

## THE EXECUTIVE

16 February 2009 at 7.30 pm

**MEMBERS (ALL PRESENT):** Councillor Sean Brennan (Chair), Councillor Ruth Dombey (Vice-Chair) and Councillor Colin Hall (Vice-Chair) and Councillors John Drage, Tony Brett Young, Lyn Gleeson, Colin Stears and Graham Tope

### 137. MINUTES OF THE PREVIOUS MEETING

The Minutes of the meeting held on 3 February 2009 were agreed as a correct record, and signed by the Chair.

### 138. REGENERATION OF ELIZABETH HOUSE SHELTERED HOUSING SCHEME

Further to Minute 1076/08, Members considered Tribal Consulting's report on the merits of refurbishing the Elizabeth House sheltered housing scheme, compared to new build. The report confirmed that both options could be achieved. However, it established clearly that refurbishment would not fully achieve any of the council's 32 key requirements and met little or none on 5 factors. In comparison, the new build option would meet all the requirements fully, with the exception of 2 factors, where most or some of the requirements would be met.

Specifically, the consultants had concluded that a new build approach would provide housing with a significantly longer lifetime that would more effectively meet existing needs and have greater flexibility to adapt to the future needs and demands of an ageing population. It would also provide a wider development that would function better, be more attractive, make better use of its location, be more energy efficient and sustainable and fit in better with its surrounding area. It would also increase the supply of a much-needed type of housing.

In comparison, refurbishment would not be able to provide fully sheltered and extra care housing to current standards and would result in a scheme that would only be suitable for a limited range of older people, excluding many of those with significant care needs. It would also result in a net loss of units on the site.

The report also noted that there would be significant benefits for residents if a phased development was undertaken. The retention of Elizabeth House and its communal facilities until new properties became available for letting would mean that 34 of the tenants who wished to remain on site during the works would have the option to do so.

Given this information, Members were recommended to agree to proceed with the new build option, to provide new affordable homes for older people and vulnerable adults, on a phased development basis.

Tribal had also confirmed that the site could be developed with or without the inclusion of Nos. 1, 2 and 3 Cheam Park Way and 1 Pondhill Gardens. However, they supported the view that the inclusion of these additional properties would be beneficial to the project.

Ms Ann Culley addressed the meeting on behalf of a deputation, under the provisions of Standing Order 11. Ms Culley posed a number of questions, as part of her presentation, to which the Executive Councillor for Adult Social Care & Housing responded. At the discretion of the Chair, Councillor Jonathan Pritchard, a ward councillor, also addressed the meeting.

The Chair thanked Ms Culley for her presentation and the residents for attending the meeting. He commended them on the reasonable, calm and disciplined way

they had engaged with the council on this project. Members appreciated that this was a very difficult time for many of them and hoped that they would continue their helpful dialogue during the outline planning and planning brief stages of the development. A commitment had been given that all residents who wished to remain at Elizabeth House would be able to do so. Councillor Colin Stears would be meeting residents later in the week for further discussions.

- Resolved:** (i) To note the report from Tribal Consulting and its conclusions;
- (ii) To agree, in light of the conclusions of the independent consultants, to proceed with the option of providing new affordable homes for older people and vulnerable adults at the Elizabeth House sheltered housing scheme;
- (iii) To agree to a phased development, with the demolition of Elizabeth House being delayed until new properties have been constructed;
- (iv) To agree to the inclusion of Nos. 1, 2 and 3 Cheam Park Way and No. 1 Pondhill Gardens in the development and the appropriation of Nos. 1 and 3 Cheam Park Way from the Environment & Leisure Group to the Housing Revenue Account;
- (v) To delegate authority to the Strategic Director – Adult Social Services & Housing, in consultation with the Executive Member for Adult Social Care & Housing, to decide the formal commencement date of the rehousing process.

*The meeting adjourned at 8:06pm to allow the public gallery to clear, and reconvened at 8:12pm.*

*Written notice having been received from 5 members of the Conservative Group under standing order 24.4, on the grounds that the report by Tribal Consulting creates more questions than it answers and the outcome being sought is to provide a more precise and detailed analysis of the costings and implications of the project, for both the Council Tax payer and those most affected, resident on and adjacent to the site, the above decisions are*

**RECOMMENDED:** To full council for consideration.

### **139. BUDGET 2009/10 AND ASSOCIATED MATTERS**

Further to Minutes 946/08 and 81/09, the Committee considered the proposed revenue budget and capital programme for all the Council's services. The report gave details of the government's financial settlement, reported on the Greater London Council precept and the Council's overall financial position. It proposed a total level of revenue and capital expenditure for 2009/10 and projected forward a three-year forecast of Council spending.

The report also recommended a Sutton increase of 2.9% in the level of Council Tax for 2009/10 for adoption by full Council on 2 March 2009.

The Executive Councillor for Resources highlighted the changes to the savings and additional spending options that were proposed following consideration of the responses to the budget consultation by The Executive on 3 February 2009. He also highlighted three areas where additional provision was being proposed on grounds of prudence. These were: (i) a £500k reserve to comply with new government directives to support future changes to the delivery of social care, (ii) £400k to help smooth the budgetary provision for concessionary fares over the next two years; and (iii) a £1,500k Treasury and Capital Programme Management reserve to provide cover against any ultimate loss of the funds frozen in the Heritable Bank and also to support the capital programme in the event that the housing slump continued.

Councillor Tim Crowley, Shadow Executive Member for Finance, addressed the meeting at the discretion of the Chair.

The Chair recorded thanks to Councillor John Drage, staff across the council and the Finance team for their hard work in getting the budget to this stage under such difficult circumstances.

**RECOMMENDED:** That full Council:

Revenue Budget

(i) notes the Council's latest estimates for 2008/09 and the projected outturn, as detailed in Section 4;

(ii) agrees to set up a £500k Reserve for Transforming Social Care in 2008/09 as detailed in paragraph 4.2 and a £1,500k Reserve for Treasury and Capital Programme Management as set out in paragraph 4.3;

(iii) with the exceptions referred to in paragraph 4.4, agrees that no revenue underspendings at 31 March 2009 be approved for carry forward to 2009/10;

(iv) approves the allocation of the Area Based Grant (paragraph 6.5)

(v) notes the changes to the Concessionary Fares Scheme and agrees to set up a £400k Freedom Pass Equalisation Reserve (paragraph 6.6);

(vi) agrees the arrangements for education services funded from the Dedicated Schools Grant (Section 7);

(vii) notes the government's warning on 2009/10 Council Tax levels and their threat to use capping powers (paragraph 10.4);

(viii) approves the growth and savings proposals set out in Section 11 and Annexes REV 2 and REV 3;

(ix) authorises Strategic Directors to progress the agreed growth and savings items without the need to seek further committee approval;

(x) notes that the Council has given 12 months notice of intent to consider withdrawing from membership of the Local Government Association from 2010/11 (paragraph 11.4);

(xi) agrees a central contingency of £2.7m (Section 13);

(xii) agrees the use of £3m from General Fund balances and £2m from reserves to support capital expenditure (paragraphs 14.4 and 14.5);

(xiii) approves the Council's draft revenue estimates 2009/10, including the recommended additional spending and savings options;

(xiv) notes the precept level of the Greater London Authority (Section 19);

(xv) sets a Council Tax for 2009/10 based on a Sutton increase of 2.9% and the figures given in Annex REV 1, and in accordance with the draft resolution in Annex REV 4 as follows;

1. That it be noted that at the meeting of 1 December 2008 the Council calculated the amount of 73,400 as its Council Tax Base for the year 2009/10 in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 made under Section 33(5) of the Local Government Finance Act 1992; (*Council Tax Base for 2009/10 is 73,400*);

2. That the following amounts be now calculated by the Council for the year 2009/10 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:-
- (a) £436,988,000 being the aggregate of the amounts that the Council estimates for the items set out in Section 32(2)(a) to (e) of the Act;  
*(the Council's estimated general fund expenditure)*
- (b) £298,510,000 being the aggregate of the amounts that the Council estimates for the items set out in Section 32(3)(a) to (c) of the Act;  
*(the Council's estimated general fund income)*
- (c) £138,478,000 being the amount by which the aggregate at 2(a) above exceeds the aggregate at 2(b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year;  
*(estimated general fund net expenditure)*
- (d) £54,737,000 being the aggregate of the sums that the Council estimates will be payable for the year into its general fund in respect of redistributed non-domestic rates and revenue support grant (together comprising formula grant), and increased by the amount of the sums that the Council estimates will be transferred in the year from its collection fund to its general fund in accordance with Section 97(3) of the Local Government Finance Act 1988 and pursuant to the Collection Fund (Community Charges) (England) Directions 1994 under section 98(4) of the Local Government Finance Act 1988 (as amended).  
*(aggregate external financing adjusted for the surplus on the collection fund)*
- (e) £1,140.89 being the amount at 2(c) above less the amount at 2(d) above, all divided by the amount at 1 above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year;  
*(Council Tax at Band D for Council purposes)*
- (f)
- | Valuation bands | (i)<br>£ | (ii)<br>£ | (iii)<br>£ |
|-----------------|----------|-----------|------------|
| A               | 760.59   | 206.55    | 967.14     |
| B               | 887.36   | 240.97    | 1,128.33   |
| C               | 1,014.12 | 275.40    | 1,289.52   |
| D               | 1,140.89 | 309.82    | 1,450.71   |
| E               | 1,394.42 | 378.67    | 1,773.09   |
| F               | 1,647.95 | 447.52    | 2,095.47   |
| G               | 1,901.48 | 516.37    | 2,417.85   |
| H               | 2,281.78 | 619.64    | 2,901.42   |
- (g) Column 2(f) (i) being the amounts given by multiplying the amount at 2(e) by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular

valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands;

*(f(i) sets out the Council Tax for each band for Council purposes)*

- (h) That it be noted that for the year 2009/10 the Greater London Authority has stated the amount shown in column 2(f)(ii) in precept issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwelling shown.  
*(f(ii) sets out the GLA precept for each tax band based on a nil increase)*

- (i) That, having calculated the aggregate in each case of the amounts at columns 2(f)(i), and 2(f)(ii) above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the amounts shown in column 2(f)(iii) above as the amount of the Council Tax for the year 2009/10 for each of the categories of dwellings shown.  
*(f(iii) sets out the total Council Tax for each tax band)*

*(Note: Words in italics are explanatory and do not form part of the formal resolution).*

(xvi) notes the three year forecast and, recognising the economic pressures facing residents, the administration's intention to keep future Council Tax increases as low as possible, whilst maintaining good service provision;

#### Capital Programme

(xvii) approves the Capital Programme set out in Appendix A and Annex CAP1 to the report;

(xiii) approves the financing of capital expenditure from borrowing of £4.356m in 2009/10 (paragraph 9.3) and that this sum be taken account of within the Council's revenue estimates for 2009/10 and the three year revenue forecast to 2011/12;

(xix) delegates to the Chief Finance Officer the authority to allocate capital financing resources to schemes during 2009/10 as detailed in Appendix A to the report, for confirmation by report at the end of the year;

#### Treasury Management

(xx) approves the 2009/10 to 2011/12 Treasury Management Strategy and Annual Investment Strategy, including the Policy Statement on Minimum Revenue Provision set out in Appendix B to the report;

(xxi) approves the prudential indicators to support the Council's capital financing borrowing requirement as set out in Annex TM1 to the report;

(xii) approves the borrowing limits and treasury management prudential indicators set out in Annex TM2 to the report.

### **140. DEVELOPMENT OF WANDLE VALLEY REGIONAL PARK**

Further to Minute 355/08, progress on developing the concept of the Wandle Valley Regional Park was reported. The report also covered possible future working arrangements, and the funding required for managing the Wandle Valley Partnership for a transitional period prior to the establishment of the Park.

The Joint Members' Working Group, known as 'Local Authorities along the Wandle' (LAW), had considered a draft Memorandum of Understanding (MoU), which set out proposed working arrangements between the four boroughs and the involvement of the GLA until the Regional Park had been established. The MoU was not intended to be legally binding, but was a statement of agreement to work together in a co-operative manner. Decisions and recommendations would need to be ratified by each of the four boroughs' cabinet committees and all the costs of the work arising from the Group would be shared.

The Joint Members' Working Group had agreed that a rationalised, more formal organisational structure was now required. This would involve Groundwork London in a project management role, co-ordinating the work of the Joint Members' Working Group, The Wandle Valley Steering Group and the Wandle Forum, with the Steering Group making recommendations to the Joint Working Group for approval. This would enable the four Wandle boroughs to collectively provide the necessary political leadership, acting in an advisory capacity on behalf of the four authorities. All stakeholders represented on the Wandle Steering Group and the Wandle Forum would be consulted on decisions on the future development of the Park.

The Joint Working Group had also considered costed options for the co-ordination of the next, transitional phase of the Wandle Valley Regional Park and details of their agreed way forward were reported. It was proposed that each authority should commit £7k in 2009/10 and 2010/11 as their share of the cost of Groundwork London managing the Wandle Valley Partnership over the transitional period. Sutton's share of this funding could be met from existing resources.

The future funding of the Regional Park had been included as an outcome in the draft MoU, with the aim of either repatriating the contributions currently made to the Lee Valley Regional Park by the 4 Wandle boroughs following the 2012 Olympics, or establishing the Wandle Valley Regional Park as the regional facility for south London, with south London authorities paying a precept towards its upkeep.

The Planning Advisory Group had also considered the report at a meeting on 10 February, and its recommendations were reported.

**Resolved:** To note and endorse the recommendations of the Planning Advisory Group to: (i) agree the draft Memorandum of Understanding, as described in the report;

(ii) agree the proposed Wandle Valley Partnership arrangements, involving the Joint Members' Working Group, Wandle Valley Steering Group, the Wandle Forum and Groundwork London over the transitional period;

(iii) endorse 'The Wandle Valley Regional Park - A Vision for the Future' as a basis for facilitating the development of the Regional Park over the transitional period;

(iv) agree the proposed boundaries of the Regional Park in Sutton for purposes of consultation with the Wandle Valley Steering Group, the Wandle Forum and other stakeholders.

#### **141. ANNUAL REVIEW OF THE CONSTITUTION**

The Council's constitution was reviewed annually to ensure it continued to be up-to-date and reflect changes made elsewhere. A number of amendments were submitted for approval as a result of this year's review.

Senior officers had considered the proposals and their comments and recommendations had been incorporated into the report now submitted. The report had also been considered by the Community Leadership Advisory Group (CLAG) at a meeting on 3 February 2009, and its recommendations were also submitted.

The CLAG had also discussed a proposal to merge the Council & Employees Joint Committee (CEJC) with the Sutton Joint Health & Safety Committee (SJHSC) and disestablish the Council & Teachers Joint Committee (CTJC). The Interim Executive Head of Legal & Democratic Services had been asked to do some more background work on this, including consulting with affected parties. A reference from the SJHSC was tabled at the meeting, expressing some concerns about the process for looking at the proposals and the short timescales proposed.

**Resolved:** (i) To note the recommendations of the Community Leadership Advisory Group;

(ii) To note the concerns of the Sutton Joint Health & Safety Committee and ask the Interim Executive Head of Legal & Democratic Services to take these on board in preparation for the proposed meeting with members of the three committees affected by the proposals.

**RECOMMENDED:** That full Council agrees the following changes to the Constitution:

(i) Amendments to Sections 1 and 2 (Article 9 Standards Committee) to reflect the changes to the role and functions of the Standards Committee and consequential amendments (Article 11 Employees) to the role and functions of the Monitoring Officer;

(ii) Amendments to Sections 2 (Article 6 Scrutiny Function) to reflect the changes brought by the *Councillor Call for Action* and to the powers of Scrutiny Committee in respect of Partner Authorities and LAA targets;

(iii) Amendments to the Section 4 (Standing Orders Part 3 Procedure for dealing with matters at Full Council) not to require a vote to be taken on an original, substantive motion following a positive vote on its amendment or the amended motion;

(iv) Amendments to Section 6 (Part 2 Councillors' Access to Information) to require Members' requests for personal information, including sensitive information, to be made in writing and through the appropriate Director or Chief Executive and the procedure for dealing with such request (Appendix B);

(v) Amendments to Section 3 (Part 3 Scheme of Delegations to Officers) as set out in Appendix A;

(vi) Further amendments to Section 4 (Contract Standing Orders) as set out in Appendix C;

(vii) To authorise the Executive Head of Legal & Democratic Services to make any additional minor textual amendments necessary to ensure the changes are reflected consistently throughout the document.

#### 142. REFERENCES FROM SCRUTINY OVERVIEW COMMITTEE

58/09 Work Plan 2009/10
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**Resolved:** (i) To agree the recommendation that the Joint Area Review 2008 action plan be included in the Tracker;

(ii) That arrangements for submitting approved scrutiny reports to this Committee are considered further in preparation for the next edition of the council's Guide to Scrutiny.

**55/09 Stanley Park High School – Update**

**Resolved:** To note the officer's comments, agree to await the outcome of investigations into the use of an insurance policy to offset the falling value of land at the existing Stanley Park High School site and note that the issue of the access road is being addressed.

**143. REFERENCE FROM PLANNING ADVISORY GROUP (10/2/09)**

**04/09 Core Planning Strategy – Representations Following Publication & Proposed Amendments to Submission**

**Resolved:** To concur with the Planning Advisory Group's recommendations to: (i) not make any alterations to the Core Planning Strategy, Proposed Submission in respect of the representations by Mr Ray Liffen regarding Green Belt/Major Developed Sites issues;

(ii) To refer the supplementary report to the Carshalton & Clockhouse Local Committee for their consideration:

(iii) delegate authority to the Executive Head of Planning & Transportation, in consultation with the Executive Councillor for Planning, to make any further minor amendments required to the draft Strategy prior to its submission to full Council for approval;

(iv) To **RECOMMEND** full Council to:

(a) refer the four representations that were not duly made within the consultation period to the Planning Inspector for consideration as part of the forthcoming Inspection; and

(b) approve the draft Core Planning Strategy and Schedule of Minor Changes for submission.

**144. SUTTON CENTRAL LIBRARY**

Members considered a proposal to enter into a partnering agreement with the Sutton College of Learning for Adults (SCOLA) to run the Coffee Shop at Sutton Central Library from 1 April 2009. Under the proposed agreement, SCOLA would relocate their existing Coffee Shop to the ground floor of the Library. Sharing one outlet would enable the service to expand the range of food and refreshments offered.

In order to meet the needs of SCOLA's existing customers the Library's core opening hours would need to be changed, including offering for the first time a limited Library Service on Mondays, based on the successful out-of-hours model at the Library @ Phoenix. With the exception of the ground floor, the Library would close at 6:00pm on Fridays to release enough staff hours to enable this. The proposal also offered the potential to develop a number of new programming initiatives to enhance the service and attract more users to the Library.

As part of the agreement the council would be required to contribute a sum of £20k to purchase new fixtures and fittings for the Coffee Shop. There was no provision

in either capital or revenue budgets in 2008/09 for this one-off cost, which it was proposed should be met from the council's central contingency. SCOLA would be responsible for purchasing the stock and supplies and providing the staffing. The partnering arrangement would be for three years, with an option for an additional year.

**Resolved:** (i) To agree that the Library Service enter into a Partnering Agreement with the Sutton College of Learning for Adults to run the Sutton Central Library Coffee Shop from 1 April 2009;

(ii) To agree that revenue funding of £20k is provided from the council's central contingency provision to invest in the Coffee Shop service, as outlined in the report;

(iii) To agree the revised opening hours and programming arrangements for the Sutton Central Library;

(iv) To delegate authority to the Strategic Director – Environment & Leisure and Strategic Director – Resources to enter into a legal agreement with SCOLA to manage the Coffee Shop.

The meeting ended at 9.00 pm

Chair: .....

Date: .....