



THE EXECUTIVE
Monday, 16th January 2006 at 7.00pm
MINUTES

PRESENT:

Executive Members:

Portfolio:

Councillor Peter TRUESDALE -	Leader of the Council (Chair)
Councillor John WHELAN -	Deputy Leader of the Council
Councillor Andrew SAWDON -	Community Safety, Regeneration & Transport
Councillor Anthony BOTTRALL -	Education
Councillor Clare WHELAN -	Environment
Councillor Ashley LUMSDEN -	Finance
Councillor Keith FITCHETT -	Housing
Councillor Roger GIESS -	Social Services & Health

Also present: Councillors Clive BENNETT, Mark BENNETT, Jeremy CLYNE, Bernard GENTRY, John KANZANTZIS, Paul McGLONE, Sally PRENTICE and Dan SABBAGH.

*Action
Required
by**

1. MINUTES (05.12.05)

RESOLVED: That the minutes of the previous meeting held on 5th December 2005 be approved and signed by the Chair as a correct record of the proceedings.

2. DECLARATIONS OF INTEREST

None.

Order of Business

The agenda was reordered to accommodate members of the public and non-Executive Members in attendance.

3. **UPDATE ON ACTION FOLLOWING ALLEGED FRAUD IN THE GAS
CENTRAL HEATING PROJECT WITHIN HOUSING**

(All Wards/ All Areas) (item 13 - report 356/05-06)

WILLIAM BONNEY ESTATE - MAJOR WORKS PROGRAMMES

(Clapham Town Ward/ Clapham & Stockwell Area)

(item 14 - report 357/05-06 (second despatch))

Special Circumstances Justifying Urgent Consideration

The Chair was of the opinion that although report 357/05-06 had not been available for at least five clear days before the meeting, nonetheless it should be considered now as a matter of urgency because of the special circumstances that Members needed to be updated at the earliest opportunity on the William Bonney Estate projects underway and planned.

The Chair noted that the report on the William Bonney Estate had failed to apologise to the residents. He offered his sincere apologies to the residents for the inconvenience that they had suffered and waived the usual three minute time limit for speakers due to the seriousness of the issue.

The Interim Chief Executive (I/CE) introduced both reports by giving a brief background of the issue. He informed the Executive that, with regard to the alleged fraud, an internal investigation, a police investigation and a disciplinary enquiry were all underway. A working group chaired by Councillor Gentry had been established and action had been taken to secure the recovery of assets. Lessons had been learnt and preventative steps introduced.

The Director of Legal and Democratic Services provided an update on the recovery actions taken (paras. 2.10-2.13 of the report) and advised that further progress would be made over the next few months which would be reported. The recovery of monies was being thoroughly investigated with a careful cost/benefit analysis being carried out at each stage.

I/CE also offered his apologies to the residents of William Bonney Estate for both the deficiencies in the works and the continued sense of confusion and uncertainty. He explained that the report had been commissioned by full Council and a major programme of works had now been agreed. However, he acknowledged that problems had already been encountered with regard to the delivery of the works, but steps had now been taken to put the necessary staff in place. He gave his assurance that the works, staff and action plan were now being closely monitored by the Working Group on Housing as well as himself.

Nora-Anne Sheehy, Vice-Chair of the William Bonney Estate Tenants & Residents Association, was sceptical that lessons had been learnt and was disappointed that the Scrutiny process had not resolved concerns on the gas central heating project. She presented a tabled paper and emphasised that the heating project was not the sole issue that needed to be addressed (the Leader asked that the paper be included in the bound minutes). The following inaccuracies in the report and the roadmap were highlighted:

EDCS
(DS)

- Incorrect chronology of events.
- Incorrect addresses and details in the roadmap.
- It was not the case that two schemes were near completion (external decoration) and two to be undertaken.
- The omission of a number of programmed works.
- The omission of the electricity renewal programme in both report or roadmap.
- The omission of the 2004 Leaseholders Tribunal ruling on inadequate workmanship resulting in the necessity to replace the recently laid floors in part of the estate.

There were a number of health and safety issues with works on the estate, and a number of examples were provided. The proposed timetable of works was questioned and a logical rescheduling sought - a co-ordinator should be appointed with whom the tenants could liaise in order to ensure effective project management. There had been poor communication and a failure of managers to take appropriate action. The fraud would have been discovered at an earlier date had the Council pursued the residents' concerns. Furthermore, compensation payments had yet to be made.

Beryl Jones reiterated Nora-Anne Sheehy's comments and added her accounts of the frustration she had felt while attempting to obtain information from housing officers.

The Executive Director of Housing Services (EDHS) offered his apologies to the tenants. He welcomed the suggestion to appoint a co-ordinator, and had an officer in mind for this role, and undertook to resolve expeditiously the heating and hot water compensation. An effective layer of management would be put in place to resolve all the highlighted problems.

The Leader of the Council thanked Councillors Bernard Gentry and Helen O'Malley for their work on behalf of the residents. Councillor Bernard Gentry, Deputy Executive Member for Housing reiterated that the report did not address all the relevant issues and contained factual inaccuracies.

He relayed in full his experiences of attempting to obtain information from the Major Works section of Lambeth Housing Services, and contrasted this with the help and support received from the staff at Clapham & Stockwell Housing Area Office. Complaints and issues raised by residents individually, the tenants and residents association, Clapham & Stockwell Area Housing Office, himself and Councillor O'Malley and Housing Scrutiny Sub-Committee had not been acted upon, and full information should now be made available to tenants and Councillors. He had now been given answers to 22 questions raised in October 2005 and mentioned some of the answers received. He considered that the report should be in the name of the Leader of the Council.

Councillor Gentry concluded by hoping that officers not previously involved would be put in place to ensure that all the issues raised were dealt with properly. He would chair a consultation meeting the following Friday, and all ward Councillors would be invited.

The Director of Legal and Democratic Services advised Councillor Gentry that much of the information sent to him had been provided on a confidential basis and that care must be taken not to prejudice ongoing disciplinary investigations. He would give further advice to the Councillor.

DLDS

I/CE reminded members that certain issues were still being investigated and were the subject of disciplinary hearings and other processes. Actions taken would be fully reported and in consultation with members.

In response to points raised by Councillors John Kazantzis and Anthony Bottrall, and Sam Townend a local resident the following responses were given:

- The Leader of the Council had ultimate executive responsibility for the Housing department;
- Four members of staff had been suspended, guidance had been given to staff on the current situation, and additional management capacity was to be provided;
- All repairs except emergency repairs had not been halted until April 2006, despite disinformation circulated to the contrary.
- The Housing Scrutiny Sub-Committee minutes showed that an investigation was to be carried out by scrutiny.
- The problems at William Bonney Estate were now to be addressed by the Council as a whole, including full co-operation with scrutiny.
- Any systemic problems were currently being identified and addressed. The department had taken on board the information-sharing issues that had been raised.

The Executive Member for Finance thanked the residents for their informative presentation and all the residents for their patience and determination. He suggested that the strengths of the residents should be utilised in the future by formalising their scrutiny function in tenant panels approving contractual arrangements. Nora-Anne Sheehy suggested that another helpful way to involve residents would be to distribute officer evaluation forms to service users

*EDHS: to
note*

The Deputy Leader of the Council reiterated the Council's apologies for the level of service that the residents of the William Bonney Estate had received. He suggested that the Council accept collective responsibility for this and concentrate on putting their combined weight behind future service improvements.

He thanked all those officers, Members and residents who had worked hard to resolve the issue but commented that he was disappointed with the inadequate responses from the officers at the meeting and the quality of the report that had been submitted.

The Deputy Leader concluded by urging the proper integration of scrutiny and the Executive.

In the light of the discussion, the Leader of the Council MOVED additional recommendations, and it was:

RESOLVED:

William Bonney Estate - Major Works Programmes
(Clapham Town Ward/ Clapham & Stockwell Area)
(item 14 - report 357/05-06 (second despatch))

- (1) That the content of the report be noted. -
- (2) That the actions concerning supervision arrangements are agreed. *EDHS*
- (3) That monthly consultation meetings with residents take place co-ordinated through a single point of officer contact. *EDHS*
- (4) That the Executive notes the failings of the Housing department over the major works on the William Bonney estate and apologises for them. *EDHS*
- (5) That the Executive instructs the Interim Chief Executive to produce a full chronology of the problems on the estate including details of what Hambrook House and the Area Housing Office have done in relation to the problems identified by tenants, and what communications there have been with residents and members about the matters raised with Housing by tenants. *I/CE*

- (6) That the Executive resolves to report back to the tenants on the William Bonney estate at a special meeting to take place before the end of February 2006 The meeting to involve ward Councillors and be chaired by Councillor Bernard Gentry. *EDHS*
- (7) That the Executive instructs officers to produce a robust plan for the improvement of future communications between officers administering major works and the tenants, the area housing office and ward Councillors to avoid misunderstanding arising in the future. *EDHS*
- (8) That the Executive welcomes the fact that the principle of compensation to the William Bonney residents has been agreed and asks officers to finalise the amount due as soon as possible. *EDHS*
- (9) That the Interim Chief Executive investigates the omissions in the report pointed out by Ms Nora-Anne Sheehy, including the inaccuracies alluded to by Ms Sheehy and on the road map, and reports to the Leader's meeting and Ms Sheehy at the earliest opportunity. *I/CE*
- (10) That the Interim Chief Executive liaises with the William Bonney Estate Tenants' and Residents Association (Ms Nora-Anne Sheehy), with regard to the officers involved in carrying the works forward from now on. *I/CE*

On issues raised by Councillor Gentry on the culture within the Housing department, I/CE advised that the PwC report had showed that Council controls were at industry standard, and that the Council had made recommendations on culture change. *I/CE & EDHS with Ldr. of the Cncl.*

At the suggestion of Councillor Paul McGlone, it was:

RESOLVED: That Overview and Scrutiny Committee consider the issue and the potential for a Scrutiny Commission investigation (including the compensation payments process). *OACE*

In the light of the discussion, the Leader of the Council **MOVED** that the existing recommendations be deleted, and replaced with new recommendations, and it was:

RESOLVED: (Item 14)

Update on action following alleged fraud in the Gas Central Heating Project within Housing
(All Wards/ All Areas) (item 13 - report 356/05-06)

- (1) The Executive notes the administration's determination following the uncovering of the fraud within the Gas Central Heating project within Housing to: - *I/CE with
EDHS &
DLDS*
- ensure a full investigation into the actions of officers followed by appropriate and swift disciplinary action;
 - take action to ensure changes to the culture within the Housing Department substantially reduce any chances of fraud being committed in the future; and
 - recover the money by the taking of all appropriate civil and criminal legal action.
- (2) The Executive therefore welcomes the prompt action taken by the administration to commission an independent report by PWC into what happened so the Council is much less vulnerable to fraud. The Executive notes the thirteen recommendations set out in the PWC report received in November 2005, and the detailed action being undertaken to implement these recommendations, which should reduce the risk of fraud in the future. *I/CE with
EDHS &
DLDS*
- (3) The Executive believes that fraud would be made yet more difficult through increased tenant involvement in the contract commissioning and monitoring process. The Executive notes that some progress has been made on this, but instructs the Interim Chief Executive to report back on how tenant involvement can be further integrated into the commissioning process. *I/CE*
- (4) The Executive notes that not only do these detailed recommendations have to be implemented but they have to inform how the Council and Housing in particular carry out not only contract commissioning and other financial procedures but all of their work in the future. To that end the Executive instructs the Interim Chief Executive to conduct a review of commissioning and finance procedures across the Council to ensure that the Council's procedures are universally applied and adhered to, and there is better reporting to members about the capital programmes in Housing. *I/CE*
- (5) The Executive also therefore welcomes the disciplinary investigation which is due to be completed by the end of the month, with a number of officers having been suspended in the interim. The Executive instructs the Interim Chief Executive to ensure any recommendations arising from the Disciplinary Team's investigations are integrated with those from the PWC report to form a comprehensive action plan to improve performance in the Housing department. *I/CE*
- (6) The Executive also further welcomes the action taken to recover the money stolen from Lambeth, with an interim payment order in the sum of £1.98 million being obtained on the 7th December, and notes that further work will be taken to obtain judgement for a further £800,000 stolen and to recover the costs of this action. *DLDS*

4. SCRUTINY PROTOCOLS

(All Wards/ All Areas) (item 10 - report 355/05-06 and report to Council)

The Executive Member for Finance introduced the report thanking the Members who recently attending the Saturday event where many issues had been discussed and were presented in this report.

Councillor Paul McGlone reiterated that all issues raised by Scrutiny needed to be pursued in order avoid repetition of the situation that occurred in the William Bonney Estate, and highlighted the non-party political nature of a proper scrutiny process. He asked that the Executive refer the protocols to Council so that a further debate could be held.

The Chair thanked Councillor Paul McGlone and the scrutiny team for their hard work.

RESOLVED: That the Executive agrees the contents of the protocols attached to this report and recommends their formal adoption by Council.

OACE
EDC(DS):
Rpt. to
Cncl.

5. REVENUE & CAPITAL BUDGET 2006/07

(All Wards / All Areas) (item 12 - report 349/05-06 and second despatch)

Special Circumstances Justifying Urgent Consideration

The Chair was of the opinion that although Appendix 7 to this report (Capital bids 2006-07) had not been available for at least five clear days before the meeting, nonetheless it should be considered as a matter of urgency because of the special circumstances that the Appendix had been made available at the earliest opportunity and the Capital bids 2006-07 needed to be before the Executive at this meeting if the budget process was to remain on track.

During the debate, the guillotine fell at 9.00pm. The Chair **MOVED** and it was:

RESOLVED: That in accordance with Standing Order 2.3.5 of the Executive Procedure Rules, the meeting continue for up to an hour in order to deal with the remaining business, debating only those items for which Councillors or members of the public had attended.

The Executive Member for Finance introduced the report which outlined the departments' budget proposals for the period 2006/07 to 2008/09. He explained that this was an opportunity for Members to comment on any issues that the report raised, especially given the added transparency with the circulation of the detailed appendices to the report. The improvement in the way that the revenue budget was managed and the necessity for further work with regard to the capital budget were highlighted.

On the revenue side, £4 million administration savings in housing benefits payments had been achieved, and investment in key services such as the youth service, community safety wardens and social care was proposed. Further work remained to be done on the Capital side.

Councillor Dan Sabbagh drew attention to the conclusion of the focus groups that residents did not feel well informed generally about services (paragraph 6.2), the increase in Council tax under this administration, and the issue of value for money. He considered the government settlement to be reasonable and asked what steps had been taken to seek to take Lambeth off being a floor authority (paragraph 3.4). A specific strategy was still needed to control demand led expenditure such as social care – Lambeth had a history of uncontrolled overspends on social services. In reply to specific questions, the Executive Director of Finance (EDF) advised:

- Balances – paragraph 2.2 set out the recommended range, with £30m (excluding schools) by the end of 2008.
- Adjustment A was a highly technical issue and external audit had been asked to undertake a reconciliation back to 1990 (this issue would be covered in a report to forthcoming Corporate Committee (30th January 2006.). Full account would be taken in the recommended budget.
- The scoring system for capital bids constituted 50% service scores (Leader's speech) and 50% for funding where savings would be achieved. On the table at Appendix 5, the scores were correct and bids would be reordered to reflect achieved scores.

The Executive Member for Finance agreed with the need to focus on value for money but also the need to translate this into growth. With reference to the grant settlement he considered this to be challenging but the authority was continuing to maintain its services. It was difficult to achieve further increases at the floor while the demographic methodology data incorrectly gave a decreasing population for the borough.

The Executive Member for Social Services and Health commented that the ceasing of the Safeguarding Children grant (paragraph 3.8) came at a time when Children's Services were receiving more statutory responsibilities.

The Leader of the Council reported that a strong case had been presented to the government minister by a Lambeth member and officer deputation, but the minister not given any positive response. He asked EDF to send the detailed figures to Councillor Sabbagh. The Deputy Leader thanked EDF and staff for the coherent budget report and the conduct of the successful Star Chamber process, and thanked Members and other officers for their contributions.

EDF

RESOLVED:

*EDF and
SMB: (to
note)*

- (1) That the Executive notes departments' growth and savings proposals as set out in the appendices to this report. -
- (2) That the Executive notes the position concerning the capital programme for 2006/07 and beyond. -

6. TRANSFORMING SECONDARY EDUCATION: BUILDING SCHOOLS FOR THE FUTURE AND THE ACADEMIES PROGRAMME

(All Wards / All Areas) (item 6 - report 351/05-06)

In presenting this update report, the Executive Member for Education highlighted the urgency of progressing with the new parent promoted Norwood school and relocating the existing SEN and pupil referral units, and the ongoing negotiations with the Department for Education and Schools (DfES) on the £29 million affordability gap.

The Executive Director of Children's and Young People's Services (EDCYPS) reported:

- On the ongoing affordability gap negotiations with DfES, particularly on estimates of pupil numbers
- There had been major progress with Shakespeare Road academy site with the receipt of the decontamination report on the site, and project remained on target to open in 2008.
- That the Elmcourt school site works remained on target.

In response to questions from Councillor Sally Prentice, it was clarified by EDCYPS and the Leader of the Council that:

- Pupil place planning statistics and the Equalities Impact Assessment would be circulated to all Members. *EDCYPS*
- Temporary accommodation had been agreed for the Parent Promoters Norwood school.
- The Strategic Business Case (SBC) and Outline Business Case (OBC) were on target for submission to the February and March Executive meetings.
- A number of primary schools had been considered as temporary sites for the Shakespeare Academy.

In response to questions from Ray Sirotkin (National Union of Teachers), EDCYPS clarified that:

- Given the proposed temporary location of the Elmcourt school at the Strand, a contingency plan would be included in the OBC on the creation of a further reserve decant facility.

- The London Nautical School provided a good example of a sports specialist school located on a small site.
- The academy process was managed by DfES with the EDYCPS sitting on the project board. The BSF programme office had processes and staff in place to monitor the contracts and report would be brought regularly to the Executive.

The Deputy Leader of the Council provided an update on the Norwood Secondary School. The post of Head Teacher had been advertised and an interview date had been set. The temporary governing body was minded to accept Norwood Park School as temporary accommodation. The parent promoters joint forum included local residents and this had led to joint working on issues such as the siting of buildings.

RESOLVED:

EDCYPS

- (1) That Members note progress and discussions that have taken place in relation to closing the affordability gap.
- (2) That Members note and agree to the principles within the Pupil Place Planning report (v 2.4) dated 21st December 2005, which is to be incorporated into the Strategic Business Case, and to instruct officers to negotiate with PFS, DfES and LSC in finalising this for inclusion in the SBC.
- (3) That Members note and agree to the proposed sites for the relocation of the SEN schools on the Elm Court site and that feasibility studies be concluded in relation to each location.
- (4) That the Strategic Business Case and Educational Vision be brought to The Executive in February 2006 and the Outline Business Cases in March 2006.

7. HUMAN RESOURCES STRATEGY 2005-2008

(All Wards / All Areas) (item 3 - report 346/05-06)

(Key Decision - call-in period ends at 5pm on Friday 27th January 2006)

RESOLVED:

*EDCS
(DDHR)*

- (1) That the Human Resources Strategy be endorsed.
- (2) That it be noted that trade union and staff consultation and engagement will take place on specific policies as appropriate.
- (3) That updates on the achievement on the objectives are submitted with the quarterly performance management reports to the Executive.

*OACE: to
note*

8. **UNITARY DEVELOPMENT PLAN AND EU DIRECTIVE ON STRATEGIC ENVIRONMENTAL ASSESSMENT**
(All Wards / All Areas) (item 4 - report 347/05-06)
(Key Decision - call-in period ends at 5pm on Friday 27th January 2006)

RESOLVED:

EDCS
(AD(P))

- (1) That Members note the report on the progress of the revised UDP to adoption.
- (2) Whilst it is noted that the Council carried out a sustainability appraisal of the UDP in 2002, that Members endorse that it is not feasible to carry out a Strategic Environmental Assessment (SEA) of the revised UDP for the reasons set out in this report and Appendix 1; and that the Government Office for London be advised in accordance with Regulation 6 of the Environmental Assessment of Plans and Programmes Regulations 2004, London (GOL) and the public are informed of this decision in accordance with the Regulations.

9. **LONDON MAYOR'S TRANSPORT STRATEGY: LAMBETH LOCAL IMPLEMENTATION PLAN (BOROUGH WIDE)**
(All Wards / All Areas) (item 5 - report 348/05-06 and tabled appendices)
(Key Decision - call-in period ends at 5pm on Friday 27th January 2006)

Special Circumstances Justifying Urgent Consideration

The Chair was of the opinion that although the Local Implementation Plan had not been circulated with the agenda at least five clear days before the meeting, nonetheless it should be considered as a matter of urgency because of the special circumstances that the key elements of the Local Implementation Plan were not ready in time for distribution because of last minute comments from Transport for London who requested stringent requirements to be added into the document. Accordingly, key components of the Local Implementation Plan were missing and needed urgent amendment. However, the document had been subject to extensive consultation with the public and Members previously.

Deemed MOVED by the Executive Member for Community Safety, Regeneration & Transport, and:

RESOLVED:

EDEC

- (1) That the Local Implementation Plan to be submitted to Transport for London and the Mayor's Office be approved.

- (2) That approval for final sign off and submission to the Mayor of London be delegated to the Assistant Director of Street Management in consultation with the Executive Member for Community Safety, Regeneration and Transport.
- (3) The Executive is opposed to London Buses latest proposed changes to bus services in the borough. It notes that proposed improvements to services in West London are to come at the expense of those in Lambeth, with peak services on the 137 from Streatham Hill to Queenstown Road down from 17 to 12 per hour. The Executive does not accept Transport for London's justification to Lambeth residents that a new 452 service would create surplus capacity on the 137 as it would only join the 137 route as it leaves Lambeth at the borough boundary. The Executive therefore instructs officers to write to TfL expressing in the strongest possible terms the council's opposition to these changes and encourages all Lambeth residents to make their voice heard before consultation closes on 23rd January 2006.

**10. REFERENCE FROM BRIXTON AREA COMMITTEE (09.11.05):
VARIOUS ISSUES**

(Brixton Hill, Coldharbour, Ferndale, Herne Hill and Tulse Hill Wards/Brixton Area) (item 7 - report 352/05-06)

RESOLVED: That the views of Brixton Area Committee be noted. -

**11. REFERENCE FROM STREATHAM AREA COMMITTEE (30.11.05):
SAFEWAY/MORRISONS SITE AND REVITALISE PROGRAMME**

(St Leonards Ward / Streatham Area) (item 8 - report 353/05-06)

RESOLVED: That the views of Streatham Area Committee be noted.

**12. REFERENCE FROM CLAPHAM & STOCKWELL AREA COMMITTEE
(29.11.05) : REVITALISE PROGRAMME**

(Clapham Common, Clapham Town, Larkhall, Stockwell, Thornton Wards/Clapham & Stockwell Area) (item 9 - report 354/05-06)

RESOLVED: That the views of Clapham & Stockwell Area Committee be noted.

13. CALCULATION OF COUNCIL TAX BASE 2006/07

(All Wards / All Areas) (item 11 - report 350/05-06)

RESOLVED:

- (1) That in accordance with the Local Authorities (Calculation of Council Tax Base) regulations 1992 as amended, Executive recommends to the Corporate Committee that the amount calculated by the Council as its council tax base for the year 2006/2007 is agreed at 98,931.

- (2) That the current local policy for discounts into the next and future financial years is continued. That a discount of 10% for second homes and 0% for dwellings left empty is applied. That no other local discounts are offered.

14. CLOSE OF MEETING

The meeting ended at 9:45pm

CHAIR
The Executive
Monday, 13th February 2006

Date of Despatch: 20th January 2006
Call-In Period: ends at 5pm on Friday 27th January 2006
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