

# Public Document Pack

## Members

All Members of the Council are summoned to attend an extraordinary meeting to be held on Wednesday, 15 February 2023 at 7:00pm in the Council Chamber.



Jeremy Chambers, Monitoring Officer

## Extraordinary Meeting of Council

### Agenda

Wednesday, 15 February 2023  
**7.00 pm**, Council Chamber - Civic Suite  
Civic Suite  
Lewisham Town Hall  
London SE6 4RU

For more information contact: Clare Weaser (Tel: 020 8314 7369)

#### Part 1

Item		Pages
1.	Minutes	1 - 4
2.	Declaration of Interests	5 - 8
3.	Announcements or Communications	
4.	Appointment of an Interim Head of Paid Service	9 - 11

## MINUTES OF THE COUNCIL

Wednesday, 18 January 2023 at 7.30 pm

PRESENT: Councillors Damien Egan (Mayor), Yemisi Anifowose, Tauseef Anwar (Chair), Chris Barnham, Paul Bell, Peter Bernards, Chris Best, Andre Bourne, Natasha Burgess, Suzannah Clarke, Will Cooper, Laura Cunningham, Sophie Davis, Amanda De Ryk, Billy Harding, Stephen Hayes, Edison Huynh, Mark Ingleby, Mark Jackson, Eva Kestner, Louise Krupski, Jack Lavery, Aisha Malik-Smith, Joan Millbank, Hilary Moore, John Muldoon, Oana Olaru, Rosie Parry, Jacq Paschoud, John Paschoud, Kim Powell, James Rathbone, James Royston, Rudi Schmidt, Aliya Sheikh, Sakina Sheikh, Liam Shrivastava, Luke Sorba, Eva Stamirowski, Hau-Yu Tam, James-J Walsh, Luke Warner, Carol Webley-Brown and Susan Wise

ALSO PRESENT: Gerald Rose and Rabbie Weisz – Catford and Bromley Synagogue, former councillor Jimi Adefiranye, family and friends of former councillor Alan Till.

Apologies for absence were received from Councillor Liam Curran, Councillor Ese Erheriene, Councillor Liz Johnston-Franklin, Councillor Ayesha Lahai-Taylor, Councillor Rachel Onikosi and Councillor Stephen Penfold

### 1. Minutes

The Speaker of the Council MOVED, the Deputy Speaker SECONDED and it was RESOLVED that the minutes of the meeting held on 23 November 2022 be confirmed and signed as a true and accurate record.

### 2. Declaration of Interests

None.

### 3. Announcements or Communications

The Speaker announced the death of former councillor, Alan Till, whose friends and family were in attendance. A number of councillors, past and present, paid tribute to Alan, before the Council observed a minute's silence in remembrance.

Gerald Rose and Rabbi Weisz from Catford and Bromley Synagogue attended and spoke about Holocaust Memorial Day. They said a prayer for those who perished in the Holocaust. The Mayor and Speaker lit memorial candles. Another minute's silence was observed.

Councillor Brenda Dacres remembered the young people who died in the New Cross Fire and informed the Council about the 42<sup>nd</sup> annual memorial service which had taken place earlier that day.

The Speaker congratulated those Lewisham residents that had been recognised in the King's New Year Honours list 2023.

Lastly the Speaker announced that the Mayor of Lewisham Community Awards 2023 was open for nominations until Monday 30 January. Nomination forms could be found on the Council's website.

#### **4. Petitions**

Councillors Walsh and Sorba presented petitions on behalf of residents.

#### **5. Public Questions**

58 questions were received and written answers supplied.

Some questioners that were present at the meeting asked supplementary questions, and these were answered by the relevant Cabinet Members.

#### **6. Member Questions**

One Member question was received from Councillor Ingleby. A written reply had been supplied and was included in the published meeting papers.

#### **7. Approval of the Lewisham Local Plan - Regulation 19 Proposed Submission documents for public consultation**

It was MOVED by Councillor Royston, SECONDED by Councillor John Paschoud and RESOLVED to:

a. Approve the following 'proposed submission documents' for Regulation 19 statutory public consultation and to authorise officers to proceed to Regulation 22 (i.e. submit to Secretary of State and to notify the public of the submission), subject to no major modifications arising from the Reg 19 statutory public consultation (subject to (d) below):

- i. Lewisham Local Plan: Proposed Submission document (Regulation 19 stage)
- ii. Policies Map
- iii. Integrated Impact Assessment (IIA), IIA Non-technical Summary and Habitats Regulations Assessment
- iv. Consultation Statement (Regulation 18)
- v. Duty to Cooperate Statement

b. Note the contents of the Infrastructure Delivery Plan (IDP);

c. Note the financial and legal implications set out in the report; and

d. Delegate authority to the Director of Planning, in consultation with Councillor Dacres, for the making of any drafting amendments or corrections post Cabinet.

#### **8. Creation of senior level Housing Services capacity**

It was MOVED by Councillor Davis, SECONDED by Councillor Cooper and RESOLVED to note the establishment of up to five new Council posts and agree

that they should be paid at a level of remuneration on the JNC1, JNC2 and JNC3 salary scale, as set out in section 5 of the report.

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

It was MOVED by Councillor De Ryk, SECONDED by Councillor Rathbone and RESOLVED that the Council:

1. note the Council Tax Base calculation for 2023/24, as set out in the annual Council Tax Base government return, attached at Appendix A of the report;
2. agree a Council Tax Base of 88,848.5Band D equivalent properties for 2023/24;
3. agree a budgeted Council Tax collection rate of 94.0%;
4. agree no changes be made to the Council Tax Reduction Scheme (CTRS) for 2023/24, that eligible claimants make a minimum contribution of 25% towards their council tax;
5. approve the continuation of the discretionary Council Tax discount of 100% for care leavers up to the age of 25, as set out in section five of this report;
6. agree that the existing policy of a 0% discount for second homes for 2020/21 be continued for 2023/24, as set out in section five of this report;
7. agree that the existing policy of a 0% discount for empty homes Class A (an empty property undergoing structural alteration or major repair to make it habitable) be continued, as set out in section five of this report;
8. agree the amendment to the current policy and removes the 100% discount awarded for a period of four weeks, such that the 0% discount is applied immediately for empty homes – Class C (a substantially empty and unfurnished property), as set out in section five of this report;
9. agree that the existing Long Term Empty Property homes premium of: 100% for properties empty between 2 and 5 years, 200% for those empty for over five years, and 300% for properties that remain empty for 10 years or more continues, as set out in section five of this report;
10. agree the continuation of the existing policy of a 25% 'sanctuary' discount to ensure residents eligible for a single person discount are not financially worse off as a result of housing a refugee, as set out in section five of this report;
11. note the proposed 2023/24 National Non Domestic Rate (NNDR) estimated net yield of £72m, based on current information available.
12. agree to delegate the approval of the final 2023/24 NNDR1 form to the Executive Director for Corporate Resources for submission by the deadline of 31 January 2023.

## **10. Treasury Management Strategy Mid-Year Review**

It was MOVED by Councillor De Ryk, SECONDED by Councillor Rathbone and RESOLVED that Council:

1. Note the report, in particular the macroeconomic updates, performance of investments to date, updates on capital expenditure and borrowing in line with the Chartered Institute of Public Finance and Accountancy's (CIPFA) prudential indicators, and the update of the Council's Treasury Management Strategy.

2. Approve the following changes to our current approved borrowing counterparties
  - i. Individuals lending via a peer-to-peer platform where appropriate counterparty checks are conducted by the platform;
  - ii. Investors in capital market bonds and retail bonds issued by the council
3. Approve the updated Treasury Management Strategy.

## **11. Members' Allowances**

The Mayor MOVED, Councillor Millbank SECONDED and the Council RESOLVED to

1. Note the findings of the Independent Remuneration Panel and agree with the principles of the Panel's report;
2. Note that Lewisham councillors' allowances are well below recommended levels;
3. Implement the recommended basic allowance of £12,014 with effect from May 2022;
4. Agree that all Special Responsibility Allowances (SRAs) for councillors are increased by £1,021 thereby ensuring that no councillor receives an increase in the total allowances received that is greater than the 2022/23 staff pay award of £2,355 and that such increase is to take effect from May 2022;
5. Agree to consider the matter of SRAs again at the 2023 AGM of the Council against the Council structure in place at that time;
6. Instruct the Monitoring Officer to take any steps necessary to implement this decision.

## **12. Statement of Accounts 2021/22 and Annual Report 2021/22**

Councillor De Ryk MOVED, Councillor Schmidt SECONDED and Council RESOLVED to

1. Delegate to the Section 151 Officer, in consultation with the Chair of the Audit Panel, to agree any changes to the agreed audit adjustments and the final Statement of Accounts for publication, alongside the Auditor's Annual Report.
2. Approve the draft Statement of Accounts and Pension Fund Accounts 2021/22 and the agreed audit adjustments.
3. Note the Audit Findings Report 2021/22 and addendum from Grant Thornton following the external audit of the Council's Statement of Accounts and Pension Fund Accounts.
4. Note the Management Representation Letters.
5. Note the Auditor's Annual Report (VFM) 2021/22 from Grant Thornton.

## **13. Motions**

None.



## Council

### Declarations of Interest

**Date:** 15 February 2023

**Key Decision:** No

**Class:** Part 1

**Ward(s) affected:** n/a

**Contributors:** Chief Executive (Head of Governance and Committee Services)

### Outline and recommendation

Members are asked to declare any interests they may have on any agenda item.

#### 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 are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person\* for profit or gain
- (b) 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).

- (c) 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.
- (d) Beneficial interests in land in the borough.
- (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 no 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)



## Council

### **Interim Chief Executive Arrangements**

**Date:** 15 February 2023

**Class:** Part 1

**Contributors:** Sherene Russell-Alexander, Director of People and Organisational Development

### **Outline and recommendations**

This report asks Council to agree that Jennifer Daothong is confirmed as the interim Chief Executive and Head of Paid Service with effect from March 4 March 2023, pending the permanent recruitment of a postholder.

Council is recommended:

1. To agree to appoint, from 4 March 2023, Jennifer Daothong, Executive Director Housing, Regeneration and Public Realm, as Interim Chief Executive, including designation as Head of Paid Service, Returning Officer, and Electoral Registration Officer.
2. To authorise the Director of People and Organisation Development to agree an appropriate honorarium in respect of the additional duties associated with acting as Interim Chief Executive.

## **1. Summary**

- 1.1. This report asks Council to agree that Jennifer Daothong is confirmed as the interim Chief Executive and Head of Paid Service with effect from March 4 March 2023, pending the permanent recruitment of a postholder.

## **2. Purpose**

- 2.1. The purpose of this report is to agree interim Chief Executive arrangements, to fulfil the statutory duties of the Head of Paid Service, Returning Officer, and Electoral Registration Officer, and to ensure that the Council has continuity of leadership direction at the highest level pending the appointment of a permanent Chief Executive.

## **3. Recommendations**

- 3.1. To agree to appoint, from 4 March 2023, Jennifer Daothong, Executive Director Housing, Regeneration and Public Realm, as Interim Chief Executive, including designation as Head of Paid Service, Returning Officer, and Electoral Registration Officer.
- 3.2. To authorise the Director of People and Organisation Development to agree an appropriate honorarium in respect of the additional duties associated with acting as Interim Chief Executive.

## **4. Background**

- 4.1. It was announced on 19 January 2023, that Kim Wright would be leaving Lewisham Council to take up a new role as Chief Executive of Brent Council.
- 4.2. The Council is required to have a designated statutory post of Head of Paid Service which is usually vested in the position of Chief Executive. As such, to ensure fulfilment of that statutory post and to continue executive leadership responsibilities, Council is recommended to agree that Jennifer Daothong, the Executive Director for Housing Regeneration and Public Realm, is appointed as the Interim Chief Executive from 4 March 2023.
- 4.3. In recognition of the interim appointment, Council is asked to authorise the Director of People and Organisation Development to agree an appropriate honorarium in respect of the duties associated with acting as Interim Chief Executive.

## **5. The Recruitment Process**

- 5.1. It is proposed that the Director of People and Organisation Development seek external advice on the appropriate timing to commence a recruitment process.

## **6. Legal Implications**

- 6.1. The Local government and Housing Act 1989 section 4 requires that the Council designate one of its officers as the Head of Paid Service (usually the Chief Executive). The decision to appoint to this statutory role is by law, a decision for full Council.
- 6.2. In addition, section 35 of the Representation of the People Act 1983 requires the Council to appoint an officer of the Council to be the Returning Officer for the election of councillors. Traditionally, the Council has appointed this independent statutory role to the Chief Executive. The Chief Executive is also usually the Council's Electoral Registration Officer appointed under section 8.

## **7. Equalities Implications**

- 7.1. There are no equality implications.

## **8. Financial Implications**

- 8.1. The cost of the salary of the current Chief Executive is met from existing budgets. Any honorarium to be paid to an Interim Chief Executive, and any related costs arising to also put cover in place for this interim's substantive position would be funded first from the existing relevant service budgets. Should the interim arrangement costs exceed the available service budget allocations for the substantive posts the difference will be met from corporate provisions and reserves.
- 8.2. The eventual actual costs of the recommendations in this report will depend on the duration and rates for the cover arrangements agreed. The section 151 officer confirms there are sufficient working balances in place to cover these interim costs.