Andre Bourne Culture, Jobs and Skills (jobshare) L
Councillor Joe Dromey Culture, Jobs & Skills (jobshare) Labour Co-op
Councillor Brenda Dacres Environment & Transport (jobshare) Labour Co-op
Councillor Sophie McGeevor Environment & Transport (jobshare) L
Councillor Amanda De Ryk Finance and Resources L
Councillor Joani Reid Safer Communities L
Councillor Jonathan Slater Community Sector L

Members are summoned to attend this meeting

Kim Wright
Chief Executive
Lewisham Town Hall
Catford
London SE6 4RU
Date: Wednesday, 20 November 2019

The public are welcome to attend our committee meetings, however occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.
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RECORDING AND USE OF SOCIAL MEDIA

You are welcome to record any part of any Council meeting that is open to the public.

The Council cannot guarantee that anyone present at a meeting will not be filmed or recorded by anyone who may then use your image or sound recording.

If you are intending to audio record or film this meeting, you must:

- tell the clerk to the meeting before the meeting starts;
- only focus cameras/recordings on councillors, Council officers, and those members of the public who are participating in the conduct of the meeting and avoid other areas of the room, particularly where non-participating members of the public may be sitting; and
- ensure that you never leave your recording equipment unattended in the meeting room.

If recording causes a disturbance or undermines the proper conduct of the meeting, then the Chair of the meeting may decide to stop the recording. In such circumstances, the decision of the Chair shall be final.
### Declaration of interests

Members are asked to declare any personal interest they have in any item on the agenda.

#### 1 Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct:

1. Disclosable pecuniary interests
2. Other registerable interests
3. Non-registerable interests

#### 2 Disclosable pecuniary interests

- **Employment**: trade, profession or vocation of a relevant person* for profit or gain
- **Sponsorship**: payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- **Undischarged contracts**: between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- **Beneficial interests in land**: in the borough.

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**Report Title** | Declarations of Interests  
**Key Decision** | No  
**Ward** | n/a  
**Contributors** | Chief Executive  
**Class** | Part 1  
**Date** | 20 November 2019
(e) **Licence to occupy land** in the borough for one month or more.

(f) **Corporate tenancies** – any tenancy, where to the member’s knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.

(g) **Beneficial interest in securities** of a body where:

(a) that body to the member’s knowledge has a place of business or land in the borough; and

(b) either

(i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

* A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

(3) **Other registerable interests**

The Lewisham Member Code of Conduct requires members also to register the following interests:

(a) Membership or position of control or management in a body to which you were appointed or nominated by the Council

(b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party

(c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25

(4) **Non registerable interests**

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members’ Interests (for example a matter concerning the closure of a school at which a Member’s child attends).
(5) Declaration and Impact of interest on members’ participation

(a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take not part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members’ Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**

(b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.

(c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member’s judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.

(d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.

(e) Decisions relating to declarations of interests are for the member’s personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

(6) Sensitive information

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

(7) Exempt categories
There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:

(a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)

(b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;

(c) Statutory sick pay; if you are in receipt

(d) Allowances, payment or indemnity for members

(e) Ceremonial honours for members

(f) Setting Council Tax or precept (subject to arrears exception)
### Agenda Item 2

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**Recommendation**

It is recommended that the minutes of that part of the meeting of the Mayor and Cabinet which were open to the press and public, held on October 30 2019 (copy attached) be confirmed and signed as a correct record.
MINUTES OF THE MAYOR AND CABINET
Wednesday, 30 October 2019 at 6.30 pm

PRESENT: Damien Egan (Mayor), Chris Best, Chris Barnham, Paul Bell, Kevin Bonavia, Joe Dromey, Brenda Dacres, Sophie McGeevor, Amanda De Ryk, Joani Reid and Jonathan Slater.


161. Declaration of Interests

Councillor De Ryk declared a pecuniary interest in Item 21 as she had accepted a three month consultancy contract with Morgan Sindall PLC and left the room during consideration of that item.

162. Minutes

RESOLVED that the minutes of the meeting held on October 10 2019 be confirmed and signed as a correct record.

163. Outstanding Scrutiny Matters

RESOLVED that the report be noted.

164. Matters Raised by Scrutiny and other Constitutional Bodies

None were raised.

165. Comments from Overview and Scrutiny Committees on the budget cut proposals

The written views of the Children & Young People Select Committee were presented by Councillor Luke Sorba. He reiterated the request for any cuts to be suspended until additional research was done and he conveyed his thanks to the Mayor who confirmed the cut would be recommended for suspension when the Cabinet considered Item 9 on the agenda.

Having considered an officer report, and a presentation by Councillor Luke Sorba, the Mayor and Cabinet:

RESOLVED that the views of the Children & Young People Select Committee be accepted as part of the determination on Item 9 on Revenue Budget Cuts and that where any other proposal asks for additional information, the relevant Executive Director be asked to provide a response.
166. **Comments of the Public Accounts Select Committee on concerns raised by the Audit Panel**

Having considered an officer report, the Mayor and Cabinet:

RESOLVED that the concerns raised by the Audit Panel be noted and the Executive Director for Corporate Resources be asked to respond to the Public Accounts Select Committee and to the Audit Panel.

167. **Comments of the Sustainable Development Select Committee on employment training and business support**

Having considered an officer report, the Mayor and Cabinet:

RESOLVED that the Committee’s comments as set out be noted and the Executive Director for Corporate Services be asked to provide a response.

168. **Older Adults Day Service**

The report was introduced by the Deputy Mayor, Councillor Chris Best, who underlined the Council’s support for Afro-Caribbean communities over many years. She believed there was some confusion about the proposals and she stressed the proposed changes would not undermine existing community led groups and the changes would affect older adults day care services only. This sector had multiple unused places and the proposal to offer services at one rather than three locations, would produce savings.

The Cabinet was addressed by a spokeswoman for Professor Joan Amin-Addo who read out a prepared statement. The statement claimed the EAA was inadequate in its consideration of racism and said the proposal to combine three centres was shortsighted.

Councillor Coral Howard presented a written referral from the Healthier Communities Select Committee. She pointed out the significance of the Calabash Centre to the BAME population and said evolution rather than dilution was required.

Councillor Best presented the response to the views of the Healthier Communities Select Committee and recalled that the decisions had already been deferred to allow a considered response to be made. She pointed out that the EAA was in line with statutory obligations and that the Council had a zero tolerance on racism.

The Mayor indicated he understood the passion involved in objecting to this proposal but he wished to strongly refute any accusations of racism. He received confirmation from officers that the Calabash would be the preferred centre and that there would be no actual reductions in the BAME service. He concluded that the decisions were unavoidable given the dire austerity regime in which the Council operated but that if the General Election on December 12 led to a new Government promoting reinvestment, then this and other decisions could be revisited.
Having considered an officer report, presentations by the Deputy Mayor Councillor Chris Best, a spokesperson for Professor Joan Amin-Addo and Councillor Coral Howard, the Vice Chair of the Healthier Communities Select Committee, the Mayor and Cabinet, for the reasons set out in the report and rom the options available, by a vote of 8-0,

RESOLVED that:

(1) the consultation findings and officer response set out be noted;

(2) the proposal to re-commission the older adult day services currently provided at Cedar Court, Cinnamon Court and The Calabash Centre as a single service offer, based on the principles set out be approved;

(3) officers proceed to procure a provider for the service, via the process set out; and

(4) the proposed response to the Healthier Communities Select Committee be approved and reported to the Select Committee.

169. 2020 21 Budget Cuts

The report was introduced by Councillor Amanda De Ryk who said an appendix with legal implications had been laid around the table. Councillor De Ryk outlined the severity of the cuts resulting from continuing enforced governmental austerity.

Councillor Luke Sorba spoke with regard to the Health Visiting Service and the School Health Visiting Service which he believed were vital to ensure children received the best possible start in life. Councillor Best explained the Public Health Budget was under pressure and administrative savings could be achieved by combining the two Health Visiting contracts. Councillor Barnham added that he was reassured that reductions could be made without any loss of quality.

The Mayor concluded by saying cuts were repugnant but inevitable because of centrally imposed austerity. He stated the goal of his administration would be to tackle inequality and support vulnerable residents.

Having considered an officer report, and presentations by the Chair of the Children & Young People Select Committee, Councillor Luke Sorba and the Cabinet Member for Finance and Resources, Councillor Amanda De Ryk, the Mayor and Cabinet, for the reasons set out in the report by a vote of 8-0

RESOLVED that:

(1) the progress with identifying budget cuts, the £2.9m shortfall against the target for 2020/21, and the possible implications for the use of reserves be noted;
(2) the new cuts proposals presented in Section 9 and Appendices 1 to 3, totalling £9.178m and referenced as below be determined as follows:

COM1a,2a,3a be delegated to the Executive Director of Community Services to implement on receipt of a full report at the earliest opportunity

COM 18 be approved

CUS7 be deferred

CUS15 be approved and officers asked to consider the findings of the NRPF service review

CUS16 be approved

RES19 be deferred

RES20 be deferred

CUS11a be approved

CUS14a be approved

RES21 and RES22 be approved.

(3) the comments of the Public Accounts Select Committee of the 24 September 2019, which incorporates the views of the respective select committees be received;

(4) officers be authorised to carry out consultations where staff consultation is necessary in relation to the proposal and delegate the decision to the relevant Executive Director for the service concerned;

(5) officers be authorised to carry out consultations where public consultation is necessary in relation to the proposal and ask officers to report back to the Mayor with the outcome, for a decision to be made;

(6) where no consultation is required, either the cut proposal be approved, or the decision be delegated to the relevant Executive Director for the service concerned; and

(7) or, officers be requested to complete further work to clarify the proposal and that officers then re-submit the proposal at the earliest opportunity for a decision.

170. Surrey Canal Triangle Supplementary Planning Document

The Mayor introduced the report and was pleased to be able to say constructive dialogue embracing the Council, Millwall FC and Renewal had continued.
The Head of Programmes: Complex Projects reported the Sustainable Development Select Committee had considered the report earlier in the week and had raised four matters all of which could be taken into account. The Cabinet received the written views of the Sustainable Development Select Committee and asked officers to prepare a written response.

Having considered an officer report, and a presentation by the Mayor, the Mayor and Cabinet, for the reasons set out in the report by a vote of 8-0

RESOLVED that

(1) the responses to the pre-production consultation be noted;

(2) the comments received from the meeting of Sustainable Development Select Committee held on 28 October 2019 be received;

(3) the content of the draft Surrey Canal Triangle Design Framework Supplementary Planning Document to go to formal public consultation in accordance with the Statement of Community Involvement be approved;

(4) the financial and legal implications set out be noted;

(5) the findings of the Strategic Environmental Assessment (SEA) screening report be noted;

(6) the Executive Director for Housing, Regeneration and Environment be authorised to make any changes to the text and format of the documents prior to public consultation; and

(7) a referral from the Sustainable Development Select Committee be received and the Executive Director for Housing, Regeneration and environment be asked to prepare a response.

171. New Cross Gate Station Supplementary Planning Document

In answer to a question from Councillor Dromey, the Director of Planning confirmed a planning application had been made and was being checked for validation following which there would be a period of public consultation.

Having considered an officer report, and a presentation by the Mayor, the Mayor and Cabinet agreed that:

(1) the consultation carried out as part of the Pre-production stage set out be noted;

(2) the content of the draft SPD to go out to formal public consultation in accordance with the Statement of Community Involvement be approved;

(3) the financial and legal implications set out be noted;

(4) the findings of the Strategic Environmental Assessment (SEA) screening
report be noted;

(5) the Director of Planning be authorised to make any minor changes to the text and format of the documents prior to public consultation.

172. Friendship agreement Pokhara

Having considered an officer report, and a presentation by the Cabinet Member for Democracy, Refugees and Accountability, Councillor Kevin Bonavia, the Mayor and Cabinet for the reasons set out in the report by a vote of 8-0:

RESOLVED that a formal friendship agreement between London Borough of Lewisham and the city of Pokhara in the Federal Republic of Nepal be recommended to the Council.

173. Beecroft Garden Primary School Instrument of Government

Having considered an officer report, and a presentation by the Cabinet Member for School Performance and Children’s Services, Councillor Chris Barnham, the Mayor and Cabinet for the reasons set out in the report by a vote of 8-0:

RESOLVED that the Instrument of Government for Beecroft Garden Primary School be made by Local Authority order dated 30 October 2019 as set out.

174. Local Authority Governor nomination

Having considered an officer report, and a presentation by the Cabinet Member for School Performance and Children’s Services, Councillor Chris Barnham, the Mayor and Cabinet, having considered the information supplied in respect of the nomination by a vote of 8-0:

RESOLVED that

(1) the information concerning the recommended nominated governor be noted; and

(2) to make the following nomination:

Mrs. Aurora Bryan St. Michael’s Church of England Primary

175. Ladywell Playtower Restoration

The Mayor announced that this item would be adjourned until the November 20 meeting.

176. Exclusion of Press and Public

177. Ladywell Playtower Restoration
The Mayor announced that this item would be adjourned until the November 20 meeting.

178. **Security Extension Contract CIS Security**

Having considered a confidential officer report, and a presentation by the Cabinet Member for Finance and Resources, Councillor Amanda De Ryk, the Mayor and Cabinet for the reasons set out in the report by a vote of 8-0:

RESOLVED that

(1) an extension of the contract with CIS Security Limited be approved for one year, until December 2020 for the provision of corporate Security and Related Services, involving expenditure of an approximately stated monthly figure and a stated total figure over the term of the extension, subject to increases in the London Living Wage; and

(2) during the extension period, Officers carry out a full options appraisal on the future delivery of security services including insourcing, a hybrid commercial arrangement and good practice initiatives from public and third sector organisations.

179. **CCTV Control room monitoring Contract Award**

Having considered a confidential officer report, and a presentation by the Cabinet Member for Safer Communities, Councillor Joani Reid, the Mayor and Cabinet for the reasons set out in the report by a vote of 8-0:

RESOLVED that

(1) the monitoring contract for Lewisham Council’s CCTV Control room be awarded to Enigma for the provision of 1 operator, 24 hour per day, 365 days per annum, of the control room, starting on February 1st 2020, for term of 5 years with the ability to extend by 2 years; and

(2) the annual contract cost would be as stated, with a total contract cost over 5 years of a further stated figure.

180. **Cleaning Extension Churchill Contract Services**

Having considered a confidential officer report, and a presentation by the Cabinet Member for Finance and Resources, Councillor Amanda De Ryk, the Mayor and Cabinet for the reasons set out in the report by a vote of 8-0:

RESOLVED that:

(1) the insourcing of the cleaning service be approved;

(2) an extension of the contract with Churchill Contract Services Ltd for nine months, until September 2020 be approved for the provision of Building Cleaning and Related Services allowing Officers to immediately begin the
process of insourcing the service and facilitate next steps, including TUPE negotiations and appointing a Service Manager.

(3) The cost of the extension will involve expenditure of an approximately stated monthly figure, and a stated maximum total of over the full term of the extension, subject to increases in the London Living Wage.

181. Lewisham Gateway - Various Approvals in relation to the Phase 2 Development

Councillor Amanda De Ryk withdrew from the meeting while this item was considered.

Having considered a confidential officer report, and a presentation by the Mayor, the Mayor and Cabinet for the reasons set out in the report by a vote of 7-0:

RESOLVED that:

(1) the stated increase in the amount of Housing Infrastructure Fund) funding for the scheme and the associated requirements of the Council as the accountable body for the grant be approved;

(2) the grant of the Phase 2 building leases be approved in accordance with the structure annexed at Appendix 1;

(3) authority be delegated to the Executive Director for Housing, Regeneration & Environment, in consultation with the Executive Director for Corporate Services and the Head of Law, to agree the amount of the guarantee for Phase 2; and

(4) authority be delegated to the Executive Director for Housing, Regeneration & Environment, in consultation with the Director of Regeneration & Place and the Director of Law, to agree all further variations to the Development Agreement.

182. Community Toilets Scheme Contract

Councillor Best suggested appropriate signage at installations could offer advice to residents. Officers promised they would discuss this suggestion with the provider.

Having considered a confidential officer report, and a presentation by the Cabinet Member for Community Sector, Councillor Jonathan Slater, the Mayor and Cabinet for the reasons set out in the report by a vote of 8-0:

RESOLVED that

(1) a Single Tender Action be approved between the Council and Rushey Green Timebank to 31 March 2022 for the provision of Community Toilets across the borough, enabling the funding to be aligned with that of the LB
Lewisham Main Grants cycle and will require a stated annual expenditure;

(2) the Community Toilets provision be considered for competitive tender or under an alternative funding model during the 2021/22 financial year as part of any review that may be undertaken of the Main Grants programme and LB Lewisham support to the voluntary and community sector at that time.

183. Domiciliary Care Provision

Having considered a confidential officer report, a presentation by the Deputy Mayor, Councillor Chris Best, the Mayor and Cabinet for the reasons set out in the report by a vote of 8-0:

RESOLVED that

(1) a one year (1 year) extension be approved from 1st April 2020 until 31st March 2021 of the Home Care Services Contract with the following organisations:

- Eleanor Homecare (Neighbourhood 2 plus a section of neighbourhood 1) at an estimated stated cost.
- Westminster Homecare (Neighbourhood 3 plus a section of neighbourhood 1) at an estimated stated cost
- Care Outlook Ltd (Neighbourhood 4 plus a section of neighbourhood 1) at an estimated stated cost; and

(2) authority be delegated to the Executive Director for Community Services and the Acting Chief Finance Officer to agree any inflationary increase in April 2020 and to agree any additional increase in the contract price as a result of an increase in the London Living Wage in 2020/2021.

The meeting closed at 7.58pm
# MAYOR AND CABINET

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## Purpose of Report

To report back on any matters raised by the Overview and Scrutiny Business Panel following their consideration of the decisions made by the Mayor on October 30 2019 or on any urgent issues raised by Select Committees or Local Assemblies or other Constitutional bodies.
Reasons for Urgency

Consideration of the report cannot wait until the next meeting of Mayor and Cabinet as whether the recommendations are agreed or not, there is a significant work programme that falls out from either decision which will be severely impacted on as the delay will be further affected by the Christmas break and the availability of officers and the managers of other affected organisations.

1. Summary

This report informs the Mayor and Cabinet of a call-in and associated comments by the Overview & Scrutiny Business Panel on 12 November 2019 in accordance with Paragraph 14 of the Overview and Scrutiny Procedure Rules.

2. Purpose of the Report

To inform the Mayor and Cabinet of the reason agreed for the call-in, and to ask them to reconsider a decision made on “Re-commissioning of Building Based Day Services for Older Adults”.

3. Recommendation

The Mayor and Cabinet is requested to respond to the call-in made by the Overview & Scrutiny Business Panel as described in paragraph 5 below.

4. Background

4.1 At a meeting of the Mayor and Cabinet held on 30 October 2019, the Mayor and Cabinet considered an officer report entitled “Re-commissioning of Building Based Day Services for Older Adults”. In accordance with the Constitution, this decision was notified to Members of the Business Panel within 2 days of being made. A copy of that report and the decision notice appears at Appendix 1.

4.2 Following oral presentations from the Director of Adult Joint Commissioning and the Public Health Commissioning Manager at the meeting of Overview
and Scrutiny Business Panel (OSBP) on 12 November 2019, Members of the Panel noted that the proposal to the Mayor and Cabinet was necessary because the existing contract in relation to adults’ day care service provision was coming to an end. Thus, a contract review exercise was required to meet the needs of residents who have had their care and support needs assessed under the Care Act 2014.

4.3 Also at the OSBP meeting on 12 November 2019, Members of the Panel recognised that the review exercise took into account constraints on councils’ budgets due to austerity measures by the government, and the need to ensure efficiency. Thus, the proposal agreed by the Mayor and Cabinet would result in savings of £139,000 for re-investment into Lewisham’s adult social care services to deliver to a diverse client group. The Business Panel fully appreciated the need to make budget savings and that this would have to be part of the consideration when resolving the matter.

5. Reason for Call-in of Decision by Mayor and Cabinet

5.1 Members of the Business Panel resolved to call in the Mayor and Cabinet decision, in order to enable Mayor and Cabinet to re-consider appraisal by officers of the consultation exercise, and reason for Recommendation 2, in view of:

“A clash between the purpose of the report – namely to deal with the contract for adult day care services provision – and the wider purpose and use of the Calabash Centre as a venue for Black and Ethnic Minority residents in Lewisham”.

6. Legal Implications

6.1 The Council’s Constitution provides that where the Overview & Scrutiny Business Panel requests that the Mayor & Cabinet reconsider a decision it shall not become effective until it has been done. There may be no further call-in of the decision.

6.2 It is essential that a decision is made on the consideration of all relevant information and ignoring irrelevancies. On this basis a decision must not be one which no reasonable authority could come to. In addition to the reason for referral back as set out in 5.1, Members’ attention is also drawn to the contents of the report appearing at Appendix 1.

7. Financial implications

7.1 There are no financial implications arising from this report.
Minutes of Mayor and Cabinet of 10 & 30 October 2019.

If you have any queries on this report, please contact Jasmine Kassim, Senior Committee Manager, 0208 314 8577 or Kevin Flaherty, Head of Business and Committee on 0208 314 9327
1. Summary

1.1. This report informs Mayor and Cabinet of the comments and views of the Sustainable Development Select Committee, arising from discussions on protection of Lewisham’s pubs.

2. Recommendation

2.1. Mayor and Cabinet is asked to note the Committee’s comments as set out in this report and ask the Executive Director for Housing, Regeneration and Environment to provide a response.

3. Sustainable Development Select Committee views

3.1. On Monday 28 October 2019, the Sustainable Development Select Committee considered a response from Mayor and Cabinet regarding the Committee’s comments on protection of Lewisham’s pubs. The Committee resolved to advise Mayor and Cabinet of the following:

   o The Committee recommends that the proposed policy for pubs in the upcoming local plan should be strengthened.
   o It is recognised that proposals from officers would be an advance on the previous position regarding local pubs – but there is concern that the intended presumption against development does not specify the types of pubs that should be protected.
   o Members believe that historic (20 century and earlier) purpose built pubs- especially those that served as landmarks and key locations on high streets- should receive additional protections.

4. Financial implications

4.1. There are no financial implications arising from the implementation of the recommendation in this report but there may be financial implications arising from carrying out the action proposed by the Committee.

5. Legal implications

5.1. The Constitution provides for select committees to refer reports to the Mayor and Cabinet, who are obliged to consider the report and the proposed response from the
relevant Executive Director; and report back to the Committee within two months (not including recess).

6. **Further implications**

6.1. At this stage there are no specific sustainability, equalities or crime and disorder implications arising as a result of the implementation of the recommendation in this report. However, there may be implications arising from the implementation of the Committee’s recommendations.

**Background papers**

Sustainable Development Select Committee agenda, 28 October 2019: [https://tinyurl.com/sdsc281019](https://tinyurl.com/sdsc281019)

If you have any questions about this report - please contact Timothy Andrew (Scrutiny Manager - timothy.andrew@lewisham.gov.uk)
1. **Summary**

1.1 This report informs the Mayor and Cabinet of the comments and views of the Safer Stronger Communities Select Committee, arising from discussions held on Food Poverty at the meeting on 9 October 2019.

2. **Recommendation**

2.1 Mayor and Cabinet is asked to consider the views of the Select Committee as set out in this report and provide a response to the Committee.

3. **Safer Stronger Communities Select Committee views**

3.1 On 9 October 2019, the Safer Stronger Communities Select Committee considered a report entitled “Food Poverty”. The Committee resolved to refer the following statement to Mayor and Cabinet: That

“The Safer Stronger Communities Select Committee endorse the Council looking at developing a Food Poverty Action Plan and considering how it can be supported.”

4. **Financial implications**

4.1 There are no financial implications arising out of this report.

5. **Legal implications**

5.1 The Constitution provides for Select Committees to refer reports to the Mayor and Cabinet, who are obliged to consider the report and the proposed response from the relevant Executive Director; and report back to the Committee within two months (not including recess).

6. **Further implications**

6.1 At this stage there are no specific environmental, equalities or crime and disorder implications to consider. However, there may be implications arising from the implementation of the Committee’s recommendations.

**Background papers**
Safer Stronger Communities Select Committee agenda 9 October 2019: [link]
If you have any questions about this report, please contact Katie Wood, Scrutiny Manager (katie.wood@lewisham.gov.uk)
1. Purpose of Report

To report on items previously reported to the Mayor for response by directorates and to indicate the likely future reporting date.

2. Recommendation

That the reporting date of the items shown in the table below be noted.

<table>
<thead>
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<td>ED Corporate Services</td>
<td>30 October 2019</td>
<td>15 January 2020</td>
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<td>30 October 2019</td>
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**BACKGROUND PAPERS and AUTHOR**

Mayor & Cabinet minutes 26 June, 10 July, 10 October and 30 October 2019 available from Kevin Flaherty 0208 3149327.

[http://councilmeetings.lewisham.gov.uk/ieListMeetings.aspx?CId=139&Year=0](http://councilmeetings.lewisham.gov.uk/ieListMeetings.aspx?CId=139&Year=0)
Chief Officer Confirmation of Report Submission
Cabinet Member Confirmation of Briefing

Report for: Mayor
Mayor and Cabinet
Mayor and Cabinet (Contracts)
Executive Director

Information [ ] Part 1 [ ] Part 2 [ ] Key Decision [ ]

Date of Meeting 20th November 2019
Title of Report Ladywell Playtower Restoration
Originator of Report Gavin Plaskitt Ext.46398

At the time of submission for the Agenda, I confirm that the report has:

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Signed:
Cabinet Member
Date: 12th November 2019

Signed:
Executive Director
Date 12th November 2019

Control Record by Committee Support

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1. Introduction

1.1. This report sets out to Mayor and Cabinet the progress made on restoration of Ladywell Playtower following the selection of Guildmore to restore the building and return it to use in November 2017.

1.2. Guildmore were selected as a suitably experienced contractor and operator with the ability to sensitively restore the Grade II listed building. Their proposal involves raising funds from additional development around the Playtower building to help overcome the substantial restoration cost of the listed building itself. The Council will dispose of an interest in the property in order to secure the restoration and re-use of the building.

1.3. This report is in two parts with confidential financial and commercial information related to the restoration contained in the part two report.

2. Purpose

2.1. The purpose of this report is to set out to Mayor and Cabinet:

2.1.1. The design development that has taken place to progress the original restoration proposals.
2.1.2. The results of further surveys of the Playtower that have been undertaken
2.1.3. The changes from the original proposal that are now necessary in order to be able to progress with the restoration of the Playtower
2.1.4. To seek approval for the changes from the original proposal and to delegate authority to agree any further changes that are required to achieve the restoration of the Playtower to the Executive Director for Housing, Regeneration & Environment.
3. **Summary**

3.1. At the beginning of 2017 the Council embarked on a competitive process to identify and select an organisation for the revival and restoration of Ladywell Playtower, a Grade II listed Victorian bath house. The building is in a state of considerable disrepair and has been unused since its closure in 2004. A subsequent fire significantly damaged the buildings rear pool hall space in 2006. Despite the fire, and the impact it had to the building’s fabric, the building was Grade II listed in the same year. Very shortly after, the building was put on Historic England’s ‘Heritage at Risk Register’ in priority category C meaning it suffers slow decay with no solution agreed.

3.2. In November 2017 Guildmore working in partnership with Curzon were selected from four shortlisted candidates to restore the building with RJK Properties/Hillman as a reserve bidder.

3.3. Pre-planning application feedback has resulted in some changes from the initial design and use proposals becoming necessary, these changes are outlined in more detail below.

4. **Recommendations**

It is recommended that Mayor and Cabinet:

4.1. Note the changes of use from the original proposal outlined in section 7 of this report;

4.2. Note the survey findings which have led to a significant restoration cost uplift outlined in section 8 of this report;

4.3. Note the feedback from Lewisham Design Panel and Historic England on the current proposal;

4.4. having considered both parts of this report, agree the changes from the original Guildmore proposal outlined in section 7 of this report; and

4.5. Delegates authority to the Executive Director for Housing, Regeneration & Environment to agree any further changes that are required to achieve the restoration of the Playtower.

5. **Policy Context**

5.1. Lewisham’s Corporate Strategy 2018-2022 sets out our vision to deliver improvements for our residents over 5 years. The subject of this report contributes to the following corporate objectives:
- **Building an inclusive local economy** – the scheme will create London Living Wage employment during construction and in the longer term. It will also drive footfall to the area, supporting the viability of local businesses in the vicinity and contributing to a vibrant evening economy.

- **Building safer communities** – the restoration and re-use of the Playtower will tackle some of the low level antisocial behaviour problems that have occurred over the years of disuse and will introduce more evening footfall and oversight to the neighbourhood.

5.2. ‘**People, Prosperity and Place**’, the Council’s Regeneration Strategy (2008-2020)\(^1\), outlines the Council’s vision for a ‘cohesive, vibrant and dynamic borough’. It is underpinned by a desire to promote sustainable communities in which people live, work and thrive; where social, economic and environmental factors combine to ensure long-term success and durability. Delivering this strategy includes the following priority outcomes which relate to the restoration of Ladywell Playtower and reflect the council’s aspirations for its revival:

5.2.1. **People** – Creating a borough of creative, diverse, cohesive and healthy local communities able to support themselves, act independently and engage actively in partnerships to ensure local people of all ages benefit from regeneration.

5.2.2. **Prosperity** – Creating a borough that has a thriving, dynamic and creative economy.

5.2.3. **Place** – Creating a borough that provides a high quality of life for all residents through attractive, liveable, accessible and safe neighbourhoods along with the provision of high quality facilities that meet the needs of the community.

5.3. The Council’s ‘**Strategic Asset Management Plan**’ (2015-2020), outlines the Council’s approach to management of its corporate assets. It sets out a strategy for their use in creating value and investment in the borough, driving regeneration and economic growth, and delivering income generation, infrastructural needs and service development. Delivering this strategy includes the following priority outcomes which relate to the restoration of Ladywell Playtower and reflect the council’s aspirations for its revival:

5.3.1. Compliance with regulation and responsiveness to risk.

5.3.2. Reducing expenditure associated with the Council’s assets.

5.3.3. Increasing the level of income generated by the Council’s assets.

\(^1\) [https://www.lewisham.gov.uk/inmyarea/regeneration/Pages/People-Prosperity-Place.aspx](https://www.lewisham.gov.uk/inmyarea/regeneration/Pages/People-Prosperity-Place.aspx)
5.4. Ladywell Playtower is located within the St Mary’s Conservation Area which was designated in 1976, and extended in 2006. The Conservation area is characterised in particular by St Mary’s Church, its churchyard and the strong group of Victorian and Edwardian civic buildings that surround it. These include Ladywell Playtower, and the adjacent Grade II Coroners Court, and Mortuary. These buildings are of high quality individually, but particularly special as a group. The ‘St Mary's Conservation Area Supplementary Planning Document’ and ‘St Mary's Conservation Area Character Appraisal’ identify Ladywell Playtower and its surrounding area as one of special historic interest and architectural significance. The Council have also placed an Article 4 direction on the conservation area in order to protect its special significance and high quality architectural features against unsympathetic development.

6. **Background**

6.1 Guildmore’s initial proposals for restoration of the Playtower included:

- the restoration of the listed playtower building to provide a Curzon cinema and restaurant uses
- the construction of a residential block of 21 private sale units to the south of the Playtower
- The construction of a combined nursery and step down care block (comprising 9 x ,1 bed units) between the Playtower and Coroner’s Court buildings

6.2 Public consultation carried out ahead of the selection included 1287 comments on the proposal, whilst the cinema elements received strong support, there were relatively few comments made about the nursery and step down care elements. 18 Comments were received about the nursery with 10 in favour of this use and 8 against it.

6.3 As such, neither the nursery nor the step down care elements were referred to in the key strengths of Guildmore’s bid in the November 2017 M&C report and this section focussed solely on their proposal to provide a new local cinema in partnership with Curzon which remains unchanged.

6.4 Guildmore were the only one of the four shortlisted proposals that was not reliant on securing substantial grant funding to bring about restoration of the building. At the time, and following their initial examination of the building the restoration cost was estimated to be £4.5m

6.4 It was proposed that the development of the other private uses on the site (housing, nursery and care) would, together with sale of leases to Curzon/restaurant operators, raise the funds necessary to complete the £4.5m restoration.
6.5 As part of the analysis of the four shortlisted bids some initial feedback was provided by the planning department on each scheme and this was included in the November 2017 M&C report. In Guildmore’s case this highlighted some concerns about how the different uses proposed would integrate, and how vehicle movement generated by the site use might impact on the adjacent road network. Concerns over potential increase in traffic levels and parking needs, especially from the nursery and residential/step-down care facility were highlighted as a specific challenge in the summary of the key strengths and challenges of Guildmore’s bid.

7. **Design development**

7.1 Following their selection, Guildmore commenced formal pre-application discussions with Lewisham’s Planning Department, which gave the applicant and the department the chance to consider the emerging proposals in greater detail.

7.2 Following feedback from these sessions, which took place throughout 2018 there remained concerns about the ability of the different uses proposed for the site to work well together and to not have a negative impact on one another and on congestion on Ladywell Road as a result of generating vehicle movement at the site. As a result Guildmore replaced the nursery and step down care uses (which were most problematic in terms of integration and vehicle trip generation) with additional housing which was considered less problematic.

7.3 Between 160m² and 200m² of ground floor space in the Playtower is not required for the Curzon cinema, this space is highlighted in red on the attached plan (Appendix 1). Guildmore propose that this will now be used as affordable workspace or affordable community space for local people. The space would be let at rates that are maintained at below the local market rate. The space could lend itself to supporting Lewisham’s substantial SME business community and/or increase the amount of hireable community space in the Ladywell area. Curzon Cinemas have also committed to offering concession admission prices to holders of a Lewisham Local - Community Contributor Card, to recognise and reward people in the community who regularly volunteer their time to support good causes.

7.4 Guildmore worked through design issues for the residential development taking feedback from planning and conservation officers who were keen to ensure that the new development would not have a negative impact on the adjacent listed buildings or on the St Mary’s Conservation Area. A formal design panel meeting was held in August 2018 to analyse and feedback on the scheme that had been developed. By this stage the number of housing units had increased to 33 units split across two blocks of development. The design panel and Historic England were comfortable that the form and quantum of development was appropriate given the local context.
8. **Detailed condition surveys**

8.1 During the course of 2018 a range of detailed intrusive surveys were carried out around the building to fully understand the restoration cost. The surveys revealed that in a number of respects the condition of the building was worse than preliminary investigations suggested and the £4.5m budget to complete the restoration would be insufficient.

8.2 Surveys revealed the additional need for:

- removal of rotting timber and to provide new structural supports
- to repair roof coverings
- to tackle areas of wet and dry rot
- to repair and replace roof glazing
- significant listed fabric restoration and brick work repair required
- basement waterproofing
- asbestos removal
- drainage repairs
- utilities upgrades (water and electricity) will be necessary to meet the needs of the new building

8.3 The additional works to complete the restoration are estimated to cost a further £1.7m bringing the overall restoration cost to £6.2m.

8.4 Although both the design development and building investigations are now well developed, new requirements may result in further changes needing to be made to the scheme to ensure that the restoration of the Playtower is achieved. For this reason it is requested that authority is delegated to the Executive Director for Housing, Regeneration & Environment to agree any further changes that are required to achieve the restoration of the Playtower.

9. **Viability**

9.1 The increased cost of restoration places a pressure on the overall viability of the scheme which the additional private housing helps to address. The Council commissioned an independent viability review from GL Hearn to in order to be assured that the cost changes were reasonable and that the scheme could still be delivered. Their conclusion was that the scheme was deliverable. Further detail of their analysis is included in part 2 of this report.

10. **Legal Implications**

10.1 The Council has a wide general power of competence under Section 1 of the Localism Act 2011 to do anything that individuals generally may do. The existence of the general power is not limited by the existence of any other power of the Council which (to any extent) overlaps the general power. The Council can therefore rely on this power to carry development
and to act in an “enabling” manner with partners for the development of its land.

10.2 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

10.3 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

10.4 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed in the paragraph above.

10.5 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

10.6 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice
10.7 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty.
- Meeting the equality duty in policy and decision-making.
- Engagement and the equality duty: A guide for public authorities.
- Objectives and the equality duty. A guide for public authorities.

10.8 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:


11. **Financial Implications**

11.1 This report recommends that the Mayor agrees changes from the original Guildmore proposal and delegates authority to the Executive Director for Housing, Regeneration & Environment, to agree any further changes that are required to achieve the restoration of the Playtower hereafter. There are no direct financial implications arising from this report, in that the terms of the proposed lease transfer to Guildmore remain the same, although it can be expected that an increased number of residential units will in future generate additional Council Tax income to the Council. A change in the non-residential uses of the site could also impact on Business Rates income receivable.

12. **Crime and disorder implications**

12.1 The Ladywell Playtower site has been empty since 2004 and has attracted low level antisocial behaviour throughout the intervening period. The restoration and reuse of the building will stop unauthorised entry and damage to the property, attracting new users to the area at all times of day, helping to strengthen natural surveillance and reduce fear of crime.

13. **Equalities Implications**
13.1. The current layout of Ladywell Playtower creates problems for those with mobility difficulties. There is no lift function and several areas of the building are only accessible by stairs. Restoration and modernisation of the structure will improve accessibility at all levels throughout the building, enabling improved movement and circulation for all.

13.2. The proposals include disabled parking.

14. **Environmental Implications**

14.1. Restoring Ladywell Playtower will include the modernisation of heating and energy systems and improved insulation within the constraints imposed by the buildings listed designation.

14.2. Works will also include the removal of hazardous material such as asbestos, pigeon guano and pigeon infestations, known to be present on the site.

14.3. Detailed environmental implications associated with the restoration and operation of the site e.g. construction traffic and increased visitor numbers etc. will be fully considered as part of the planning application process.

15. **Conclusion**

15.1 The Guildmore scheme for Ladywell Playtower has been thoroughly developed in response to feedback that they have received as part of the pre-application planning process. They have carried out considerable design development to try to respond to the historic context of the conservation area and to respect the Grade II listed building. This work has culminated in a scheme which although different to the original proposal in some respects still delivers the outcomes which the public overwhelmingly supported, namely the restoration of an important listed building for a use which will once again allow the public to make use of the building.
APPENDIX 1 – Affordable workspace/community space
Agenda Item 6

Chief Officer Confirmation of Report Submission
Cabinet Member Confirmation of Briefing

Report for:  Mayor
            Mayor and Cabinet
            Mayor and Cabinet (Contracts)
            Executive Director

Information ❑ Part 1 ❑ Part 2 ❑ Key Decision ❑

Date of Meeting 20th November 2019
Title of Report Retention of Right to Buy Receipts
Originator of Report Freddie Murray Ext. 43194

At the time of submission for the Agenda, I confirm that the report has:

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Cabinet Member
Date: 12th November 2019

Signed: [Signature]
Executive Director
Date 12th November 2019

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Page 36
**1 Purpose of report**

1.1 The Council is seeking to enter into a contract with the Greater London Authority to transfer Right to Buy Receipts to them. The funds would be ring-fenced and returned to the Council as and when required via a standard grant agreement.

1.2 This eliminates the risk of the Council losing unspent Right to Buy receipts which previously would have been returned to HM Treasury together with a penalty revenue fee.

1.3 This paper will provide the background to the issue and seeks recommendations to allow officers to enter into a formal contract to prevent the loss of these receipts.

**2 Summary**

2.1 The Council currently retains the income accrued as a direct impact of the Right to Buy initiative that enables tenants of Lewisham Council to purchase their council homes at sub-market value.

2.2 Once received by the Council, receipts from the sale of these properties must be spent within three years. HM Government provides a strict interpretation on how this money must be spent.

2.3 In 2018, the Mayor of London, Sadiq Khan, announced radical proposals to enable local authorities to deliver their own homes more easily. This programme took many forms including the investment of £500m to Councils for direct delivery.

2.4 Another proposal looked at how Councils could have more control over their Right to Buy receipts to enable a more considered and more effective use of the monies without the risk of breaching the Regulations.
2.5 This process requires the Council to enter into contract with Greater London Authority to transfer their receipts to them in exchange for the return of the funds under the terms of a standard grant agreement. Funds would be ring-fenced for the exclusive use of the London Borough of Lewisham for provision of social/affordable housing as agreed with the GLA.

3 Recommendations

It is recommended that Mayor and Cabinet:

3.1 Notes the content of the report;

3.2 Approves the proposal to enable the transfer of Right to Buy Receipts to the GLA as and when appropriate and necessary

3.3 Delegates authority to the Executive Director for Housing, Regeneration and Environment to agree the terms of and enter into contract with the GLA to enable the funds to be transferred

3.4 Delegates authority to the Executive Director for Housing, Regeneration and Environment to agree the terms of and enter into subsequent grant agreements with the GLA to drawn down the receipts for agreed schemes

4. Policy context

4.1 Lewisham’s Housing Strategy was approved at Full Council in May 2015. This strategy sets out the Council’s ambition to address the challenges in the borough through the following objectives:

- Helping residents at times of severe and urgent housing need
- Building the homes our residents need
- Greater security and quality for private renters
- Promoting greater quality in the social and private rented sectors

4.2 Lewisham’s Core Strategy has the objective to make provision for the completion of an additional 18,165 net new dwellings from all sources between 2009/10 and 2025/26, to meet local housing need and accommodate the borough’s share of London’s housing needs. This aims to exceed the London Plan target for the borough. The Core Strategy also has the objective to make provision to meet the housing needs of Lewisham’s new and existing population, which will include:

- the provision of affordable housing
- a mix of dwelling sizes and types, including family housing
- lifetime homes, and specific accommodation to meet the needs of an ageing population and those with special housing needs
- bringing vacant dwellings back into use

4.3 This report also contributes to the specific objective in the Corporate Strategy 2018-2022:
• To deliver 1,000 new social homes.

5. **Background**

5.1 In May 2018, the Mayor of London published his grant funding prospectus ‘Building Council Homes for Londoners’ which secured funding for the provision of new Council homes in London. Lewisham officers were heavily involved with the GLA in setting up the bid programme and drafting the prospectus. Lewisham’s Mayor joined the Mayor of London to launch the programme in May and in doing so confirmed Lewisham’s intention to partner with the GLA to build new council homes in the borough.

5.2 Councils were encouraged to bid for Affordable Housing Grant funding to build new Council homes, with rents set at between target and London Affordable Rent levels. The programme intends to support delivery of 10,000 new council housing starts in London by March 2022 with an emphasis on early delivery.

5.3 The bid deadline for both the additional HRA borrowing and the grant funding programme was 30\(^{th}\) September 2018. The detail of the HRA programme was launched in July 2018, which led to a short lead in time to prepare the bids and reports for full approval. The 20\(^{th}\) September 2018 M&C Report “Building Council Homes for Londoners: Lewisham Funding bid, approved the recommendation for the council to bid for additional HRA borrowing in the region of £51.4m along with bidding for grant funding from the GLA in the region of £57.5m.

5.4 Delegated authority was approved for the then Executive Director for Customer Services, subject to the approval of the Executive Director for Resources and Regeneration, to agree the final bid submission and a provisional agreement letter was signed and agreed by the deadline of March 2019 and returned to the GLA which allowed access to the grants and funding, however this agreement now needs to be formalised by entering into a contract.

5.5 As per Government guidance, Right to Buy receipts can contribute towards 30% of the total cost of the affordable rent units (as the rest are grant funded by other means). The “receipts pooling return2 is used by government to estimate the amount of receipts that can be retained, as well as the total expenditure that should be incurred within three years of retaining the said receipts, the receipt(s) becomes repayable to central government with interest charged at 4%. The opportunity to ringfence these funds on behalf of the Council would be extremely beneficial.

5.6 The GLA ring fencing offer removes some of the restrictions around the percentages that can be used to fund construction and also allows RTB receipts to be pooled with additional funding sources. This would not be possible if funded directly by the Council due to restrictions linked to the status of the local authority which do not apply to the GLA. On this basis it is thought that participating in the ring-fence is a sensible approach.
6. Financial Implications

6.1 The amount the Council receives per year in RTB receipts varies, based on the actual number of completed sales. Part of these receipts are retained by the authority for Replacement Homes (known as 1-4-1 receipts) for investment in new units. The “receipts pooling return” is used by government to estimate the amount of receipts that can be retained, as well as the total expenditure that should have been incurred in delivering new supply at the date of the return. If not enough total expenditure is incurred, within three years of retaining the said receipt, the receipt(s) becomes repayable to central government with interest charged at 4% above base rate.

6.2 Measuring total expenditure to date in this way does not provide any flexibility and does not take into account delays that may incur in delivering new build schemes. The Council has been close to repaying funds to government in the past. This will occur if total expenditure at the date of the return is not enough. Repayment of the receipts to government will then be required, even if the total estimated costs of delivery exceeds the total spend requirement overall. The opportunity for the GLA to ringfence these funds on behalf of the Council would ensure that they could be invested into the programme beyond the 3 year deadline imposed by MHCLG.

6.3 The process for returning receipts remains as outlined in the one-for-one agreement. This requires the authority to return the receipts, with interest, to MHCLG. MHCLG would then forward these receipts to the GLA. The GLA agreement guarantees that these receipts will be available to use by Lewisham on programmes agreed with the GLA.

6.4 The interest charge would be a revenue cost, and could fall on either the HRA or General Fund (or both) for repayment.

7. Legal Implications

7.1 Under the terms of the current agreements, made under Section 11(6) of the Local Government Act 2003, local authorities are required to spend retained Right to Buy receipts within three years, and for the receipts to fund no more than 30% of the cost of a replacement unit. Where a local authority is unable to spend receipts within three years they have to be returned to the Ministry of Housing, Communities and Local Government (MHCLG), together with interest of 4% above base rate, to be spent on affordable housing through Homes England or the Greater London Authority.

7.2 The GLA is empowered to receive funding from MHCLG and provide grant funding to councils in London for the purpose of the recipient providing social/affordable housing under sections 30(1) and 34 of the Greater London Authority Act 1999 (the GLA Act), provided the London Mayor considers that doing this will further one or more the GLA’s principal purposes of: (a) promoting economic development and wealth creation in Greater London; (b) promoting
social development in Greater London; and (c) promoting the improvement of
the environment in Greater London.

7.3 The Council has a wide general power of competence under Section 1 of the
Localism Act 2011 to do anything that individuals generally may do. The
existence of the general power is not limited by the existence of any other
power of the Council which (to any extent) overlaps the general power. The
Council can therefore rely on this power to carry out housing development, to
act in an “enabling” manner with other housing partners and to accept grant
funding from the GLA for the provision of new affordable housing.

7.4 The Equality Act 2010 (the Act) introduced a public sector equality duty (the
equality duty or the duty). It covers the following protected characteristics:
age, disability, gender reassignment, marriage and civil partnership,
pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.5 In summary, the Council must, in the exercise of its functions, have due
regard to the need to:

• eliminate unlawful discrimination, harassment and victimisation and other
conduct prohibited by the Act.
• advance equality of opportunity between people who share a protected
characteristic and those who do not.
• foster good relations between people who share a protected characteristic
and those who do not.

7.6 It is not an absolute requirement to eliminate unlawful discrimination,
harassment, victimisation or other prohibited conduct, or to promote equality
of opportunity or foster good relations between persons who share a protected
characteristic and those who do not. It is a duty to have due regard to the
need to achieve the goals listed at 9.3 above.

7.7 The weight to be attached to the duty will be dependent on the nature of the
decision and the circumstances in which it is made. This is a matter for the
Mayor, bearing in mind the issues of relevance and proportionality. The Mayor
must understand the impact or likely impact of the decision on those with
protected characteristics who are potentially affected by the decision. It is not
an absolute requirement to eliminate unlawful discrimination, advance equality
of opportunity or foster good relations. The extent of the duty will necessarily
vary from case to case and due regard is such regard as is appropriate in all
the circumstances.

7.8 The Equality and Human Rights Commission has recently issued Technical
Guidance on the Public Sector Equality Duty and statutory guidance entitled
“Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:


8. Crime and disorder implications

8.1. There are no crime and disorder implications arising from this report.

9. Equalities implications

9.1. The provision of new social housing in the borough has a positive equalities impact. Households on the Council’s Housing Register are more likely to have a protected characteristic that the wider population as access to the register is limited to those most in housing need.

10. Environmental implications

10.1. There are no environmental implications arising from this report.

If you have any queries relating to this report please contact Freddie Murray on x43194.
Chief Officer Confirmation of Report Submission
Cabinet Member Confirmation of Briefing
Report for: Mayor
Mayor and Cabinet
Mayor and Cabinet (Contracts)
Executive Director
Information x Part 1 x Part 2 Key Decision

Date of Meeting | 30th October 2019
Title of Report | Response to a recommendation made by the Sustainable Development Select Committee in relation to ‘Home Energy’
Originator of Report | Martin O’Brien Ext. 46605

At the time of submission for the Agenda, I confirm that the report has:

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<td>Crime &amp; Disorder Implications</td>
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Signed:
Cabinet Member
Date: 21 October 2019

Signed:
Executive Director
Date 21 October 2019

Control Record by Committee Support

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1. Purpose

1.1 To provide the response to a recommendation by the Sustainable Development Select Committee in relation funding the Council's work on climate emergency.

2. Recommendations

2.1 It is recommended that the Mayor and Cabinet agrees the proposed actions and response set out in section 5 below to the recommendation made by the Sustainable Development Select Committee.

3. Policy Context

3.1 In 2016, the UK Government ratified the Paris Agreement, part of the United Nations Framework Convention on Climate Change. The Agreement commits countries to take action to prevent the global average temperature increasing 2°C above pre-industrial levels. In 2017 the Government published its Clean Growth Strategy setting out its approach to delivering on its greenhouse gas emission targets and in 2019 the Government approved legislation committing the UK to a legally binding target of net zero emissions by 2050.

3.2 Lewisham’s Corporate Plan 2018-22 includes commitments to maximise opportunities for energy efficiency and to provide support on energy bills for vulnerable residents.

3.3 In February 2019 Lewisham Council declared a Climate Emergency and proposed a target to make the borough carbon neutral by 2030.
4. Recommendation by the Sustainable Development Select Committee

4.1 On Tuesday 4 June 2019 the Sustainable Development Select Committee considered a report outlining the Council’s plans on domestic energy and fuel poverty with particular reference to the response to the Council’s declaration of a climate emergency.

4.2 Following consideration of this report the Committee resolved to advise Mayor and Cabinet of the following:

- The Committee welcomes the work being carried out by officers to deliver home energy efficiency in the borough. It also welcomes the initial work that is taking place in response to the Council’s declaration of a climate emergency. However, the Committee believes that officers working in this area need additional resources to deliver this work.
- The Committee believes that one way to increase funding would be to provide upfront backing for ‘green projects’ (such as solar installations or other micro generation projects) in the borough that would deliver a sustainable longer-term financial return. This may result in added support for Lewisham’s most vulnerable households whilst also generating resources for future work by the Council. The Committee would welcome a written response from Mayor and Cabinet alongside the attendance of the relevant Cabinet Member at a future Sustainable Development Select Committee meeting in order to provide details of the Executive’s response to this proposal.

5. Resourcing Lewisham Council’s Climate Emergency work

5.1 Key themes underpinning the response to the Council’s declaration of a climate emergency include:

- action on climate change is, first and foremost, action for social justice since a changing climate will impact most significantly on the vulnerable and those with lowest income;
- we should be ambitious in our approach. Lewisham has an opportunity to be a leader in London and for the public sector on this increasingly urgent issue;
- the scope of our ambition should extend beyond what is easily measured or in our direct control because many of these factors, such as aviation and food, will have the biggest impact on climate change;
- taking action on climate change has a wide range of co-benefits for health, for wellbeing and the local economy;
- we should strengthen the connections between our work on carbon emissions and other Council activity on air quality, waste & recycling, sustainable transport, biodiversity, flood risk and green spaces;
- urban living is low carbon living: Lewisham already has the second lowest carbon emissions per capita in the UK;

5.2 As the Sustainable Development Select Committee has highlighted there is currently limited budget available in the Council specifically to deliver carbon reduction initiatives. However in delivering on the commitment to be carbon neutral the focus should however rightly be on influencing the Council’s
mainstream programmes and decision-making, particularly as investment in action on climate change has the potential for a range of co-benefits for the local economy, health and wellbeing.

5.3 Officers have already progressed initiatives such as Lewisham’s new Community Energy Fund launched in September, the borough’s advice service for vulnerable residents at risk of the cold, as well as participation in the London ‘Solar Together’ initiative that allows Lewisham residents to benefit from bulk purchasing of solar panels to reduce costs.

5.4 It is also important to be clear that the Council should not be seen as being liable to meet the full costs of delivering on carbon reduction, and that central government should be pressed to take action and provide resources to deliver on national targets. In addition landlords, home owners and businesses should all be encouraged and enabled to provide the investment that will be needed to deliver a carbon neutral borough.

5.5 There are however areas where more action is urgently needed locally and there is no officer specifically dedicated to this work. Given the need for urgent and wide ranging action at all levels the public and private sector nationally and regionally is going to have to provide greater funding to deliver on the commitments that have been made. Those organisations that are proactive and engaged on this agenda will be best placed to make use of this resource. It is therefore proposed that the Council’s funds a 2 year contract for a new post to work in the Climate Resilience Team that will:
  - Seek out new opportunities for funding including the use of revolving funding outlined in the Sustainable Developments Select Committee recommendation;
  - Drive engagement work with schools;
  - Shape and coordinate work planned as part of a cultural legacy on climate change action around the Borough of Culture bid;
  - Drive a better coordination with other environmental services;
  - Work with the communications team to raise the scope and reach of our interaction with residents;
  - Lead our work with staff to change the culture of the organisation.

5.6 It is proposed that the budget required to fund this work is circa £110,000. The detail of this will be subject to the Council’s standard job evaluation and recruitment policies and procedures. Identifying funding for this post will be considered as part of the 2020/21 budget setting process.

6. Financial implications

6.1 This report recommends that the Mayor and Cabinet agrees the proposed actions and response set out in section 5 to the recommendation made by the Sustainable Development Select Committee. This includes the creation of a new post in the Climate Resilience team that would be funded for two years at a cost of approximately £110,000. Identifying funding for this post will be considered as part of the 2020/21 budget setting process.
7. Legal implications

7.1 The Council’s Constitution sets out the procedures relating to reports referred to the Mayor from a scrutiny committee. The Constitution sets a timescale of two months (not including recess) for a formal reply from receipt of such reports.

8. Crime and disorder implications

8.1 There are no specific crime and disorder implications resulting from this report.

9. Equalities implications

9.1 There are no specific equalities implications resulting from this report, however the impact of climate change in relation to extreme weather events, and rising energy, insurance and other household costs will have a disproportionate effect on vulnerable residents.

10. Environmental implications

10.1 There are no specific environmental implications resulting from this report however, as noted in the Council motion to declare a climate emergency:

The Intergovernmental Panel on Climate Change’s Special Report on Global Warming of 1.5°C, published in October 2018, describes the enormous harm that a 2°C rise is likely to cause compared to a 1.5°C rise. The IPCC identify that limiting global warming to 1.5°C may still be possible with ambitious action from national and sub-national authorities, civil society, the private sector and local communities;

In Lewisham, the consequences of inaction to address this climate emergency will include:

- Increased risk of flooding and damage to buildings, infrastructure and the local economy.
- Health problems, particularly for children, older people and those with pre-existing conditions.
- Higher living costs including energy, food, travel and insurance costs.
- Increases in social injustice and inequality.
- Financial and emotional consequences for residents with families around the world adversely affected by the impact of a changing climate

11. Conclusion

11.1 It is recommended that Mayor and Cabinet notes the approach set out in section 5 above and agrees this as the response to the recommendation made by the Sustainable Development Select Committee.
If there are any queries on this report please contact Martin O’Brien, Climate Resilience Manager, 020 8314 6605.

Background Documents

  http://councilmeetings.lewisham.gov.uk/documents/s6556/05%20Home%20energy%20conservation%20040619.pdf
Recommendation

It is recommended 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.

9. Award of Contract  Shared Care Adult substance misuse services

10. The Future Delivery of School Meals

11. Ladywell Playtower Restoration Part 2

12. Early Help Support Services Review and Permission
Agenda Item 9

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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Agenda Item 10

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