

# MINUTES OF THE OVERVIEW AND SCRUTINY BUSINESS PANEL

Tuesday, 14 February 2017 at 7.05 pm

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

ALSO PRESENT: Councillor Kevin Bonavia and Councillor Bill Brown.

Apologies for absence were received from Councillor Gareth Siddorn and Councillor Jim Mallory

## 65. Minutes

### New Bermondsey CPO

The Chair brought Panel Members attention to the Head of Law's response to Business Panel's referral to Mayor and Cabinet. The Chair said Eversheds and Shoosmiths had disputed receipt of an adequate response to their letters. Councillor Curran said if the responses were not substantive then this should be seen as inadequate. The Head of Law's Representative said she was advised both Solicitors were sent full responses. She said the Solicitors would take a different view whether the responses were adequate. The Head of Law's Representative added that no one at the meeting was in a position to say whether the responses were adequate or not.

Councillor Dacres said Panel Members were not in a position to draw any conclusion as they had not seen the documents. The Chair asked if Members could see both correspondences. Councillor Michael said he concurred with Councillor Dacres comments. Councillor Michael said to be able to make an informed decision Panel Members should see the letters and responses.

### **Action >>>>> Head of Law, ED Resources & Regeneration**

The Chair said he understood that the Council and Renewal had made a joint bid for the Housing Action Zone, only to be told that Renewal made the bid. The Head of Law's Representative said the GLA had required a corporate body to sponsor the bid for a developer. She said both parties were co-operating, but it was not a Partnership. Councillor Curran asked if it was an endorsement. The Chair asked the Head of Law's Representative the meaning of a partnership. The Head of Law's Representative said it had various meanings. It could be meant as a legal entity were the partners would have responsibilities and obligations under the partnership agreement and this would be made very clear.

The Head of Law's Representative said for the purpose of the funding bid the Council had to have a development partner. She said the GLA required the relevant authority to make the application with a developer in place. The Head of Law's Representative said this constituted a joint bid. The Chair said Business Panel Members had always asked whether this was a formal agreement and they

have been told it was not. The Head of Law's Representative said there was no formal agreement. She said it was a joint bid, made for the purpose of applying for a grant.

Councillor Handley asked if the £20m grant was all for affordable housing. The Head of Law's Representative stated that most of that money would be spent on transport infrastructure and the rail station. This would enable the developer to focus on the housing aspect. The Head of Law's Representative said the GLA would be looking for the maximum amount of affordable housing, as this would have determined the level of funding allocated.

The Chair said Business Panel only saw the document for the GLA funding last week. The Head of Law's Representative said the application for the housing bid had been on the Council website, although she could not confirm when it was posted. She added that members were informed about this. The Chair said he could confirm they only received the offer last week. The Chair said he had specifically asked for this information several times, and had been refused access. The Head of Law's Representative said she could not comment on this or whether some parts were missing from the published document. The Chair said if the Head of Law's Representative said this information was on the website earlier than last week, Business Panel Members were unaware.

Councillor Curran said Sustainable Development Select Committee made a request in October in a referral to Mayor and Cabinet for this information. The Chair said he could not understand why the Council would sponsor a bid if they were not in Partnership with the developer. The Head of Law's Representative said there was no legal Partnership, and this was done because the GLA wanted a Council backer for the bid. Councillor Curran said if no other developer was sought this would amount to a deliberate choice.

The Chair said page 2 of the bidding document stated that the Council was working in Partnership with Renewal. The Head of Law's Representative said the Council uses "partnership" in documents regularly, but does not mean Partnership in legal terms.

The Chair said Panel Members had asked specific questions as to whether this was a partnership and they were told by officers it was not. The Chair asked whether the truth had been withheld from Members. The Head of Law's Representative stated that as a Lawyer she would reiterate that it was not a legal partnership. She added that the word partnership had taken a more colloquial meaning. The Chair said he had stated what the document said.

The Chair asked whether a pledge would mean the same in legal terms and was told by the Head of Law's Representative that it would be dependent upon compliance with a range of conditions, and if all the conditions were met then it would become a legal commitment. The Chair asked for a copy of the Zone Bid document to be sent to Councillor Michael, and that the comprehensive document is provided to members as requested.

**Action >>>>> Head of Law**

The Chair asked whether the Section 106 Agreement would be returned to Members to be reviewed, and was told by the Head of Law's Representative that this would be the case. She said it would be submitted to the Strategic Planning Committee. The Chair received confirmation that the Section 106 Agreement was a Planning Decision as opposed to an Executive Decision.

The Chair asked whether there were any more documents from Lambeth Smith Hampton that they need to see. The Head of Law's Representative said Lambeth Smith Hampton had been asked a number of questions which were responded to. She said officers from the Legal section and the Planning section obtained external legal advice on this.

The Chair stated that at the last Business Panel meeting Members agreed to request that full Council oversee the Inquiry into the CPO process and agree the Terms of Reference for the Inquiry. He added that Business Panel was pleased this would be under the auspices of full Council. The Chair said that fresh allegations had been made about the Housing Action Zone and the Surrey Canal Sports Foundation. He asked that the latest allegations be included in the inquiry bundle. This was agreed by Business Panel Members.

The Chair asked whether the Terms of Reference for the Inquiry would be discussed at Council, and whether officers or Members would determine the Terms of Reference. The Head of Law's Representative responded that Members would determine the Terms of Reference. She said officers would put forward a report to Mayor and Cabinet, which would go to full Council. The Deputy Head of Law said Members would get an opportunity to comment on the report before it goes to full Council where it would be debated and the Terms of Reference agreed.

Councillor Curran said Members would need Legal Advice and some guidance, especially if documents were to be drafted and signed. Councillor Curran said Cabinet Members had made decisions in relation to the developers. He asked whether it would be appropriate for them to set the Terms of Reference for the Inquiry.

The Head of Law's Representative said the report was going to Council, but Cabinet Members would take part in determining the Terms of Reference. She added that each Member has to determine any conflict of interest he or she may have. The Head of Law's Representative said depending on the scope and Terms of Reference for the Inquiry it might not be just Cabinet Members involved, and some non-Executive Members might exempt themselves because of a possible conflict of interest.

The Chair said he was pleased this discussion had happened, as the Terms of Reference for the Inquiry were crucial and had to be right. Councillor Dacres received confirmation from the Head of Law's Representative that options would be put to Council and Council would decide whether the Terms of Reference were adequate and what option to go for.

The Chair said the Mayor resigned from the Surrey Canal Sports Foundation on Friday. The Chair asked whether it would be acceptable for the Mayor to comment on this issue as he was Trustee for the Sports Foundation until recently. The Head

of Law's Representative said that every Council Member including the Mayor had received training and advice on the Council's Members Code of Conduct and it would be their responsibility to state any possible interest at meetings. She said there was a section on Declaration of Interests at the front of each Council Committee Agenda setting out interests which had to be declared and the impact of interest on Members' participation which Members had to have regard to.

The Chair said Lewisham had adopted a Code of Conduct that went beyond the strict requirement and this would need to be considered.

RESOLVED that the minutes of the open meeting held on 31 January 2017 be confirmed and signed as a correct record.

**66. Declarations of Interests**

None submitted.

**67. Outstanding Scrutiny Matters**

Report noted.

**68. Notification of Late and Urgent Items**

Report noted.

**69. Decisions Made by Mayor and Cabinet on 8 February 2017**

Animal Welfare Charter

The Animal Welfare Officer introduced the report.

Councillor Muldoon asked whether flea circuses were also exempt from Council premises, and was told that was the case. Councillor Muldoon received confirmation that the Council proposed policy on deceased animals also applied to horses.

Councillor Curran said he had requested that this report is taken to Sustainable Development Select Committee as it was an important policy which had not been updated for a long time. The Chair asked how many officers would be trained as Animal Welfare officers and was told two. The Chair asked whether the Animal Welfare officers would receive training for handling dangerous dogs and was told that officers have excellent links with the Police and the Dog Unit. The Council also have a local Vet.

Councillor Michael said fortunately incidents were rare but when they do happen it was high profiled as it was usually infants and children who are mauled by dogs. The Animal Welfare Officer said educating the community was very important. She said a series of events were held to advise dog owners and teach children how to behave around dogs. Councillor Moore asked whether there was any mechanism to alert officers of review dates, and was told the Charter would be reviewed every two years.

The Chair said although this was a Council Charter the Council has a lot of Partners, he asked whether there was an opportunity for the Partners to sign up to this Charter. The Animal Welfare Officer said schools have been approached, and the Council's major partners had been consulted. She said the aim was to redistribute the Charter to all organisations that have an interest or participate in animal welfare activities.

Business Panel Members were told schools have been made a priority and would receive a copy each plus support. The Executive Director for Customer Services said officers were working very closely with the Council's Housing and Health Partners. Councillor Handley asked whether the Charter included support for reporting ownership of exotic and protected animals.

The Welfare Officer said there was nothing in particular in the Charter about exotic or protected animals because exotic animals were covered by specific Legislation and a whistle blowing policy would be very difficult to enforce. She said officers work with pet shops to ensure they were aware of their responsibilities, and they could lose their licence if they do anything illegal. The Chair said Business Panel welcomed the report.

RESOLVED that:

- i. the decision of the Mayor be noted.
- ii. Panel Members believed that as this Policy was not reviewed for many years the Council should have a tracking system in place to ensure timely and regular review of all Council Policies.
- iii. Panel Members welcomed the New Animal Charter and would like officers to explore signing up Council Partners particularly Lewisham Homes and RSLs.

## **70. Overview & Scrutiny Select Committees Work Programmes 2016-2017**

The Chair said the Council was approaching the end of this municipal year, and he would like to thank Scrutiny Officers for all their hard work over the year.

The Head of Scrutiny introduced the report. The Chair suggested Chairs of Select Committees discuss what was to be included in their work programmes. He requested Safer Stronger Select Committee consider whether they want further scrutiny of LGBT services, this would be decided at a Business Panel meeting.

The Chair thanked the Head of Law's Representative for attending the meeting, and asked her to thank the Head of Law for providing the tabled response.

On behalf of Business Panel the Chair congratulated the Vice Chair on the birth of their baby Girl.

## **71. Exclusion of the Press and Public**

Noted.

**72. Decision Made by Mayor and Cabinet on 8 February 2017**

This item was not required for further discussion.

**73. Decisions Made by Mayor and Cabinet (Contracts) on 8 February 2017**

These items were not required for further discussion.

Meeting ended 8:25pm

Chair.....