

# MINUTES OF THE OVERVIEW AND SCRUTINY BUSINESS PANEL

Tuesday, 13 December 2016 at 7.05 pm

PRESENT: Councillors Alan Hall (Chair), Gareth Siddorn (Vice-Chair), Liam Curran, Brenda Dacres, Carl Handley, Jim Mallory, Jamie Milne and Hilary Moore

ALSO PRESENT: Councillors Kevin Bonavia and Amanda De Ryk

Apologies for absence were received from Councillor David Michael and Councillor John Muldoon.

## 45. Minutes

The outcome of the referrals from the minutes was tabled and noted. The Chair thanked the Mayor and Cabinet for the response and requested a report and action plan produced explaining how and when the Deptford Anchor would be replaced.

### **Action >>>>> ED Resources and Regeneration**

RESOLVED that the minutes of the meeting held on 22 November 2016, which was open to the Press and Public, be confirmed as a correct record.

## 46. Declarations of Interests

Councillor Mallory declared a personal non pecuniary interest for item 5 as a season ticket holder for Millwall FC, and his child and grandchild they participated in the Millwall Community Scheme.

## 47. Outstanding Scrutiny Matters

Report noted.

## 48. Notification of Late and Urgent Items

Report noted.

## 49. New Bermondsey (Formerly Surrey Canal Triangle) CPO

The Executive Director for Resources and Regeneration introduced the report.

The Chair said he was concerned about the lack of information members were experiencing. He said he did not think the process had been transparent. The Executive Director said this had a lot to do with the depth of confidentiality and privacy involved because of the type of project. She said this was the first time the Council had done a CPO for this type of development and officers were going through a learning curve. The Executive Director for Resources and Regeneration

said there were issues around disclosure as this was a Quasi- Judicial process and officers were disclosing what they could lawfully.

The Head of Law said officers were careful to comply with Section 72, and the information had been available at any time for Business Panel Members to look at. The Chair said this was not the case. The Head of Law replied that she had informed Business Panel Members as information was made available to her. Councillor Curran said after several years of asking for information members had been given partial information. He said this was unacceptable.

The Chair asked whether officers had been informed about the validity of the brochure and was told that although Lambeth Smith Hampton (LSH) had produced the document they said they were not responsible for its circulation and did not have any copies. The Chair received confirmation that the document was genuine, but officers had not been told how the document came to be circulated.

The Chair asked officers why they had postponed the Call-In from Business Panel if they did not think the document they received would have an impact on the CPO process. The Executive Director stated that officers had to be sure that the document would not impact on the process, hence they took external advice. The outcome was that it would not impact on the CPO process.

The Executive Director for Resources and Regeneration said PwC confirmed that it was not unusual for investors to consider a range of situation and they have not changed their findings. The Chair asked if Panel Members could see the report of the findings and the Executive Director for Resources and Regeneration said this was part of the bundle of papers circulated to Business Panel Members earlier.

Councillor Dacres stated that she was concerned that the Developer could dispose of the land or withdraw from the contract at any time, and was told by the Executive Director for Resources and Regeneration that there was no contract but no guarantee that any Developer would not decide to walk away from scheme.

The Executive Director for Resources and Regeneration said it was expected the development would be subdivided, and there would be other Developers but Renewal would want to keep control of the overall development. The Chief Executive said when the story came out about the brochure, the main concern was to establish whether this was a genuine document. He said LSH did not dispute the provenance of the document, they only said it had not been issued by them. Business Panel Members asked whether this was investigated, and was told that an investigation had been done. Councillor Curran said this demonstrated that Renewal were incompetent.

Councillor Handley said if Renewal could sell to other Developers that the Council have no control over, this could be worrying. He added that he was not sure what the local people would gain from this transaction, as the amount of affordable housing mentioned was very small. The Head of Planning said that it was valid that Renewal could sell if they so wish and this option had been considered. She said the Section 106 bound the land and therefore anyone purchasing the land would be doing so knowing the requirements to deliver the S106 obligations (plus the cost of the scheme) which would then be reflected in its sale value. The Head

of Planning said although there was some risk involved public money would not be wasted.

Councillor Handley asked why building works had not started. The Head of Planning said there were a lot of triggers involved in the application, and all the land needed to be available before work could start.

Councillor Milne stated that this was all hypothetical risks and if this was the reason Members decided not to agree the CPO, then a CPO would never be granted as there would always be hypothetical risks. Councillor Dacres argued that Members were questioning the decision because Renewal did not have a track record for a project of this magnitude. Councillor Dacres stated that Councillors needed to exercise their duty of care to ascertain proper process had been followed and reasonable compensation offered.

The Executive Director for Resources and Regeneration said that officers were exercising due diligence in this case as they would in any other case. She added that the point Councillor Milne made was true as the Council would be in the same position for any Developer irrespective of who they were.

The Chair received confirmation that Renewal had acquired 90% of the required land excluding what was in the Council's freehold ownership. The Chair stated that Renewal have not yet got all the land they needed, and the Executive Director for Resources and Regeneration said, that was why the CPO was being proposed.

Panel Members said the report had not addressed Millwall's sports facilities contribution to community schools. Councillor Dacres also raised members concerns about Millwall not having access to Astro turf facilities which was crucial to their training provision.

Councillor Mallory questioned the rationale behind the decision to go ahead with the CPO especially as he noted the Council was at risk of being taken to court over this decision. The Chair concurred.

The Chair invited Ms Willow Winston to give her presentation to Panel Members.

Ms Winston tabled a paper with some pictures of her home and business to Panel members and highlighted the following points, about her concerns of the process:

- Renewal calls themselves a masterbuilder but they were not.
- In March 2012 when this process started the real implications were not fully considered.
- It was wrong for representatives to look round residents home and decide what figure would be offered to them without proper consideration being given to individual situation, and current rates.
- The CPO threat had devalued the value of homes in the area.
- Why is the Cabinet determined to push the CPO through when it would bring so much unhappiness to some of the Council's residents, especially if the community would not benefit from this development.
- Renewal had behaved badly, 6 years ago Ms Winston received a distressing letter from representatives of Renewal about purchasing her property.

- Renewal had made promises that it had not kept, justice should not only be done but seen to have been done.

The Chair thanked Ms Winston for her presentation. Councillor Curran asked if she could give members a copy of the letter she mentioned in her presentation. Ms Winston said she would try to find it, and added that she had not been treated well by the Council, and in the past she had received a lot of letters from Lewisham and was now filled with dread when she sees a Lewisham logo. Ms Winston said the money they had offered could not buy a broom cupboard in the property market. She also asked Panel Members to note that Rollins Street was now full of unsightly broken down vehicles.

The Chair invited Steve Kavanagh, Chief Executive of Millwall FC to give his presentation.

Mr Kavanagh introduced himself and stated that he was new to the job, which he started at the end of October. He raised the following points for Panel Members to consider:

- Millwall FC was being treated unfairly to the advantage of an offshore Trust that could walk away anytime they choose to.
- The LSH document shows that full funding for the project was not yet in place, and the ability for Renewal to deliver has been questioned.
- This project was not in the public interest.
- Officers have admitted they were learning as they go along with the CPO process.
- Millwall FC were very protective of their reputation, they run an Academy program and provide training to hundreds of children in the community, and all this could be lost.
- The Football Club's Academy category 2 status could be lost, as they would be downgraded.
- The club would have to reconsider whether they would want to continue their Academy provision, which would be a loss to a lot of young people.
- As the new Chief Executive he would like an opportunity to work with the Cabinet to bring a fresh head to the process.

The Chair said officers had claimed to have worked hard with Millwall FC. The Chief Executive for Millwall FC said since he took up the position there had not been any engagement. The Chair asked him what he would like to see happen. The Millwall FC Chief Executive replied that granting a CPO was not good for anyone. He said 42% of the land was under Millwall's control and it was unreasonable for the Council to force them to give it up.

Councillor Dacres thanked Mr Kavanagh for attending the meeting. She said Panel Members now have a good picture of the adverse effect on the Academy. She added that the current Student of the year of the Young People Community Scheme received the accolade based on the experience at Millwall. The Chief Executive for Millwall FC said the Community Trust had provided football training for 15 years, and this asset was free of charge for youngsters in Lewisham. He said if not for this facility some of the young people would have been in prison or worse, he said having the Astro turf was compulsory to provide this service.

The Chair invited Gabriella Kardos and her son Sami to give their presentation.

Ms Kardos highlighted the following points:

- This CPO was not in the public interest.
- Thousands of People had signed the petition against the CPO as they do not think this project delivers social housing, and residents think it was for private gain.
- Millwall had not been part of the sports proposal, and this proposal was not convincing.
- There were concerns around funding of the project and sustainability.
- Is the Council happy to allow Renewal to sit on the land for years without developing it. The land Renewal had acquired have been left underdeveloped and those areas had suffered, as they become unsightly.

The Chair said these roads were public pathways and officers needed to ensure they were clear. The Executive Director for Resources and Regeneration replied that officers would look into this.

### **Action >>>>> ED Resources & Regeneration**

Sami Kardos said he had researched the area's historical importance, and highlighted the following points in his presentation:

- The historical worth of the area had been systematically destroyed over the last 60 years.
- There was little left of the bustling area, and the little left had been bought by Renewal, and they had left it in a state of decay.
- Dave Sullivan and Mushtaq Malik had previously been directors of Service Team and 35,000 complaints about surrounding Service Team's operation in another borough had been made.
- There were pre-World War 2 buildings Renewal were proposing to get rid of, and this was unacceptable.

The Chair thanked Ms Kardos and her son for their presentation. Councillor Handley asked Ms Kardos whether she would be present at the Mayor and Cabinet meeting on Thursday, she said they would be speaking at the meeting.

The Chair invited Peter Walsh, Chair of Millwall Community Trust, to give his presentation.

Mr Walsh said he was honoured to be Chair of Millwall Community Trust. Mr Walsh said he had been a Lewisham resident for 45 years, and he was an ex Headteacher of Lewisham Community School. Mr Walsh highlighted the following points why CPO should not be granted:

- The Trusts make a lot of difference to both adults and children.
- The Trust saves society over £7m by preventing substance abuse and disorderly behaviour.
- The Trust had been involved in the community scheme for 31 years and have two local authorities as partners.

- The Trust had been in discussion with Renewal and their offshore Directors remain anonymous.
- The Trust was important for residents health improvement, education and the reduction of crime in the borough.
- Residents were not convinced Renewal would deliver the sports centre.
- The Trust could use a new sports centre but they would have to pay the going rate.
- Renewal's offer would represent services threat to what the Trust delivers.
- £350k which was on offer to the Trust would disappear within 3 years.

The Chair thanked Mr Walsh for his presentation and stated that he was surprised the Trust was unaware of the Section 106 proposal. Councillor Dacres said she was surprised about what had been said at the meeting as Members were not aware of the very important need for the Trust to have access to the Astro turf. She asked what the adverse effect would be to the Trust if they do not have access to a sports centre. Mr Walsh reiterated the disadvantages, as before.

Councillor Curran stated that he was aware that Mr Walsh was instrumental in combating crime when he was Head Teacher at Forest Hill Secondary School. Councillor Curran asked Mr Walsh if he would be present at the Mayor and Cabinet meeting on Thursday, and was told that unfortunately Mr Walsh had other commitments, but the Chief Executive of Millwall FC would be attending the meeting.

In response to some of the issues raised, the Executive Director for Resources and Regeneration informed Panel Members that the CPO negotiations for properties would normally be done at market value, and she was surprised by Ms Winston's statement that the offer made to her was below market value.

The Executive Director for Resources and Regeneration added that she had been informed by Renewal that taxes would be paid in the UK, and this had been investigated and confirmed by officers. The Chair asked that PwC provide validation for members on Renewal's claim.

### **Action >>>>> ED Resources and Regeneration**

The Executive Director for Resources and Regeneration said that her comment about officers learning as they go along was not about the CPO process, but about the current situation with football clubs, and officers had received advice and the relevant expertise to deal with the situation.

The Executive Director for Resources and Regeneration added that the Council value the work of the Trust and the Football Club and the CPO process started with all parties involved in the negotiations. She stated that the Council would want to protect the future of the Community Trust and the Football Club. The Head of Planning said there was provision in place for the sports centre to set out their requirements before the centre is closed, and Millwall had signed up to this approach.

The Chief Executive for Millwall asked why the Football Club would be arguing against an arrangement they were happy with. He said that it was not a good

move to involve a third party in this type of arrangement, and as a new person to the discussions he was willing to negotiate with the Council. Panel Members asked the Chief Executive of Millwall to present his findings to Mayor and Cabinet at their meeting on Thursday.

The Head of Planning said officers would like the opportunity to meet with Millwall's Chief Executive to discuss going forward. Millwall's Chief Executive said he would not be meeting with officers under a CPO process.

The Head of Law informed the meeting that the Trust Deed was supplied to the Council's external lawyers Bond Dickinson today, and the documents were examined. She said the Trust was established for the Malik family, and officers had been given consent to put that information in the public domain if necessary.

**Standing Orders were suspended at 9.30pm to allow the meeting to continue.**

The Chair asked for confirmation that no former Lewisham officer nor former Lewisham Mayor was involved with the Trust. The Head of Law said all Lewisham Councillors and officers have to complete a declaration of interest form, and as far as she was aware no former Councillor or officer was involved with this Trust.

Councillor Mallory stated that the issues faced by the Academy and the Millwall Community Trust which had been raised at the Business Panel meeting should be addressed at the Mayor and Cabinet meeting on Thursday. The Chief Executive of Lewisham Council stated that in the past there had been great partnership between Millwall FC and Renewal, and highlighted that he was aware the Chair of Millwall FC had contributed a lot to the Lewisham Community. Councillor Milne stated that Councillors need to hear a good case that could prove that the CPO was in the public interest.

The Chair thanked everyone who made a presentation for their contribution to the meeting. He confirmed that the Call-in was still active, and new evidence had been presented by various people at the meeting. He said there had also been a lot of information tabled at the meeting. The Chair said Shoosmiths and Evershed letters which were tabled would be referred to the Cabinet, and he asked officers to respond to the letter as Panel Members were not in the position to consider it tonight.

Business Panel Members agreed to make the following additional comments and requests to the Cabinet in support of their existing Call-in:

- i. Correspondence received from Eversheds and Shoosmiths be referred to the Cabinet and officers be asked to prepare a response.
- ii. the Cabinet be requested to 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. the Memorandum of Understanding should be signed before a CPO is approved.

- iv. the Cabinet be requested to ask PwC to give their professional advice to members on assurances made by Renewal in respect of the Bermondsey CPO arrangements.
- v. the Cabinet be requested to ask officers to ensure that the Section 106 agreement is reviewed by the Strategic Planning Committee.
- vi. the Cabinet be requested to ask officers to resolve issues raised on the Academy and the Community Trust before the CPO is approved.
- vii. Business Panel raised concerns about Renewal's CPO signage. The Cabinet is requested to consider whether they would want to do business with a company, which despite an apology, had taken such a heavy handed approach with local residents and businesses.
- viii. the Lambeth Smith Hampton narrative seemed to be incomplete, and the Cabinet is requested to ensure that documents and correspondence relating to the CPO be made available in a timely manner

**50. Decision Made by Mayor and Cabinet on 7 December 2016**

No item was identified for further discussion.

**51. Decision Made by Mayor and Cabinet (Contracts) on 7 December 2016**

No item was identified for further discussion.

**52. Decision Made by an Executive Director Under Delegated Authority - Procurement for 'staying Healthy' Healthy Public Services**

The Executive Director's decision was noted.

**53. Overview & Scrutiny Select Committees Work Programmes - 2016-17 - verbal update**

This update was deferred to the next meeting.

Meeting ended: 9.45 pm

Chair .....