

Cabinet

Tuesday 16 April 2013

4.00 pm

Ground Floor Meeting Room GO2A, 160 Tooley Street, London SE1
2QH

Supplemental Agenda No. 1

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Contact

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Date: 8 April 2013

Item No. 16.	Classification: Open	Date: 16 April 2013	Meeting Name: Cabinet
Report title:		St Olav's Public Convenience site, Albion Street-Resolution to make Compulsory Purchase Order for site assembly purposes	
Ward(s) or groups affected:		Rotherhithe	
From:		Councillor Fiona Colley, Regeneration and Corporate Strategy	

FOREWORD – COUNCILLOR FIONA COLLEY, CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY

In December 2012 we agreed to prioritise Albion Street in Rotherhithe as an area for regeneration. The once thriving market street is now much in need of some TLC.

At the gateway to the street stands the beautiful grade II listed St Olav's Norwegian Church, but sadly just in front of it stands the eyesore that is the derelict former public toilets. It is our aspiration as part of the regeneration to replace this with a new high quality public square to complement the attractive historic church.

The council has made concerted efforts to negotiate with the owners to buy the old toilet block, but without success. We now recommend that cabinet agrees to use the council's compulsory purchase powers to secure the site and thus take this regeneration project forward.

RECOMMENDATIONS

That the cabinet

1. Agrees that the council makes a Compulsory Purchase Order under Section 226(1) of the Town & Country Planning Act 1990 (as amended by section 99 of the Planning and Compulsory Purchase Act 2004) for the acquisition of the freehold interest in the land shown edged in red on the plan attached at Appendix One for the purposes of securing the redevelopment of St Olav's square as part of the wider Albion street regeneration and in line with the aspirations of the Canada Water Area Action Plan (AAP).
2. That the Director of Regeneration be authorised to:
 - a) Take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order including the publication and service of notices and the presentation of the council's case at public inquiry should one be called.
 - b) To acquire the freehold interest in the land within the compulsory purchase order either by agreement or compulsorily for the purposes of redeveloping St Olav's Square as part of the wider Albion Street regeneration.

BACKGROUND INFORMATION

3. The recommendations in this report are to enable the council to acquire land in order to proceed with the redevelopment of St Olav's square which forms part of the ongoing Albion Street regeneration.
4. On 11 December 2012 cabinet agreed to the project mandate for the regeneration of Albion Street. One of the key themes of this mandate was public realm with a view of looking at a number of initiatives to improve the general appearance of the neighbourhood, way finding and links with the wider Rotherhithe area.
5. The Albion Street project mandate identifies St Olav's Square as a strategically important public realm project that the council can deliver in order to address the aspirations of the local people.
6. The council working in consultation with Albion Street residents and key stakeholders including the Norwegian Community which runs St Olav's church have been preparing a scheme that will transform St Olav's square into a public square which is capable of being used for Street markets and community events. The proposed scheme is supported by the community and is seen as key to the regeneration of Albion Street.
7. The majority of the freehold at St Olav's square is owned by Southwark Council save for the public convenience site ("the Site") which is under private ownership.
8. Following analysis and due diligence around the extent, scope and vision for the delivery of St Olav's Square redevelopment, it is clear that the Site will need to be acquired to proceed with the scheme, and that compulsory purchase powers will be necessary to secure the freehold interest in the Site.
9. The Site is located in St Olav's Square which lies between Albion Street and the Rotherhithe tunnel approach. The Site is within the vicinity of St Olav's church, a grade II listed building owned by the Norwegian Church.
10. Albion Street was once a thriving street at the heart of the Rotherhithe docklands community. However, this role has been challenged by the redevelopment of the docklands and the creation of new shopping and community facilities at Canada Water.
11. The Site, comprising disused public conveniences, is currently derelict and has been an attraction for illegal posting, dumping and fly tipping. The Site is generally an eyesore and a nuisance that continues to raise health and safety concerns to the local community. The council has on occasion served warning notices on the freeholders of the Site on health and safety grounds.
12. The freeholders of the Site have in the past secured planning consents for retail development. However, these consents have never been implemented and have subsequently expired.
13. Following concerted efforts to engage with the freeholders of the Site, contact was established in July 2011. The council has since this time offered to purchase

the Site and also invited the freeholders to community consultations related to Albion Street regeneration, but they have not attended these.

14. To progress negotiations and in order to ensure that the council does not over pay for the purchase of the site, BNP Paribas Real Estate were instructed to advise on the Market Value of the Site. Negotiations remain ongoing albeit the freeholders' monetary aspirations remain well over and above Market Value.

KEY ISSUES FOR CONSIDERATION

15. The council has been in negotiation with the owners to purchase their interest in the Site by agreement as part of its strategy for the delivery of the council's proposed scheme. However, the council and the freeholder's valuation of the site are significantly apart.
16. The making of a compulsory purchase order is therefore considered essential to ensure that this important project for the regeneration of Albion Street can be brought forward in accordance with a fundable programme of delivery. Efforts to acquire the interest by agreement will however continue in the meantime.
17. It is anticipated that on acquisition of the Site by agreement or compulsorily, the council will proceed to demolish and fill in the existing structures to ensure that the site does not remain a hazard and an eye sore as is the case in its current state. A Cleaner, Greener and Safer bid has been made by Albion Street Steering Group to fund the demolition works. A decision on this bid was not available at the time of the writing of this report. As it will be necessary to demonstrate for the purposes of the CPO that the scheme is fundable the council will need to confirm that it is prepared to underwrite these costs should the bid be unsuccessful.
18. A planning application for the proposed scheme at St Olav's Square in support of the CPO will need to be submitted by the council. Discussions have already been held with the Planning Department about the proposals and they have confirmed that they are supportive of the principle of the proposed development of the site as a public square
19. Officers in Public realm and Highways departments have respectively advised on the cost of delivering the proposed scheme and the status of St Olav's Square in relation to public highways. The advice indicates that St Olav's Square does not form part of the public highways and would therefore not require a stopping up order.
20. The local community have expressed a willingness to fundraise for the costs of laying out the site as a square most, notably the Norwegian Community that runs St Olav's Church. The amount and timing of these funds is not currently certain. As it will be necessary to demonstrate for the purposes of the CPO that the scheme is fundable the council will need to confirm that it is prepared to underwrite the costs of laying out the public square which are currently estimated to be in the region of £300,000
21. Policy 30 of the Canada Water AAP sets out the key themes for promoting the regeneration of Albion Street that include seeking funding to provide public realm improvements and continuing to investigate the potential for a market. The proposed scheme addresses these aspirations.

22. In summer 2012 Officers in Planning department began a process of reviewing the Canada Water AAP in order to accommodate changes to some key sites in the AAP core area. These changes will not affect the current guidance position of the AAP in relation to Albion Street.

Underlying information in resolving to make this compulsory purchase order

23. The compulsory purchase procedure is complex and has regard to a variety of factors. Details of relevant procedural and legal matters are set out at Appendix 2.

Community impact statement

24. The effect of a negotiated acquisition or compulsory purchase order will be to dispossess the freeholders of their rights in the Site. This is necessary to ensure that the proposed scheme at St Olav's square as part of the Albion Street regeneration can proceed. In Compulsory Purchase terms this is considered acceptable where the proposals are in public interest and where, as in this case, the advantages of the regeneration outweigh the disadvantages to those dispossessed.
25. In making its decision to agree on the Albion Street Project mandate, cabinet was advised that the theme of public realm would be taken forward in collaboration with local stakeholders. .
26. The redevelopment of St Olav's Square will not only benefit the local community but also the wider Rotherhithe area, creating an opportunity for further investment as part of the Albion Street regeneration. It is therefore necessary to balance the benefits that could be provided by the proposed scheme against the possible impact to the freeholder of the affected land. In carrying out this exercise a degree of proportionality should be adopted.
27. The furtherance of this project will not negate the council's diversity and equal opportunities policies.

Consultation

28. There has been extensive consultation with the Albion Street community and key stakeholders at all stages of the regeneration and the ongoing delivery of different projects within the area. An Ideas Workshop was held in June 2012 and facilitated by Soundings who were appointed by Southwark Council and Canada Quays Ltd. In addition the Albion Street Steering Group has been consulted with in consideration to making acquisition of the Site through compulsory purchase powers.
29. St Olav's square is viewed by the community as a neglected space bringing little benefit to the local community in its current state. The community also identified it as a potential destination opportunity that could be used for recreation, street markets and other community events that will attract further investment in the area.
30. The freeholders of the Site have also in the past been invited to Albion Street consultations and have been kept updated on the progress of the proposed

scheme and the wider Albion Street regeneration.

Resource implications

31. The net costs of acquiring the freehold interest and making of the Compulsory Purchase Order (CPO) are estimated at £80,000. These costs comprise market value, loss payment, freeholders' professional fees and funding for council legal and other professional fees necessary for the CPO.
32. The cost of the demolition of the structures on site and the capping of the sewers is estimated at £25,000.
33. The cost of laying out the site as a public square is estimated at £300,000.
34. The total cost of carrying out the project in full is therefore estimated at £405,000. It is recommended that a contingency of 10% (£40,500) be set aside to deal with risk, making a total project budget of £445,500.
35. As noted in the key consideration section of this report, steps are being taken to offset these project costs through a cleaner greener bid to meet the demolition costs and fundraising for the layout of the public square. At the time of writing the report there is uncertainty as to the outcome of these initiatives and therefore in order to pursue the CPO it will be necessary for the council to commit to underwrite the full project budget.
36. It is anticipated that these funds will be required in 2013/14 and 2014/15. It is proposed that the funding is drawn from the regeneration and development reserves subject to the approval of the strategic director of finance and corporate services.
37. There are no direct staffing implications arising from making the Order to its completion as well as ongoing negotiations with the freeholders.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance and Corporate Services (FC13/020)

38. This report seeks approval for a compulsory purchase order (CPO) for St Olav's Public Convenience site, Albion Street. Details of the financial implications are contained within paragraphs 31 to 37. Funding is available for the estimated £80,000 cost of the CPO.
39. The strategic director of finance and corporate services notes that a Cleaner, Greener and Safer bid has been made by Albion Street Steering Group to fund the demolition works and that the local community have expressed a willingness to fundraise for the costs of laying out the site. In the event that these funds are not sufficient then a draw down from regeneration and development reserves will be sought.
40. Once the freehold of the site is secured any demolition or development works will be subject to a separate report, which will include full financial implications.

Director of Legal Services

41. Cabinet is advised that the council has a power to compulsorily acquire land and property interests under Section 226 (1) (a) of the Town and Country Planning Act 1990 (as amended by Section 99 of the Planning and Compulsory Purchase Act 2004) (“the 1990 Act”).
42. Section 226(1)(a) gives the council power to acquire compulsorily any land in their area if the council thinks that the acquisition will “facilitate the carrying out of development / re-development, or improvement on or in relation to the land”. In exercising this power the council must have regard to Section 226(1A) which provides that the council must not exercise the power unless it thinks that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well being of the area.
43. The cabinet will note from paragraph 26 of Appendix 2 to this report that consideration has been given to the well being objectives under section 226(1A) of the 1990 Act in relation to the council’s aspirations for the regeneration of St Olav’s Square and the wider Albion Street regeneration area. It is considered that the regeneration of the area will assist the council in promoting and improving the economic, social and environmental well being of the Albion Street area, and therefore there are adequate powers available to the council to acquire the land and property interests in the Site either compulsorily or by agreement. The council also has power under section 227 of the 1990 Act or Section 120 (1) of the Local Government Act 1972 (“the 1972 Act”) to acquire interests in land by agreement with the owners. Further, by virtue of section 120(2) of the 1972 Act, any property acquired under the 1972 Act which is not required immediately for the purpose for which it has been acquired, can be used in the interim for the purpose of any of the council’s functions.
44. Part 3C of the council’s constitution reserves to the cabinet decisions on acquisition of land and property where the market value exceeds £100,000, and the acquisition of land and property which involves the use of compulsory purchase powers.
45. In the event that it proves possible to acquire the site by agreement, such that compulsory purchase powers are not required, cabinet is advised that Section 120 (1) of the Local Government Act 1972 (“the 1972 Act”) authorises the council to acquire any land by agreement for the purposes of (a) any of its statutory functions or (b) for the benefit, improvement or development of its area. The acquisition of the Site would fall within this since the acquisition is to facilitate the improvement of the area.

Strategic Director of Environment and Leisure

46. The Site in question has been derelict for years and attracts fly posting, dumping and general antisocial behaviour. It serves no positive purpose to the area or its residents. Bringing it into part of a wider regeneration scheme will solve a long standing problem and enhance the general appearance as a whole. Environment and Leisure therefore fully support the proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Canada Water Area Action Plan	http://www.southwark.gov.uk/canadawateraap	Fahad Nakendo 020 7525 5359
Cabinet Agenda 11 December 2012	http://modern.gov.southwark.gov.uk/documents/g4249/Public%20reports%20pack%20Tuesday%2011-Dec-2012%2016.00%20Cabinet.pdf?T=10	

APPENDICES

No.	Title
Appendix 1	Location Plan showing Order site
Appendix 2	Procedural and Legal matters

AUDIT TRAIL

Cabinet Member	Councillor Fiona Colley, Regeneration and Corporate Strategy	
Lead Officer	Eleanor Kelly, Chief Executive	
Report Author	Fahad Nakendo	
Version	Final	
Dated	4 April 2013	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
Strategic Director of Environment & Leisure	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	4 April 2013	



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St Olav's Square Public Convenience Purchase Order Procedural and Legal matters

Legal Matters

1. The Council can only purchase the freehold interest of the public convenience at St Olav's square in the following circumstances:
 - Where there is agreement with the freeholder or
 - following a confirmed Compulsory Purchase Order
2. Given that the property is held for commercial purposes, the statutory compensation code under Compulsory Purchase legislation provides that a leaseholder or freeholder is entitled to the following compensation following a compulsory acquisition:
 - a. The market value of the interest acquired
 - b. Payment for loss of profits arising from relocation or extinguishment of business [as appropriate].
 - c. A disturbance payment to cover the freeholder's reasonable costs as a direct and natural result of the compulsory acquisition, this might include legal fees, surveyors fees, removal costs.
3. Where acquisition takes place by agreement ahead of the compulsory purchase order, the freeholder's entitlement will be treated in the same way and with the same entitlement as would be the case if there was a Compulsory Purchase Order.

Procedural Matters

Outline of Compulsory Purchase Procedure

Resolution

4. The Executive passes a resolution to make an Order. This is the purpose of this report.

Referencing

5. The Council assembles information that provides details of all owners, tenants and occupiers. This is to both identify what interests need to be acquired and who is entitled to receive a notice of the publication of the Order. This stage will enable the precise details of the Order area to be determined.

Resolving planning and finance

6. In considering the Order the Minister needs to be confident that the proposals behind it are likely to come to fruition. In this connection, s/he will need to be satisfied that there are no significant Town Planning or financial obstacles that will frustrate the proposals. The intended redevelopment of the site will be in accordance with the detailed planning guidance for the area, which in this case is contained in the Canada Water AAP.
7. Officers in the Property department will submit a planning application for the site and initial advice from planning officers indicates that the proposed scheme is deliverable and that it would be supported through the planning process.

Making the Order

8. The Council makes the Order, to a defined format. A schedule goes with the Order identifying ownership details of all land within it. A Statement of Reasons must also be prepared to accompany the Order. This is a critical document that may be challenged by objectors and therefore needs to be prepared accurately and with great precision.

Publication of the Order

9. The Council serves notice of making of the Order on all leaseholders, tenants and occupiers affected by it. A notice of the making of the Order has to be published for two successive weeks in a local newspaper.
10. The notices will advise that any objections to the Order can be made to the relevant government minister and specify an address for this purpose. The Order is then passed to the Department for Communities and Local Government.

Confirmation of the Order

11. The Order does not become effective unless and until it is confirmed by the minister. Where there are objections to the Order they must be considered before confirmation. This is usually done by way of a public inquiry but can sometimes be dealt with by written representations.
12. After considering the objections [if there has been a public inquiry there will be an Inspector's Report] the Minister may confirm, modify or reject the Order. If it is rejected that is the end of the process and the Council will need to revisit its plans.
13. Following confirmation or if applicable, modification, a notice advising that the Order has been confirmed must be published in the local newspaper and served on all leaseholders, tenants and occupiers affected by the Order. A confirmed Order should be implemented within three years to retain its validity.

Taking Possession

14. This can be achieved by either Notice to Treat/Notice of Entry or by using General Vesting Declaration procedure. The latter is considered the most appropriate for this Site as it transfers both the right to possession and title of the land to the Council.

Indicative Timescale

15. The following is an indicative time table from resolution to confirmation of the order to publication.
 - Resolution to make the Order
 - Referencing/Finance/Planning 8 weeks
 - Making the Order to Publication 6 weeks
 - Publication to Confirmation 40 weeks
 - Confirmation to taking Possession 18 weeks
16. Therefore we are looking at around a year and a half between making this resolution and obtaining possession but if there are complications it could be longer. It is assumed that there will be objections to the Order and that these may require protracted negotiations and/or a public inquiry to resolve.

Power to make a Compulsory Purchase Order

17. Section 226 of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) is the recommended enabling provision for the purpose of compulsorily acquiring the interests required to progress the implementation of the redevelopment of St Olav's Square.

Policy Implications

Corporate/Planning

18. The Canada Water Area Action Plan (AAP) provides the vision for regeneration in the Rotherhithe peninsula. This is the area around Canada Water and surrounding environs. The AAP sets out a vision for how the area will change over the period leading up to 2026.
19. The focus of new development within the AAP is a core area around Canada Water, which will build on some of its key strengths, particularly its attraction for families, leisure opportunities, great parks, docks and green links.
20. Albion Street forms part of this core area and is identified under Policy 30 of the AAP where regeneration will be promoted through:
 - Improving pedestrian and cycle links between Albion Street and the town centre, St Mary's conservation area and Rotherhithe station
 - Reinforcing the viability of the shopping parade by making sure that no more than two units are used as hot-food takeaways
 - Working with leaseholders to improve the appearance of shop fronts
 - Continuing to investigate the potential for a market on Albion Street through the Markets Strategy
 - Seeking funding to provide public realm improvements
 - Using the library site as an opportunity to help improve the street
 - Working with governors and staff to explore the potential to provide mixed use development on a part of Albion Primary school.

Property Acquisition

21. The Council over the last 2 years has been endeavoring to acquire by agreement the freehold interest of the St Olav's public convenience site to move the proposed scheme forward. The passing of this resolution should encourage the freeholders to enter into meaningful negotiations with the Council.

Financial Implications

22. There is provision in the Regeneration and Development Reserves for the expenditure that would be incurred in acquiring the freehold interest in the Site. These costs include the market value of the Site, compensation and loss payments, and the costs to the council of making the Compulsory Purchase Order.

Legal Implications

23. Section 226(1)(a) of the Town and Country Planning Act 1990 (the Act) (as amended by section 99 of the Planning and Compulsory Purchase Act 2004) is the appropriate power in this instance to secure the compulsory acquisition of the public convenience site. Section 226(1)(a) enables authorities to acquire compulsorily any land in their area if the authority think that the acquisition will: "facilitate the carrying out of development, redevelopment, or improvement on, or in relation to, the land".
24. The Council, in exercising its power under this Section must have regard to section 226(1A) which states: "But a local authority must not exercise the power under paragraph (a) of subsection (1) unless they think that the development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the following objects- (a) The promotion or improvement of the economic well being of their area;(b) The promotion or improvement of the social well being of their area; (c) The promotion or improvement of the environmental

well-being of their area."

25. It is considered that the use of this section is therefore most appropriate having regard to the Council's aspirations for the regeneration of St Olav's square. The interest to be acquired by the compulsory purchase order is required in order to permit the redevelopment and regeneration to take place.
26. The proposal also satisfies the "well being" element of the Act in that the regeneration of St Olav's square is clearly in order to provide an improved public realm which will assist in attracting investment and growth opportunities to the area. Therefore the proposals will inevitably assist in promoting and improving the social economic and environmental well being of the area.
27. The scope and application of Section 226 is set out in Circular ODPM 06/2004 Appendix A ("Compulsory Purchase and the Crichel Down Rules"). The Circular sets out the circumstances in which this power may be relied on by a local authority for the purposes of compulsorily acquiring land. It recognizes that compulsory purchase powers under the Act provide a "positive tool" to local authorities in assisting them to acquire and assemble land where it is necessary to implement the proposals set out in the community strategies, such as the AAP.
29. Paragraph 15 of the Circular ODPM 06/2004 also recognizes that *"it may not always be feasible or sensible to wait until the full details of the scheme have been worked up and planning permission obtained, before proceeding with the Order."*
30. The Circular advocates progressing and justifying a compulsory purchase order against a clear strategic framework and that the acquiring authority is able to confirm there are no planning hurdles or other impediments to the implementation of the scheme.
31. For the purposes of confirming a compulsory purchase order, the Circular identifies considerations which will be taken into account by the Secretary of State in making such a decision, namely:
 - a) *Whether the purpose for which the land is being acquired fits in with the adopted planning framework for the area or where no such up to date framework exists, with the core strategy and any relevant Area Action Plans in the process of preparation in full consultation with the community;*
 - b) *The extent to which the proposed purchase will contribute to the achievement of the promotion or improvement of the economic social or environmental well being of the area.*
 - c) *The potential financial viability of the scheme for which the land is being acquired. A general indication of funding intentions and any commitments from third parties will usually suffice to reassure the Secretary of State that there is a reasonable prospect that the scheme will proceed. The greater the uncertainty about the financial viability of the scheme however the more compelling the other grounds for undertaking the Compulsory Purchase will need to be and*
 - d) *Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land or any other persons for its re-use.*
32. It is considered that there are no hurdles to frustrate the aspirations of

the Compulsory Purchase Order.

33. In the event that the compulsory purchase order is confirmed, the next stage will be to vest all necessary title in the Council. In these circumstances as has already been mentioned the best means of doing so will be way of the General vesting Declaration Procedure. This is something that can be carried out by the Council's legal advisors as and when this stage is achieved.

Human Rights Considerations

34. The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights ("the Convention").
35. In proposing these Orders the Council has duly considered the rights of property owners under the convention, notably under the following Articles: *Article 1 of the First Protocol*. This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international law.
36. In relation to these convention rights the Council has been conscious of the need to ~~strike~~ a balance between the rights of the individual and the interest of the public. In light of the significant public benefit that would arise from the regeneration of St Olav's square it will be appropriate to make the Order, if the relevant freehold interest cannot be acquired by agreement.
37. Objections can be made against the Order that will then have to be considered by the Secretary of State before s/he decides whether or not to confirm the Order.

Item No. 17.	Classification: Open	Date: 16 April 2013	Meeting Name: Cabinet
Report title:		Housing and Community Services report back on Decima Street Tenants and Residents Association deputation	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Ian Wingfield, Deputy Leader and Cabinet Member for Housing Management	

FOREWORD – COUNCILLOR IAN WINGFIELD, DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT

It is disappointing that no provision of s106 is available to fund the door entry systems at Decima Street so I am pleased to support the proposals to work with the JMB in prioritising and programming the works and agreeing that provision is made to provide the addition costs of these works from within the capital budget.

RECOMMENDATION

1. That cabinet note the contents off this report.

BACKGROUND

2. Leathermarket JMB brought a deputation to cabinet on 19 March 2013 requesting s106 funding to install a door entry system at Decima, Meakin and Elim. The scheme was included on a project bank list for s106 funding in 2010.
3. S106 funding is only forthcoming if a major new development is given permission in the immediate vicinity and even then the money often isn't paid until the development is complete. No such development has come forward. Furthermore, the regulations around what we can spend s106 on have tightened and it is unlikely that funding from s106 for door entry systems will be available in the future.
4. The 2013/14 rent setting report was presented to Area Housing Forums in January for consideration and comments and was subsequently approved by cabinet on 29 January 2013. Cabinet recommended that a number of areas identified for HRA redirection of resources into key priorities were of particular importance and should be considered in more detail by Area Forums and be brought back to Cabinet in May 2013 for decision.

KEY ISSUES FOR CONSIDERATION

5. Amongst these key priorities was the provision of door entry and security systems. Consultation has just been completed and the results are being finalised for the Cabinet report in May 2013. Within the proposals there was general support for the priorities identified and the provision of upgrading 52

systems and the installation of 20 new systems on identified estates that met the defined criteria against the proposed two year programme for 2013-2015.

6. In addition a number of additional proposals have been put forward through the consultation process that will lead subject to further approval to extending a door entry and security budget beyond 2015.
7. The maintenance and compliance team has examined the estimates of £255,450 provided by the JMB Manager and confirmed they are in a range of what we would expect for an installation of this type. However, projects of this type would normally include a contingency budget and an allowance for professional fees. If included, we estimate the overall resource requirement will be closer to £299,000.
8. Since April 2013, the JMB has been responsible for its own ring-fenced income in order that they better manage and maintain the stock designated to them under the terms of the management agreement and to allow the full implementation of a 30 year asset management strategy.
9. This means that the JMB is responsible for funding any major works, including the installation and maintenance of door entry systems. However the council recognises the prior commitment for the potential funding through s106 it is therefore proposed that the Maintenance and Compliance Team works with the JMB in prioritising and programming the works and that provision is made to provide the addition costs of these works from within the capital budget.
10. In terms of contribution they would be looking for the full cost of works in 2013/14 as the JMB is unable to make any financial contribution in the current financial year as their budget is fully allocated. In order to make any funding available themselves they would be depending on some slippage in the current years programme which cannot be identified at the outset of the financial year for obvious reasons. There is more flexibility if the works were to take place in 2014/15, whilst they have a programme ready they still have room for manoeuvre. They are keen to progress the works as soon as possible and could provide the staffing resources to undertake the works in the year 2013/14 subject to obtaining the necessary permissions (planning etc.)

Community impact statement

11. The implementation of these works will ensure a better quality of life for the residents. There will be improved homes through the works and residents will feel safer in their homes and on their estate.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Deputation request: Minutes cabinet 19 March 2013. The document is available to view on this web page: http://moderngov.southwark.gov.uk/ie/ListDocuments.aspx?CId=302&MId=4252&Ver=4	Council offices, 160 Tooley Street, London SE1 2QH	Paula Thornton 020 7525 4395

APPENDICES

No.	Title
None	

AUDIT TRAIL

Cabinet Member	Councillor Ian Wingfield, Deputy Leader and Cabinet Member for Housing Management	
Lead Officer	Gerri Scott, Strategic Director of Housing and Community Services	
Report Author	David Markham, Head of Major Works	
Version	Final	
Dated	8 April 2013	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	8 April 2013	

CABINET AGENDA DISTRIBUTION LIST (OPEN)**MUNICIPAL YEAR 2012/13**

NOTE: Original held by Constitutional Team; all amendments/queries to
Paula Thornton/Everton Roberts Tel: 020 7525 4395/7221

Name	No of copies	Name	No of copies
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Peter John	1	Eleanor Kelly	1
Ian Wingfield	1	Romi Bowen	1
Fiona Colley	1	Deborah Collins	1
Dora Dixon-Fyle	1	Gerri Scott	1
Barrie Hargrove	1	Duncan Whitfield	1
Claire Hickson	1		
Richard Livingstone	1	Officers	
Catherine McDonald	1	Doreen Forrester-Brown	1
Veronica Ward	1	Jennifer Seeley	1
Other Councillors		Trade Unions	
Catherine Bowman	1	Roy Fielding, GMB	1
Toby Eckersley	1	Henry Mott, Unite	1
Neil Coyle	1	Chris Cooper, Unison	1
Gavin Edwards	1	Neil Tasker, UCATT	1
Dan Garfield	1	Michael Davern, NUT	1
David Hubber	1	James Lewis, NASUWT	1
Lorraine Lauder	1	Irene Bishop, ASCL	1
David Noakes	1		
Paul Noblet	1	Others	
The Right Revd Emmanuel Oyewole	1	Robin Campbell, Press Office	1
Mark Williams	1	Paula Thornton, Constitutional Officer	20
Andy Simmons	1		
Tim McNally	1		
Anood Al-Samerai	1		
Group Offices		Total:	66
Chris Page, Cabinet Office	1	Dated: 30 January 2013 (pt)	
Laura Kavanagh, Opposition Group Office	1		
Press			
Southwark News	1		
South London Press	1		
Members of Parliament			
Harriet Harman, MP	1		
Tessa Jowell, MP	1		
Simon Hughes, MP	1		