

Safer Stronger Communities Select Committee			
Title	Councillor Call for Action		
Key decision	No	Item	5
Ward	Evelyn		
Contributors	Executive Director for Resources and Regeneration, Overview and Scrutiny Manager, Head of Law		
Class	Part 1 (Open)	Date	22 October 2013

Summary

This report asks the Select Committee to decide whether to exercise any overview and scrutiny powers in relation to a “councillor call for action”.

1. Purpose of paper

- 1.1 To set out the details of Councillor Owalabi-Oluyole’s call for action in relation to Parker House and to provide the officer response, to enable the Select Committee to decide whether to refer the matter to the Mayor and Cabinet.

2. Recommendations

- 2.1 The Committee is recommended to:

- Consider the Councillor Call for Action appearing at Appendix A and officer response at Appendix B and any representations received from Councillor Owalabi-Oluyole
- Having done so to decide whether to exercise any overview and scrutiny powers in relation to the councillor call for action appearing at Appendix A, and if so their nature.

3. Background

- 3.1 In March 2013 Councillor Owalabi-Oluyole submitted a Councillor Call for Action (CCfA) in relation to Parker House.
- 3.2 Community Services officers contacted Cllr Owalabi-Oluyole to attempt to resolve the matter with him directly. The Councillor agreed to hold his CCfA request until those attempts to resolve the matter had concluded. Officers met initially with Cllr Owalabi – Oluyole in May, and were in communication about Parker House until July.
- 3.3 Those attempts at resolution were unsuccessful and as a result, in July, it was confirmed that the CCfA would be placed on the agenda of the next meeting of OSBP.

- 3.4 On 24 September 2013, OSBP referred the matter to Safer Stronger Communities Select Committee to deal with.
- 3.5 The CCfA and officer response are appended to this report at Appendix A and B respectively.

4. Financial implications

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

5. Legal Implications

- 5.1 The Council's Constitution at Part E 10 (b) reflects the procedure which is set out in Section 9FC Local Government Act 2000. This contains provisions commonly referred to as the "councillor call for action"
- 5.2 The councillor call for action allows any member of the Council to place an item on the agenda of the Overview and Scrutiny Committee, the Select Committees or Business Panel, regardless of whether or not they are a member of that body, providing it is relevant to the functions of that body and is not an excluded matter. The Head of Law advises that the referral by Councillor Owalabi-Oluyole does not relate to an excluded matter.
- 5.3 The matter which is the subject of this councillor call for action relates to an executive function. The Select Committee, having considered the referral, may decide to exercise any of the powers normally available to overview and scrutiny bodies. (Section 9F(2) LGA 2000.)
- 5.4 The relevant powers in this case are:
- the power to scrutinise decisions made or action taken by the Executive,
 - to make a report or recommendations to the Executive in respect of any Executive function
- 5.5 In considering whether or not to exercise its powers under the councilor call for action, the Committee may have regard to any representations made by Councillor Owalabi-Oluyole as to why it would be appropriate for the committee to exercise any of the above powers. Councillor Owalabi-Oluyole has been invited to submit written representations on this point and he has been informed that he may make those submissions to the Select Committee orally. If any written representations are received they will be circulated to the Committee.
- 5.6 If the Select Committee decides not to exercise its powers, it must notify the member of its decision and give reasons for it.
- 5.7 If the Select Committee decides to make a report or recommendation to the Mayor it must supply a copy of that report or recommendation to Councillor Owalabi--Oluyole, and may publish it.
- 5.8 If the Select Committee makes a report / recommendation to the Mayor, it must give written notice to the Mayor to consider it/them and to respond to the select committee

within 2 months, indicating what (if any) action he proposes to take, and to provide, a copy of that response to Councillor Owalabi-Olyole. If the select committee published its report/recommendations the written notice must also require the Mayor to publish the response.

- 5.9 The Mayor is under a duty to respond to any written notice within 2 months.
- 5.10 There are exceptions relating to confidential and exempt information.
- 5.11 The Equality Act 2010 (the Act) introduced a public sector equality duty. It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 5.12 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.
- 5.13 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for members, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 5.14 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 : <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 5.15 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty

- 5.16 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:
<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

6. Crime and disorder implications

- 6.1 There are no specific crime and disorder implications

7. Equalities implications

- 7.1 There are no specific equality implications for this report per se; but there may be equalities implications arising from carrying out the action proposed by the Councillor Call for Action.
- 7.2 In the equalities impact assessment carried out as part of the Council's asset rationalisation programme, it was recognised that any closure of Parker House may have a disproportionately negative impact on people protected by the Equality Act under the provisions for 'race' and gender because people from black and minority ethnic groups and women were the predominant users of services operating from the building; By way of mitigating this impact, officers in Community Services had agreed to work with the occupants of Parker House to provide advice, support and reasonable assistance to aid their transition from Parker House before any closure. The officer response at Appendix B states that this help has been offered to AfCD but not taken up. The Head of Law has also reiterated this offer in writing recently.
- 7.3 The Mayor is due to receive a further report shortly on the Asset Rationalisation Programme, which will address Parker House and that report will contain equalities implications at that point.

8. Environmental implications

- 8.1 There are no specific environmental implications for this report
- 8.2 Parker House is in a critical state of repair and following the failure to secure a £1million lottery funded bid to refurbish the building the building has deteriorated further. There is little prospect of improving the site without significant capital investment for which robust plans have not been forthcoming from the occupants of the building. The Council is now seeking to address this.

Background documents:

Mayor and Cabinet (9 July 2008)

<http://councilmeetings.lewisham.gov.uk/Data/Mayor%20and%20Cabinet/20080709/Agenda/d8199103737c4d768203a1e675ec89dfItem7Assetspaper2.PDF>

Public Accounts Select Committee (9 February 2012)

(<http://councilmeetings.lewisham.gov.uk/documents/s7758/Item7AssetManagement090212.pdf>)

Mayor and Cabinet (22 February 2012)

(<http://councilmeetings.lewisham.gov.uk/documents/s8199/Asset%20Rationalisation%20Programme%20Final%20Proposals.pdf>)

Asset rationalisation programme equalities analysis:

<http://councilmeetings.lewisham.gov.uk/documents/s8201/Asset%20Rationalisation%20Appendix%20A.pdf>

Appendix A:

Prepared by Councillor Samuel Owolabi-Oluyole (Evelyn Ward)

With the **Proforma for referring a CCfA to a Select Committee.**

1. I am raising the issue of Parker House under the “**Councillor Call for Action (CCfA)**” procedure, as the ‘**CCfA**’ is a measure of last resort, once other approaches have been exhausted.
2. I’ve decided to exercise my **CCfA** discretion as a Ward Councillor because all my intervention in the Parker House matter with Council officers (including Alan Sweetlove) and cabinet members (for example Cllr Susan Wise, etc) since the period Heidi Alexander was Deputy Mayor and Cabinet Member for Regeneration, has met with no consideration of the socio-economic benefits to the people of Lewisham, of community projects run from Parker House by groups operating within the Third Sector of the economy. I have taken the matter up with the current Deputy Mayor and Cabinet Member for Regeneration but he also refused to consider the need for the protection of essential services provided by the Parker House groups for the benefit of about 90% of the most deprived and disadvantaged communities in Lewisham.
3. Another ‘*prudential*’ reason I’ve decided to exercise my **CCfA** power on the Parker House ‘closure’ is the fact that, Lewisham Council closed Lewisham Law Centre over five years ago and the Law Centre premises on Deptford High Street remain unused, as it is left there to rot away. Of what benefit to the public, financial or non-financial, has the closure of Lewisham Law Centre over five years ago been?
4. The coalition government has forced ruthless spending cuts on all local authorities, and in turn the political class in Lewisham, to which I belong, has instructed Council officers to identify areas of public fund wastage for spending cuts which will involve unpalatable exercise in council posts deletion, leading to increased unemployment rate in the borough and more Lewisham residents with increasing socio-economic problems that should be addressed by the projects being run from Parker House.

Can Council officers assure the public we all politicians profess to serve (not me in particular this time) that Parker House would not suffer the same fate as the Lewisham Law Centre building on Deptford High Street?

5. Action for Community Development (AfCD) as the main organisation in Parker House, now has **LEMP** and **CTDN** as ‘*associates*’ in their quest for the acquisition of Parker House through Community Asset Transfer.

LEMP (Lewisham Ethnic Minority Partnerships) has 48 other smaller groups with it, while **CTDN** (Capital Training and Development Network) runs the ***Neighbourhood Learning in Deprived Community*** which is ***a project of Community Education Lewisham***. Both LEMP and CTDN have agreed to work with AfCD.

Essential socio-economic projects run from Parker House by AfCD include:

Community Volunteering Project (*Volunteering & Work placement opportunities*):

for the Unemployed who need to learn new skills and do volunteering work in order to gain work experience.

Community Health Project (Health Promotions & Advocacy)

Docklands Training Centre:

ICT, ESOL, Health & Social Care, Security (SIA) training, Information Career Advice & Guidance.

Community Legal Centre:

Immigration, Welfare Rights & General Civil Matters.

If “**Eco computers**” had been approved for ‘Community Asset Transfer’ or any other form of ‘transfer’ – give it whatever name has been coined for the process, why can’t Parker House matter be resolved using the same or similar approach? If the ‘will’ was there, council officers and responsible cabinet members would have found a way as they did for **Eco computers**. This is what affected members of the community in the borough have been saying to me, but which they cannot say directly to the Mayor and council officers.

6. As an elected representative of the people, I’ve visited Parker House on several occasions to observe training sessions and other service delivery in there, and had the opportunity of exchanging words with service users who come from different ethnic backgrounds – from Peru, Colombia, Middle Eastern countries, people of oriental origins, etc, etc. I’ve used my faculty to understand the ‘*unspoken words*’ I’ve heard from those people, which subsequently informed my decision to invoke **CCfA**.
7. For Lewisham Council, the issue of Parker House should be a matter of conscience, as well as a matter for socio-economic and political consideration – as its closure will have serious adverse impacts on the unemployed, deprived and disadvantaged people in the community. It will affect people from different ethnic backgrounds.
8. I have been correctly informed that Unity Trust Bank has promised ‘in principle’ to provide a loan for **AfCD** to help with any shortfall of funds from the ‘Big Lottery’ or other grants. Funding application has been submitted to the ‘Big Lottery’ Fund.

This raises the hope that Parker House would be refurbished and all other expenses would be met, without the Council having to make any contributions. This should be the way forward for the future of Parker House.

9. In conclusion, I would remind officers and colleagues on the Council that, Heidi Alexander and I had attended Parker House meetings when Heidi was an Evelyn Ward councillor. Therefore, I was well aware of the whole saga surrounding the unfortunate non-utilisation of the £1million funding secured by the Council.
10. Pepys Community Forum (PCF) backed by Alan Sweetlove, wanted Parker House transferred to it and the £1million raised by the Council given to it as well, without involvement by the organisations using Parker House. The Voluntary groups occupying Parker House requested to be joined as partners with PCF with regard to the £1million lottery fund, but PCF insisted on going it alone. That was what happened, unless the Council had other internal reason/s that was not disclosed to me at that point in time, even though I am an elected representative of the people.

Appendix B:

Councillor Call for Action by Councillor Owolabi-Oluyole – Officer response

1. Parker House is a Council-owned, 5 storey office block, containing around 9,700 square feet of lettable space in Evelyn Street in the north of the borough. It has been occupied by a range of different voluntary and community groups in recent years. Occupants pay rent which theoretically covers the running and management costs.
2. For some years several community groups in the Deptford area had been interested in exploring the possibility of achieving a sustainable revenue resource through some form of community owned asset. The Pepys Community Forum had approached the Council on several occasions seeking support in realising this ambition. Their idea was based upon the concept of owning a property which had commercial value and renting out part or all of it in the commercial market to secure a revenue stream which would then enable the community groups to pursue their social purposes.
3. In November 2007, the Council submitted a first stage bid to the Big Lottery Community Asset Fund to refurbish Parker House in order to transfer the asset to a consortium of community organisations. An allocation of £1 million was agreed subject to successful progression of the project. The overall capital requirement even then was approximately £1.2 million.
4. To support the various stakeholders in achieving a viable collaborative working arrangement to develop a delivery plan the Council engaged an external consultant (Micah Gold Associates) to work with the community groups. In September 2008 a project delivery plan was delivered to the Big Lottery Fund. The Plan required co-operation between community stakeholders, namely Pepys Community Forum, Community Action 2000 and the occupants of Parker House. Despite considerable effort and support the community stakeholders eventually decided that they could not reach agreement between themselves on the governance arrangements for the project. The Big Lottery Fund withdrew their offer in September 2009.
5. In December 2009, Council officers met with representatives of AfCD, who were occupying Parker House and the newly formed Parker House Trust, a consortium of the occupants of Parker House. Officers explained that, given the capital investment needed at Parker House, the withdrawal of the BLF allocation would make it very difficult to produce a viable case for asset transfer. Officers explained that they would consider proposals but emphasised the need for a robust financial capital and revenue plan.
6. A draft plan was submitted to the Council by the Parker House Trust, which included AfCD in October 2010. It contained some revenue projections, but it did not address the capital investment required and this was the Council's main concern. The Council informed the Parker House Trust and AfCD of this and asked for the outstanding information on a number of occasions but it has not been satisfactorily provided by either.

7. In December 2011, as no such robust plan had been forthcoming in the previous two years, officers wrote to the occupants of Parker House to inform them of the Council's intention to close Parker House because of the high level of capital investment needed at the premises and that this would be referred to the Council's Public Accounts Committee as part of the Council's Asset Rationalisation Programme.
8. On 1st February 2012, officers met AfCD again to discuss the possibility of asset transfer to AfCD. They reiterated the capital investment requirements which now stood at approximately £1.6 million. It was made clear again to AfCD that without robust capital plans there could be no asset transfer and the Council would proceed to seek possession. Later that month the Mayor approved the Asset Rationalisation Programme.
9. Towards the end of February 2012, AfCD asked for financial details and the fire officer's report in relation to Parker House, and this was supplied.
10. On 22 June 2012, officers received a letter dated 16th May 2012 from AfCD asking for further costs breakdowns and the terms and conditions of asset transfer. In July 2012, the Council responded setting out maintenance costs, responding to queries about asset transfer and explaining that the Council does not consider Parker House suitable for asset transfer due to the substantial capital investment required and the £1 million failed Lottery Bid. It was made clear that if the AfCD did not swiftly come up with a deliverable strategy for securing the necessary capital funds, the Council would not be able to pursue the request for asset transfer.
11. As no such deliverable strategy was received in response to this letter, on 15 November 2012, the Council gave notice seeking vacant possession by 24th January 2013. On 23rd December 2012, AfCD wrote to the Council asking for 6 months to vacate, stating that the organisation was still seeking asset transfer and that an application had been prepared for BLF funding and an in principle agreement for a loan from Unity Trust Bank had been received and a quotation for refurbishment work was being sought. The Council has not seen any evidence that any bid for BLF has been approved or even submitted. These proposals were very vague and did not amount to a robust financial plan. Officers did not have confidence that to pursue the matter further would be successful. They did not have confidence in AfCD to deliver the capital investment and AfCD had been asked to prove otherwise. This latest information did not do so. Consequently, the Council agreed an extension to the notice period to the end of March 2013.
12. Councillor Owolabi in March 2013 submitted his call for action and following this on 12th April 2013, in an attempt to resolve the matter, officers met him. They explained why they thought Parker House is not suitable for asset transfer given the scope of capital investment needed and the failure of the BLF bid. Councillor Owolabi said that AfCD had made progress in securing funding and it was agreed that evidence of this needed to be provided urgently so that officers could assess whether there was a case not to dispose of the building. An email was sent to Cllr Owolabi confirming that such evidence was needed. No evidence has been received to date.

13. On 11th June 2013 officers wrote to AfCD requiring vacant possession by 12 July 2013 and giving guidance on seeking alternative premises. This date for giving vacant possession was subsequently amended to 18th July. AfCD did not pursue the offer of support to find alternative accommodation.
14. On 2nd July 2013, Cllr Owolabi wrote to dispute the contents of a briefing that had been given to members about Parker House and alleging that AfCD were being treated unfairly. In response, the Executive Director for Community Services wrote to the councillor on 18th July reiterating the officers' views in relation to community asset transfer, explaining how this situation differed from the libraries transfers and again requesting evidence of capital funding. She confirmed that the councillor call for action would be placed on the next agenda for the Overview and Scrutiny Business Panel.
15. Business Panel referred the matter to the Safer Stronger Communities Select Committee.
16. The councillor call for action refers also to property at 28 Deptford High Street, which was occupied by the Law Centre and has been vacant since they left. This property was declared surplus in February 2012 and it was intended to dispose of it to realise a capital receipt. However it is now proposed to retain the property with a view to securing a revenue stream, and this will be the subject of a further report to the Mayor shortly.