

MINUTES OF THE OVERVIEW AND SCRUTINY BUSINESS PANEL

Tuesday, 31 January 2017 at 7.05 pm

The meeting was opened and adjourned at 7:13pm.

The meeting reconvened at 7:30pm.

PRESENT: Councillors Alan Hall (Chair), Liam Curran, Carl Handley, David Michael, Jamie Milne, Hilary Moore and John Muldoon

Apologies for absence were received from Councillor Gareth Siddorn and Councillor Brenda Dacres

57. Minutes

New Bermondsey CPO

The Chair stated that he was concerned that Business Panel's December referral had not been considered at the next available Mayor and Cabinet meeting which took place on 11 January 2017, and has not been put on the Mayor and Cabinet agenda on the 8 February 2017. The Chair asked the Principal Lawyer to update Panel Members on their September Call-In and December referral to Mayor and Cabinet.

The Principal Lawyer said a confidential document restricted to members had been circulated. This document sets out the present position on this CPO. She added that there would be a review, once this had been completed then any fresh decision would be made by the Cabinet. This would be subject to the usual Scrutiny process of call-in.

Councillor Curran raised concerns about the process, highlighting that Panel Members had been sent a document which they have been told they should keep private, and they had also been told how the next stage would proceed. He added that a QC had been paid a lot of money to give this advice. Councillor Curran said various statements had been made by sections of the Cabinet and the Mayor, even though there had not been a formal meeting which would lead to a decision. He said the public had been told the CPO had been stopped but in reality this was not the case.

The Chair said a legal decision was made by the Cabinet in September which led to a Call-In by Business Panel. The Chair said Business Panel were still awaiting the decision on their Call-In. He added that he was concerned that Panel Members have now being told there had been various comments about New Bermondsey, but this should not be discussed. The Principal Lawyer said she was sorry she could not advise on this issue as she had not taken part in any previous discussion on the item. She could only reveal what she had said earlier. She added that she would pass on Panel Members' comments to the Head of Law.

Action >>>>> Head of Law

Councillor Mallory said although he had not seen the legal statement that had been circulated to Members he could state that to his knowledge any public statement should constitute a legal position. He added that he was aware that an Independent Inquiry had been requested, and he would request that full Council has a view on this and Business Panel have an input in drafting the Terms of Reference for the Independent Inquiry. Councillor Mallory stated that it was important to have openness with this Inquiry as he was concerned that the Council's reputation was at stake. Panel Members agreed to refer this request to Mayor and Cabinet.

The Chair stated that Panel Members' request for a review of the process and legal advice for the Panel had both been refused. Councillor Muldoon said when he saw the statement from a Cabinet Member his first question was whether a Mayor and Cabinet meeting had taken place, as he was not aware a notice had been sent out.

The Chair asked the Principal Lawyer to find out whether following a decision of Mayor and Cabinet and a subsequent Call-In the decision would lapse after a given time. The Chair asked whether there was a deadline for Call-Ins to be considered. The Principal Lawyer said she would get back to the Chair with an answer. Councillor Handley stated that Millwall does not think a decision on the CPO had been made. He added that a decision should be made formally. Councillor Curran said this was unfair to residents as they need to have a decision soon, and an official decision needed to be made.

Action >>>>> Head of Law

Councillor Mallory said one of the Trustees of the Surrey Canal Sports Foundation had resigned and Panel Members would like to know why. The Chair asked the Principal Lawyer whether officers had carried out any due diligence assessment as the Council had pledged £.5m towards this project. The Chair further mentioned that there were 3 issues in their last referral to Mayor and Cabinet that were not related to the CPO that Panel Members would like addressed, and this would be included in the referral.

Business Panel agreed to make the following request and comments to Mayor and Cabinet.

RESOLVED that Mayor and Cabinet be requested to:

- i. ask officers to respond to correspondence received from Eversheds and Shoosmiths.
- ii. ask officers to ensure that all Housing Action Zone bid documents are made available to Scrutiny Members, and a redacted copy made available to the public.
- iii. ask officers to ensure that the Section 106 Agreement is reviewed by Members of the Strategic Planning Committee.

- iv. notes the Business Panel remains unconvinced by the reported results of the investigation into the Lambeth Smith Hampton documents.

Business Panel also believed the Independent Inquiry into the CPO process and the Terms of Reference for the Inquiry should be overseen by full Council.

58. Declarations of Interests

The Chair declared a personal non pecuniary interest for item 5 as a Board Member on Phoenix Community Housing Trust

Councillor Mallory declared a personal non pecuniary interest for item 1 as a Millwall season ticket holder.

59. Notification of Late and Urgent Items

Report noted.

60. Outstanding Scrutiny Matters

Report noted.

61. Decisions Made by Mayor and Cabinet on 11 January 2017

New Homes Better Places Programme Update

The Housing Policy & Partnerships Manager introduced the report.

The Chair said some issues have been raised by residents, and asked whether this would affect the current plan. He added that officers should ensure early engagement with Members, as this would put the project in a better position in terms of planning application and communication to residents. The Director of Development and Investment for Lewisham Homes said he had noted this, and added that he would admit that during the early stages of the programme information was not transmitted in a co-ordinated manner but they now have protocols in place to ensure proper communication takes place. He said feedback from this meeting would be taken on board and officers would ensure wider consultation in future.

Panel Members raised concerns about the proposed timetable asking whether this was not too ambitious. The Housing Policy & Partnerships Manager said officers were working hard towards delivering within the timeframe. He added that they were looking at potential sites beyond 500 homes, but they need to concentrate on delivering this programme first.

Councillor Curran said the tabled paper looked quite impressive but he was aware that residents of Hillcrest Estate were concerned about protecting the wildlife and conservation issues. Councillor Curran asked if these issues have been addressed. The Director of Development and Investment for Lewisham Homes said officers had taken on board issues raised by residents and would try to resolve as many as possible. He said officers were also working with a specialist company to address the woodland issues.

Councillor Handley commented that Housing Select Committee Members had requested the tabled printout as this was easy to assimilate. He added that the Housing Select Committee also discussed whether the project would be completed by May 2018, but it was likely to be later in 2018.

The Chair said Members would be happy to help out if necessary. He thanked officers for the report and asked for information of the programme to be circulated widely.

RESOLVED that the decision of the Mayor be noted.

62. Overview & Scrutiny Select Committees Work Programmes 2016-2017 - verbal update

Progress noted.

63. Exclusion of the Press and Public

Noted.

64. Decision Made by an Executive Director Under Delegated Authority - Dartmouth Road - Contract Award

This item was not required for further discussion.

Meeting ended 8:12pm