

## Council Assembly Ordinary Meeting

Wednesday January 27 2010  
7.00 pm  
Town Hall, Peckham Road, London SE5 8UB

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Councillors are summoned to attend a meeting of the Council to consider the business contained herein



Annie Sheppard  
Chief Executive

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

#### Babysitting/Carers allowances

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

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#### Contact

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Webpage: <http://www.southwark.gov.uk>

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Date: January 15 2010



# Council Assembly

Wednesday January 27 2010  
7.00 pm  
Town Hall, Peckham Road, London SE5 8UB

## Order of Business

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**11. AMENDMENTS**

A supplemental agenda containing any amendments will be circulated prior to the meeting.

**ANY OPEN ITEMS IDENTIFIED AS URGENT AT THE START OF THE MEETING**

**EXCLUSION MOTION (IF NECESSARY)**

The following motion should be moved, seconded and approved if the council wishes to exclude the press and public to deal with reports revealing exempt information:

“That under the access to information procedure rules of the Southwark constitution, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in section(s) 1 – 7 of paragraph 10.4 of the procedure rules.”

**PART B - CLOSED BUSINESS**

**ANY CLOSED ITEMS IDENTIFIED AS URGENT AT THE START OF THE MEETING**

Date: January 15 2010

<b>Item No.</b>	<b>Classification:</b> Open	<b>Date:</b> January 27 2010	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Public Question Time	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Communities, Law & Governance	

**1. QUESTION FROM SHARYN KERRY TO THE EXECUTIVE MEMBER FOR ENVIRONMENT**

Please explain disparities between parking services provided by local housing offices and the parking shop. In particular please explain why estate permits issued by housing offices take 1 week and require 5 forms of documentation whereas the parking shop issues on the spot road permits requiring 3 items of documentation.

**2. QUESTION FROM MICK BARNARD TO THE LEADER**

If a complaint is deemed inappropriate for the corporate complaints procedure and officers refuse, in writing, to investigate at stage 2 how do you justify it as an "established process". Please provide that part of the relevant document that supports your answer.

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> January 27 2010	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Deputation requests	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Communities, Law & Governance	

## RECOMMENDATION

1. That council assembly considers whether or not to hear the following deputations on the Aylesbury Area Action Plan (see agenda item 7.2) from:
  - 1) Burgess Park Action Group
  - 2) Aylesbury tenants and residents.

## BACKGROUND INFORMATION

2. When considering whether to hear the deputation request, council assembly can decide:
  - to receive the deputation at this meeting or a future meeting; *or*
  - that the deputation not be received; *or*
  - to refer the deputation to the most appropriate committee/sub-committee.
3. A deputation shall consist of no more than six people, including its spokesperson. Only one member of the deputation shall be allowed to address the meeting for no longer than 5 minutes. After this time members may ask questions of the deputation for up to 5 minutes. At the conclusion of the questions, the deputation will be shown to the public gallery where they may listen to the remainder of the open section of the meeting.

## KEY ISSUES FOR CONSIDERATION

### Burgess Park Action Group

4. The deputation request from the Burgess Park Action Group states:
 

“1/ We request the maintenance of the Southwark Plan’s provisions opposing high-rise tower blocks along the Albany Road and support the deletion of the changes to this policy proposed in the AAAP.

“2/ We request the Council to postpone approval of the AAAP, until such time as officers are able to provide you with independent evidence on the potential catastrophic CO2 implications of the project, by outside independent analysts such as AEA or others.

“We therefore request the Council to postpone approval of the AAAP, until such time as officers are able to provide you with independent evidence on the huge CO2 implications of the project, by outside independent analysts

such as AEA and to then reconsider in the light of such advice as to the advisability of a demolition approach in favour of a refurbishment approach.”

A full copy of the deputation request is set out in Appendix A, together with the officer response.

### **Aylesbury tenants and residents**

5. The deputation request from Aylesbury residents states:

“The deputation will be led by the chair of the Aylesbury Tenants and Residents Association, who will speak in support of the Area Action Plan. The other members of the deputation will include members from other Aylesbury Tenants and Residents Associations and the Aylesbury Leaseholder Group, all of whom have been closely involved in the extensive consultation which took place during the development of the AAP.

“The residents represent a group who have been working with the council and NDC over the past two years assisting in the development of the area action plan (AAP) which reaches its final approval from the council at Council Assembly on 27 January 2010, hence their desire to attend to support the AAP.”

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

6. The response from the strategic director of regeneration & neighbourhoods to the deputation from the Burgess Park Action Group is set out in Appendix A.

### **APPENDICES**

<b>Appendix</b>	<b>Title</b>
Appendix A	Burgess Park Action Group deputation request and officer response to the issues raised

### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Deputation Request File	Town Hall, Peckham Road, London SE5 8UB	Lesley John 020 7525 7228

## AUDIT TRAIL

<b>Lead Officer</b>	Ian Millichap, Constitutional Manager	
<b>Report Author</b>	Lesley John/Virginia Wynn-Jones, Constitutional Officer	
<b>Version</b>	Final	
<b>Dated</b>	January 15 2010	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	Yes	Yes
Finance Director	No	No
Executive Member	No	No
<b>Date final report sent to Constitutional Team</b>		January 15 2010



**BURGESS PARK ACTION GROUP DEPUTATION REQUEST  
AND  
OFFICER RESPONSE TO THE ISSUES RAISED**

**“Re: The Burgess Park Action Group would like to request a deputation to speak at the January Assembly meeting on the discussion of the Aylesbury Area Action Plan.**

Whilst grateful to the council for already agreeing to restore various sections of the park removed from previous maps used to identify the boundary of Burgess Park in the AAAP following our representations and for agreeing to the Inspectors instruction after the Public Inquiry to address the open space protection of Burgess Park in the AAAP, there are a number of outstanding issues that we would like to see addressed in how the AAAP impacts on Burgess Park and on the local environment.

We wish to request the executive to consider two items in particular:

**1/ We request the maintenance of the Southwark Plan’s provisions opposing high-rise tower blocks along the Albany Road and support the deletion of the changes to this policy proposed in the AAAP.**

**2/ We request the Council to postpone approval of the AAAP, until such time as officers are able to provide you with independent evidence on the potential catastrophic CO2 implications of the project, by outside independent analysts such as AEA or others.**

Item 1/

**We request the maintenance of the Southwark Plan’s provisions opposing high-rise tower blocks along the Albany Road and support the deletion of the changes to this policy proposed in the AAAP.**

The AAAP proposal to break from the provisions in the Southwark Plan for high rise housing to be only situated in Central Activities Zones and instead to allow the lining of almost the entire north boundary of Burgess Park with 10, 15 and 20 storey high-rise blocks has profound implications for the hundreds of thousands of annual users of the park.

Peckham and Walworth have thankfully among the lowest car-ownership in the UK. However, this means that for many of us, Burgess Park is the nearest we get to open countryside and parkland. To have the park's boundary destroyed by over-bearing huge tower blocks would be a travesty to the vision established so long ago by the Abercrombie Plan for a green lung for the inner-city. If not changed, the council will be in effect turning a precious and valued green-lung into an iron lung

Indeed over 70% of written responses on this issue to the consultation on the AAAP opposed such high-rise landmark buildings.

To get across our point, we would like the executive members to take a moment to honestly imagine Dulwich Park boundary being lined with such 10-20 storey tower-blocks and what their response to such a proposal would be?

**Officer response****Officer response to item 1**

1. AAP policy PL4 states that building heights generally on the park frontage will be in the range of 7 to 10 storeys. The frontage will be punctuated by three buildings of between 10 and 15 storeys and one building of between 15 and 20 storeys.
2. Officers consider that there are good reasons for this policy. The proposed tall buildings will help mark key routes in the area and more importantly, enable densities to be reduced in the majority of the new neighbourhood. Maximising the number of houses which could be built was a priority for the council and strongly supported during consultation.
3. In contrast to the existing 14 storey buildings of Bradenham, Chiltern and Wendover which because of their great length dominate their surroundings, policy PL4 states that buildings over 10 storeys must be elegant and slender and avoid microclimate effects associated overshadowing and wind funnelling. We have undertaken a visual impact assessment of these buildings from views within the park and do not consider that they will be overbearing or intrusive. By ensuring that new development faces the park, rather than turning its back as current buildings do and transforming the character of Albany Road to help reduce its barrier effect, we are confident our proposals will significantly improve the northern frontage to Burgess Park.
4. The policy is consistent with policies in the emerging Core Strategy. At the exhibition which publicised the first stage of consultation on the AAP (issues and options) 36% of respondents supported options with tall buildings on the Burgess Park frontage. During the exhibition held at the second stage of consultation (preferred options) stage exhibition, 71% agreed with the council's approach to building heights and 16% disagreed. At the final stage (Revised Preferred Options) 94% stated they agreed with the building heights policy.

**Item 2/**

**We request the assembly to postpone approval of the AAAP, until such time as officers are able to provide you with independent evidence on the potentially catastrophic CO2 implications of the project, by outside independent analysts such as AEA.**

We have serious concerns that the proposed demolition and rebuild of an estate only completed 32 years ago, has massive implications for the borough's carbon emissions that officers have completely failed to alert the executive to.

The carbon debt incurred by the original demolition and rebuild of the Aylesbury Area 30 years ago, will remain in the atmosphere for another 70 years. The huge carbon debt proposed for yet another comprehensive demolition and rebuild will remain for 100 years. At the recent public inquiry, council officers agreed that their definition of the proposed AAAP was a "zero carbon growth project" actually meant that the emissions from the estate after the demolition/rebuild would be the same ie zero carbon growth means the same as zero carbon reduction. A Freedom of Information request revealed that officers had no idea whether the carbon emissions resulting from the demolition/rebuild would result in thousands or millions of tonnes. It is

therefore our view that the AAAP as proposed will potentially guarantee that Southwark instead of succeeding as a 10:10 council or of achieving its 2050 targets would be impossible. Officers in response to submissions to the Core Strategy have so far refused to agree that large projects like the AAAP should have carbon projections for the existing buildings to be refurbished placed against the carbon projections for the demolition/ rebuild.

**We therefore request the Council to postpone approval of the AAAP, until such time as officers are able to provide you with independent evidence on the huge CO2 implications of the project, by outside independent analysts such as AEA and to then reconsider in the light of such advice as to the advisability of a demolition approach in favour of a refurbishment approach.**

Otherwise you are in danger of placing the council and the local Bermondsey MP in the ridiculous position of advocating and promising specific CO2 reduction targets, whilst refusing to count the potentially largest sources of CO2 emissions in the Borough, over the next two decades.

Different aspects of the deputation are supported by a range of local groups including The Burgess Park Action Group, Aylesbury Tenants First, The Peckham Society, The Camberwell Society, The Friends of Burgess Park and Friends of the Earth Southwark.”

## **Officer response**

### **Officer response to item 2**

#### **Planning Inspector's conclusion**

5. The planning inspector considered energy during the EIP and in paragraphs 3.11 and 3.12 of his report he concluded that the council's assessment of energy and policy was soundly based:

The Council accepted at the hearing that the overall calculation of the carbon neutrality of the proposals in the AAP had not taken account of the emissions likely to arise from demolition and construction activities associated with the proposal. However, no evidence was available on this point and, whilst I accept that the CO<sub>2</sub> emissions from this aspect of the scheme are likely to be material, I have to set them against the long term benefits of improved energy efficiency of the resultant buildings. I am not convinced that the Council's calculations were so skewed on this matter as to render them unreliable.

6. As is noted above, the council accepted during the EIP that while it carried out a study which looked at energy use in the new development, it had not calculated emissions generated by embodied energy (energy generated through production of materials, transportation of materials etc involved in the construction of new buildings) and this was confirmed by a subsequent freedom of information request. Notwithstanding the fact that embodied energy is not taken into account in either the government's or Southwark's carbon reduction targets, officers have subsequently made an estimation of the carbon payback period of the development (the period over which emissions generated by building new housing would be offset by savings made through energy efficiency, CHP and use of renewable energy in the new development).

#### **Embodied energy**

### Officer response

7. It should be noted that the government commitment to reduce CO2 by 80% by 2050 does not take embodied energy into account. Likewise, neither do Code for Sustainable Homes nor BREEAM.
8. Southwark's Climate Change Strategy targets an 80% reduction by 2050 based on 2003 emissions (which is the earliest reliable data available). It is also only set for the built sector and transport because:-
  - These are the dominant carbon emitting sectors in London
  - We are able to monitor progress via the annual government data on NI 186.
9. As with the government target, it does not include embodied energy. It should also be noted that the 10:10 commitment is not relevant as it only relates to this year and refers to CO2 from the council's own operations.

### Energy generation in the completed development

10. With regard to energy generation in the completed Aylesbury development, the council's energy study found that a combination of biomass heating and CHP would reduce CO2 emissions to around 50% of existing levels. Since this study was carried out, the council and Dalkia have explored the opportunity to extend the MUSCo to the Aylesbury estate. If the Dalkia plans go ahead, the new Aylesbury neighbourhood would be carbon negative i.e. a net exporter of renewable energy.

### Carbon payback period

11. It is not possible to make a very accurate calculation of the total embodied carbon emissions prior to having detailed plans in relation to material types, quantities, transportation of materials etc. Officers have made an assessment using the carbon calculator tool created by the Energy Savings Trust. The assumptions are based on one building type (in practice the Aylesbury scheme will contain a mix of buildings types – low, mid and high rise flats, terraced housing etc) and so the findings must be treated with a lot of caution. Based on reducing CO2 levels by 50% in the completed development, the payback period would equate to around 20 years. If the MUSCo goes ahead, this would be reduced by half. This does not take the energy generated by demolition into account, nor the "carbon debt" incurred in building the Aylesbury estate. However, the embodied energy of the existing materials will not be completely lost as the council would require contractors to recycle (where possible) the demolished materials.
12. It should also be noted that refurbishment and strengthening to sufficient standards would not be carbon neutral but would also incur a large carbon debt as significant quantities of new materials would be required.
13. While there will be a carbon cost involved in demolishing the estate and rebuilding, this needs to be weighed against the many benefits which the scheme will bring. These include the opportunity to transform the physical environment around the estate and create a more mixed and balanced community. The council also needs to take into account the costs associated with refurbishing and structural strengthening which were reported to Executive in September 2005. For these reasons, officers take the view that when considered holistically, the

**Officer response**

benefits of the scheme would outweigh disadvantages associated with the carbon cost of rebuilding.

**Officer response conclusions**

14. The changes suggested by the deputation were presented to the planning inspector at the examination in public held in September 2009. At that time, the inspector considered the submission but chose not to make changes in his report issued in October 2009.
15. The council have to accept the planning inspector's binding recommendations as set out in paragraph 23 (2) and (3) of the Planning regulations 2004. Any changes, other than those the council are directed to make, to the publications/submission version that was considered by the inspector will mean the council cannot adopt the Area Action Plan.
16. The council has no reason not to adopt as per the inspector's report, the Area Action Plan has been deemed sound and in accordance with all statutory requirements. If the council do not adopt the Area Action Plan we would need to start the entire process again, which will compromise the regeneration of the Aylesbury Estate.
17. Further implications of not adopting the Area Action Plan are as follows:
  - If the council did not adopt the AAP that has local support we would need to explain why we have not taken the local opinions into account
  - It has been considered sound by a planning inspector and we would need to explain why we did not consider this an important enough issue to adopt
  - The council would lose the confidence of the HCA and funders over provision of new affordable and private housing with knock on effects for securing money to build new housing
  - There would be reputational issues.
18. Any party aggrieved by the adoption has the remedy of an appeal to the High Court within 6 weeks of the adoption on limited grounds, namely (i) it is not within the council's powers and / or (ii) that a procedural requirement/s has not been complied with.

# Agenda Item 6

<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> January 27 2010	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Members' Question Time	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Communities, Law & Governance	

## BACKGROUND INFORMATION

In accordance with council assembly procedure rule 2.8 members' question time shall not exceed 30 minutes. During this time, members may not question any one executive member or committee chair for longer than fifteen minutes.

Members are limited to one question at each meeting.

Questions to the leader will be taken first, followed by questions to other executive members and on the portfolio for education and school attainment. The order in which the different political groups ask questions of the leader will be rotated. Questions to executive members will be taken in the order of receipt and portfolio. The order of portfolios will be rotated at each meeting such that the executive member answering questions immediately after the leader will be the last executive member to answer any questions at the next meeting of council assembly.

Executive members and committee chairs have discretion to refer a question to another executive member if this is appropriate.

Responses to member's questions will be circulated on yellow paper around the council chamber on the evening of the meeting.

The Mayor will ask the member asking the question if they wish to ask one supplemental question to the member to whom the question was asked. The supplemental question must arise directly out of the original question or the reply. Therefore, supplemental questions to the leader or other executive members are not free ranging.

No question shall be asked on a matter concerning a planning or licensing application.

**Note:** In accordance with council assembly procedure rule 2.8 (12) & (13) (prioritisation and rotation by the political groups) the order in which questions to the leader appear in this report may not necessarily be the order in which they are considered at the meeting.

**1. QUESTION TO THE LEADER FROM COUNCILLOR BOB SKELLY**

How do the results of the key stage 2 tests for 11 year olds compare with other areas and what is their impact on the borough in terms of future pupil numbers and people's decisions in where to raise their families?

**2. QUESTION TO THE LEADER FROM COUNCILLOR PETER JOHN**

Following the fires on Sumner Road and Camberwell Station Road, what action has the council taken to seek an improvement of security and fire safety on building sites in the borough?

**3. QUESTION TO THE LEADER FROM COUNCILLOR CAROLINE PIDGEON**

How many 16 year olds got five good GCSE passes last year, how has this improved compared to the previous Labour administration and how will it affect the borough's economic prospects to have much better qualified 16 years olds?

**4. QUESTION TO THE LEADER FROM COUNCILLOR ANDREW PAKES**

How is the council using this Holocaust Memorial Day, the 65th anniversary of the liberation of Auschwitz, as an opportunity to raise awareness of the Holocaust across the borough and educate young people about the terrible atrocities during the Holocaust and subsequent genocides?

**5. QUESTION TO THE LEADER FROM COUNCILLOR RICHARD THOMAS**

Last summer local residents around Lordship Lane were consulted about a new zebra crossing on Lordship Lane outside Somerfield. Over 80% of respondents wanted it. Can the leader please tell me when it will happen?

**6. QUESTION TO THE LEADER FROM COUNCILLOR JAMES BARBER**

Would the leader comment on Labour run Lambeth's plans to aim for a minimal recycling, high incineration policy to deal with household waste?

**7. QUESTION TO THE LEADER FROM COUNCILLOR ANOOD AL-SAMERAI**

Given in 2006 Labour run Lambeth sold off their council housing without telling tenants and Labour run Lewisham is now selling many of its homes to London and Quadrant, what assurances will the leader give to Southwark tenants that their homes will not be privatised against their wishes?

**8. QUESTION TO THE LEADER FROM COUNCILLOR JANE SALMON**

How many complaints has he received in the last 12 months about the standard of social care in the borough and what information has been published by local MPs about their casework on this topic?

**9. QUESTION TO THE EXECUTIVE MEMBER FOR COMMUNITY SAFETY FROM COUNCILLOR BARRIE HARGROVE**

What was the average response time from the council following reports of a) abandoned vehicles; b) graffiti; c) fly-tipping, broken down by month for the last twelve months?

**10. QUESTION TO THE EXECUTIVE MEMBER FOR COMMUNITY SAFETY FROM COUNCILLOR MARK GLOVER**

Can the executive member provide details of how many fixed penalty notices for environmental crime were issued in each of the past five years, broken down by type of offence? Can the executive member provide details of how many individuals and businesses have been prosecuted by the council for environmental crime in each of the past five years, broken down by type of offence?

**11. QUESTION TO THE EXECUTIVE MEMBER FOR COMMUNITY SAFETY FROM COUNCILLOR JOHN FRIARY**

Southwark appears to be experiencing a worryingly sharp rise in incidents of homophobic hate crime, there was an increase of 58% between September 2008 and September 2009. What discussions has the executive member had with the Borough Commander and other senior police officers about the likely causes and most effective methods to reverse this trend?

**12. QUESTION TO THE EXECUTIVE MEMBER FOR COMMUNITY SAFETY FROM COUNCILLOR ALTHEA SMITH**

Will the executive member welcome the recent proposals from the Secretary of State for Justice to increase the minimum sentence for those convicted of knife crime?

**13. QUESTION TO THE EXECUTIVE MEMBER FOR COMMUNITY SAFETY FROM COUNCILLOR ALISON MCGOVERN**

Have the council wardens undergone any training in recognising fire risks following the fire at Lakanal House and the fire in Peckham last year? What other work is the member planning with partner organisations to prevent major fires in the borough?

**14. QUESTION TO THE EXECUTIVE MEMBER FOR COMMUNITY SAFETY FROM COUNCILLOR DAVID HUBBER**

Just before Christmas she wrote to the Home Office and the Department for Communities and Local Government, among others, calling on them to support the council's initiatives to reduce violent crime. What has been the result?

**15. QUESTION TO THE EXECUTIVE MEMBER FOR COMMUNITY SAFETY FROM COUNCILLOR HELEN JARDINE-BROWN**

In December the Transport Research Laboratory produced its fourth annual survey of mobile phone and seat belt usage rates in London which showed the illegal use of hand held mobile phones on the rise. Given this was a London-wide survey with a single sampling point in Southwark (Wyndham Road/Camberwell Road), will she look at commissioning a local survey to get a more detailed picture of what position is in Southwark?

**16. QUESTION TO THE EXECUTIVE MEMBER FOR CULTURE, LEISURE AND SPORT FROM COUNCILLOR MACKIE SHEIK**

Could he indicate the number of users of the John Harvard Library before and after its refurbishment?



**17. QUESTION TO THE EXECUTIVE MEMBER FOR RESOURCES FROM COUNCILLOR RICHARD LIVINGSTONE**

Can the executive member provide details of bonus payments made by the council to officers in the last financial year, broken down by the size and number awarded to officers on each pay scale?

**18. QUESTION TO THE EXECUTIVE MEMBER FOR RESOURCES FROM COUNCILLOR FIONA COLLEY**

The executive member said he was unable to answer questions about the contents of the borough's refreshed capital programme at the beginning of the month. Given the importance of the programme can he assure members of his full involvement in drawing up the programme?

**19. QUESTION TO THE EXECUTIVE MEMBER FOR RESOURCES FROM COUNCILLOR LORRAINE ZULETA**

What is the current council tax collection rate and how does this compare with each year from 1994?

**20. QUESTION TO THE EXECUTIVE MEMBER FOR RESOURCES FROM COUNCILLOR COLUMBA BLANGO**

Can he give the figures for the Southwark element of council tax each year from its introduction in 1993-94 to the present and the cash and percentage increase from year to year?

**21. QUESTION TO THE EXECUTIVE MEMBER FOR RESOURCES FROM COUNCILLOR WILMA NELSON**

Can the executive member update the council on the cost savings associated with the move of back office staff to Tooley Street, the environmental benefits and income realised from the disposal of former offices?

**22. QUESTION TO THE EXECUTIVE MEMBER FOR RESOURCES FROM COUNCILLOR JONATHAN MITCHELL**

What would be the impact on the council tax if the council hadn't taken tough spending decisions over the past four years?

**23. QUESTION TO THE EXECUTIVE MEMBER FOR RESOURCES FROM COUNCILLOR JAMES GURLING**

Since 2000 by how much has the Greater London Authority precept increased?

**24. QUESTION TO THE EXECUTIVE MEMBER FOR HEALTH & ADULT CARE FROM COUNCILLOR DORA DIXON-FYLE**

The leader and other executive members have spent much time over the past few years rubbishing questions from Labour members about the effectiveness of the council's call centre. How does he react to the findings of the Care Quality Commission (CQC) inspection that older people, carers and support organisations have reservations about the performance of the call centre and are, in some cases, refraining from using it?

**25. QUESTION TO THE EXECUTIVE MEMBER FOR HEALTH & ADULT CARE FROM COUNCILLOR AUBYN GRAHAM**

What monitoring is there of home visits provided by the council to older people? How many home visits have been planned and carried out in 2009-10 to date compared with 2008-09 (please break down your answer by month)?

**26. QUESTION TO THE EXECUTIVE MEMBER FOR HEALTH & ADULT CARE FROM COUNCILLOR ADE LASAKI**

How many members' questions has he (or his predecessor) dealt with concerning the quality of social care in the last two years?

**27. QUESTION TO THE EXECUTIVE MEMBER FOR HEALTH & ADULT CARE FROM COUNCILLOR ELIZA MANN**

Can he tell the council what assumptions about social care spending in Southwark are made by the Care Quality Commission (CQC), the Audit Commission and are included in the council's local government settlement?

**28. QUESTION TO THE EXECUTIVE MEMBER FOR HEALTH & ADULT CARE FROM COUNCILLOR JELIL LADIPO**

Does he agree with the government minister, Phil Hope, in his letter of December 2 2009 that the recent Care Quality Commission (CQC) report on adult social care "does not mean that these councils are poor performers"?

**29. QUESTION TO THE EXECUTIVE MEMBER FOR REGENERATION FROM COUNCILLOR VERONICA WARD**

In April 2008 Camberwell Community Council was allocated money under the improving retail environments programme to improve Crossthwaite Avenue, a row of shops in South Camberwell. Different officers and consultants have spoken to the traders, but the council still appears to have made no progress with the project. Could the executive member provide an update and details of when work will begin?

**30. QUESTION TO THE EXECUTIVE MEMBER FOR REGENERATION FROM COUNCILLOR CHRIS PAGE**

Do the heads of terms agreement signed with Lend Lease meet all the aspirations of the executive member for the regeneration of Elephant & Castle as well as the requirements of the master-plan?

**31. QUESTION TO THE EXECUTIVE MEMBER FOR REGENERATION FROM COUNCILLOR KIRSTY MCNEILL**

What is the executive member's reaction to the Mayor of London's statement earlier this month that there is no money available from Transport for London (TfL) towards the rebuilding of the Northern Line Underground station at Elephant & Castle?

**32. QUESTION TO THE EXECUTIVE MEMBER FOR REGENERATION FROM COUNCILLOR MARY FOULKES**

Will the executive member condemn the decision by the Mayor of London to hike bus fares by 20% this year, during a period where inflation rates are negative? Does he agree

that this will have a particularly heavy impact on the many areas of the borough where bus is the primary or only means of public transport?

**33. QUESTION TO THE EXECUTIVE MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR GORDON NARDELL**

In the article about shamefully high rates of child poverty in this borough in the Southwark News on January 4 2010, a council spokesperson picked out Sure Start centres, Job Centre Plus and Building Schools for the Future as the initiatives that the administration is taking to tackle child poverty. These are all government initiatives. Does the executive member agree that this council has woefully failed to bring forward any measures of its own to assess and tackle child poverty?

**34. QUESTION TO THE EXECUTIVE MEMBER FOR ENVIRONMENT FROM COUNCILLOR DOMINIC THORNCROFT**

Please set out what incentives the parking contractor APCOA receives for issuing parking tickets?

**35. QUESTION TO THE EXECUTIVE MEMBER FOR ENVIRONMENT FROM COUNCILLOR ABDUL MOHAMED**

How many cars and motor bikes have been given parking tickets which were vehicles abandoned because of bad weather? Do you consider this fair and will the council be responding positively to appeals from those who were forced to abandon their vehicles?

**36. QUESTION TO THE EXECUTIVE MEMBER FOR ENVIRONMENT FROM COUNCILLOR SANDRA RHULE**

Last February the council ran out of grit following heavy snow. This year the council was reduced to gritting arterial roots after only a few days. What lessons did the council learn after its failure to store adequate grit supplies in February 2009?

**37. QUESTION TO THE EXECUTIVE MEMBER FOR ENVIRONMENT FROM COUNCILLOR NICK VINEALL**

Please can the executive member for environment publish the number of grit boxes in Southwark and the figures for neighbouring boroughs of Lambeth, Lewisham, Greenwich and Bromley?

**38. QUESTION TO THE DEPUTY LEADER AND EXECUTIVE MEMBER FOR HOUSING FROM COUNCILLOR IAN WINGFIELD**

The council has agreed to continue to pay vast sums to top corporate manslaughter lawyers BCL Burton Copeland for advice on the Lakanal fire. How much has the council spent in total on training housing staff to carry out fire risk assessments since 2006 broken down by year?

**39. QUESTION TO THE DEPUTY LEADER AND EXECUTIVE MEMBER FOR HOUSING FROM COUNCILLOR PAUL BATES**

How many lifts are currently awaiting repair and not currently in use, as of January 1 2010? What is the timescale for these repairs? Please break down by ward.

**40. QUESTION TO THE DEPUTY LEADER AND EXECUTIVE MEMBER FOR HOUSING FROM COUNCILLOR LORRAINE LAUDER**

Over the festive period, a number of residents on the Aylesbury and Portland estates had problems with loss of heating and hot water. This is now an annual occurrence. What compensation has the council arranged for these outages?

<b>Item No.</b> 7.1	<b>Classification:</b> Open	<b>Date:</b> January 27 2010	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Canada Water Publication/Submission Area Action Plan	
<b>Ward(s) or groups affected:</b>		Rotherhithe, Surrey Docks	
<b>From:</b>		Strategic Director of Regeneration and Neighbourhoods	

## RECOMMENDATIONS

That the council assembly:

1. Considers the recommendations of the Executive to:
2. Note the comments of the planning committee and the government office for London on the Canada Water Area Action Plan publication/submission version (appendix A) and the Executive's response to these comments as set out in this report (appendix G).
3. Consider and agree the Canada Water Area Action Plan publication/submission version (appendix A) consultation plan (appendix B), consultation report (appendix C), sustainability appraisal (appendix D), equalities impact assessment (appendix E) and appropriate assessment (appendix F).
4. Agree to the publication and submission of the Canada Water Area Action Plan publication/submission version (appendix A) to the secretary of state in March 2010 together with any representations received.
5. Delegate the approval of any minor amendments resulting from its meeting or publication to the Canada Water AAP Publication/Submission Version to the Strategic Director for Regeneration and Neighbourhoods in consultation with the Executive Member for Regeneration before submission to Secretary of State.

## BACKGROUND INFORMATION

6. The council is preparing an area action plan (AAP) for Canada Water and the surrounding area. The AAP is being prepared under the new planning system and will comprise localised policies which help shape the regeneration of Canada Water. Like the core strategy it must be a spatial plan and concentrate on how change will be managed and achieved. Once adopted by council assembly it will be a development plan in the council's local development framework (LDF) and will be used as the basis for determining planning applications in the area. Together with the core strategy and other local development framework documents, it will replace the Southwark Plan.
7. The publication/submission AAP will be accompanied by a sustainability appraisal, an equalities impact assessment, an appropriate assessment (under the Habitat Directive) and a consultation statement.
8. The council is now at the final stage of preparing the AAP. It is proposed that we adopt the same document for both the publication and submission stage provided that no significant concerns arise about the soundness of the document or significant changes are made after publication. This document will then be

published and representations as to its soundness can be made until March 12 2010. At the end of this period the same version of the document and any representations received as to its soundness will be submitted to the Secretary of State for independent examination. The council will have consulted on all of the issues, options and the preferred option in the previous stages. The purpose of this stage is to set out the AAP after consideration of all of the consultation and evidence for consideration by members before proceeding to publication and submission. Any representations will be provided to the Secretary of State for consideration.

9. The submission AAP will then be subject to an examination in public held by a planning inspector appointed to act on behalf of the Secretary of State. The inspector will consider representations made by interested parties to test the soundness of the draft AAP. This may involve the inspector asking further questions about issues and examining relevant evidence. He will then provide the council with a binding report with changes that the council has to make.
10. The council will then make the changes set out in the inspector's report and either agree the Canada Water Area Action Plan or reject the changes and make a decision about whether to return to issues and options or to take another way forward.

### **Consultation**

11. The Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008) and the council's Statement of Community Involvement require consultation to be ongoing and informal to guide the overall approach to consultation on the Canada Water Area Action Plan. The council has prepared overarching consultation strategies for each of the documents. At each stage in preparing the documents, the council has prepared detailed consultation plans setting out how we will consult. Along with consultation reports as set out in appendix C setting out how we have consulted. These are available on the website and in the member's offices. These have been considered by members at each stage when they are adopting the AAP for consultation.
12. It is important to recognise that a considerable amount of consultation has taken place over the last few years. This can be taken into account as part of the evidence for preparing the AAP. We have taken previous comments into account to try and avoid consultation fatigue.
13. As set out in appendix B, the draft the publication/submission AAP has been available to view since December 2009 to reflect the intention of the requirements of the Statement of Community Involvement. The council will invite representations until between January 29 and 12 March 2010 in line with statutory requirements. All documents will be available on the internet, in council offices, libraries and area housing offices. Adverts will also be placed in the press.
14. We received over 1,100 representations from 230 respondents to the consultation on the preferred options. It should be noted that this figure is slightly higher than that presented at Executive. This is because we have received several more representations in the intervening period. We have also subdivided several representations, where they deal with two or more issues. A full table of officer comments on each representation is available on our website at <http://www.southwark.gov.uk/YourServices/planningandbuildingcontrol/planningpolicy/localdevelopmentframework/canadawaterareaactionplan.html> for both the questionnaire and written responses. We also received comments from the

Government Office for London and the Greater London Authority on the draft Publication/submission version Canada Water Area Action Plan.

15. We have considered these comments along with the evidence and various assessments set out in this report to make changes to the preferred options when preparing the final Canada Water Area Action Plan vision, themes, objectives, strategy, policies, implementation and monitoring plans.
16. Significant representations along with our responses and any changes between the preferred option and publication/submission version are set out below.

### **KEY ISSUES FOR CONSIDERATION**

17. The Canada Water publication/submission Draft AAP is structured around eight key themes which are town centre/neighbourhood facilities, transport, leisure, places, homes, social and economic opportunities, guidance for individual sites and finally the delivery of the AAP. The focus of the AAP is a core area around the shopping centre, although it will also be important to ensure that impacts in the wider peninsula are addressed.
18. As of the date of this report we have received over 1,100 representations from 230 respondents. These were received from statutory consultees and members of the public and included 124 questionnaires submitted from residents on the Hawkstone estate.

### **GLA (and TfL)**

- Evidence base needs to be substantively complete by submission stage
- The AAP does not address the key issue of where the town centre parking should be located in principle.
- The council should clarify, on the basis of its 2009 Retail Study, any planned expansion of convenience floorspace in the area.  
Correction - Information regarding East London Line (ELL):  
Upon reopening of the ELL in summer 2010:
  - trains will run from Dalston Junction in the north
  - 12 trains per hour (tph) in each direction through the core section (including Rotherhithe, Canada Water and Surrey Quays)
  - 4 tph will go to each of the southern termini (New Cross, Crystal Palace, West Croydon)
  - The north terminus should be extended to Highbury and Islington by 2011
  - Phase 2 has been funded and will add an additional southern terminus at Clapham Junction by summer 2012, served by 4tph in each direction. Service through the core section of the ELL will then be 16tph in each direction
- Omission - No mention is made of Crossrail, which is expected to provide a significant reduction in crowding levels on the Jubilee Line.
- concerns have been raised regarding the proposals for Lower Road
- an area-wide multi-modal trip generation analysis should be undertaken
- Omission - TfL considers that the AAP does not address the key issue of where the town centre parking should be located in principle
- TfL would like to see this section of the AAP offer a holistic design approach, developed in consultation with TfL and other key stakeholders
- The council should note the Mayor's comments in respect of the housing policies in the Core Strategy and reflect these in the next version of the document.

- The next version of the document should include a target for the provision of new homes in the area and affordable housing requirements that are both consistent with those agreed in the final version of the Core Strategy, which should be in general conformity with the London Plan.
- The fact box on density is useful and the density ranges set out are potentially consistent with those in London Plan 3A.3 but the wording currently contains some inaccurate and inconsistent comments.
- No significant discussion about the Harmsworth Quay site has been presented in the AAP
- Site A (land north of Surrey Quays Road and Needleman Street) - TfL has strong concerns about the location for the bicycle station identified in the AAP.
- Decathlon Site - As these sites contain most of the existing car parking, TfL requests a particular focus on how and where shared town centre car parking should be bought forward.
- Omission - Given the relatively well-defined scope of intensification at Canada Water, TfL would welcome a strategic assessment of transport impacts across the whole study area.
- Omission - The AAP does not discuss any freight issues and would become of more relevance if the retail offer is significantly expanded as part of the area's regeneration.
- Omission - There is a need to ensure the provision of sufficient land for the development of an expanded transport system.

#### **Government Office for London**

- Greater local distinctiveness needed. Show how development will achieve aims of AAP, with timescales and quantum of development.
- Show through the evidence base that there is only one realistic option for each policy area. We must show that we haven't closed off possible other options for consultation
- Delivery and Implementation – More information in this section and the work that has already taken place
- Monitoring – detailed explanation for monitoring of the plans progress
- How is our evidence base progressing?

#### **Thames Water**

- Concerned that there is no reference to water or sewerage infrastructure. Lists the sites in the area –concerns with Waster Water Services
- Thames Tunnel project. Possibility that construction sites may be required within the wider Area Action Plan area. Need for a supportive policy for the project within the Core Strategy and this should be referenced within the Canada Water Area Action Plan.

#### **English Heritage**

- Support plans to improve the public realm,
- Welcomes the focus on supporting arts, culture and tourism in the area and reference to specific historic assets and museums in Rotherhithe
- Welcomes commitment to raising design standards and creating more distinctive places in the AAP is also welcomed
- Encourage consideration of the English Heritage and CABE joint Guidance on Tall Buildings (July, 2007). It is evident in figure 8 that the two locations for tall buildings are not within the viewing corridor to St Paul's Cathedral; however the impact on the setting of Southwark Park (Grade II Registered Historic Park



and Garden) may need careful consideration in the Surrey Quays tall building location. Currently there is no recognition of Southwark Park's historic status as a Registered Historic Park and Garden in the open space network paragraph 3.4.3.

- Would be helpful to outline what historic assets are still remaining in the AAP area today.

### **Environment Agency**

- Concern that there is no mention of flood risk management. Suggest updating P4 in the Objectives section with the underlined text below:

P4: To reduce the impact of development on the environment and help tackle climate change, flood risk, surface water flooding, pollution and waste.

- AAP could promote the River Thames further. Update Figure 5 and 6 to include existing river boat piers and discuss with TfL / Port of London Authority possible new piers and ways to promote use of the river to transport construction and demolition materials from the Canada Water area.

### **Simon Hughes MP**

- Employment and economic opportunities. River should be used as much as possible in all business and economic plans. I could not see any direct reference to this in the preferred options paper. This area could be a real hub for the boat repair industry and it seems to me that this should be really clear in our vision for the area.
- New School Rotherhithe Primary School site. Given it is so close to the Lewisham border it is important that the issues of catchment area are resolved before the decision is made. A new school in Southwark needs to benefit Southwark children. Clear consideration of the two sites owned by the borough should be carried out. This comparison should include the size of possible schools, the environmental impact and the number of people who live nearby who would be adversely affected.
- Affordable Homes Emphasise the need for affordable family sized homes. Concern no mention of ensuring that disability adapted homes are built. Ensure that providing homes for disabled people is part of the Area Action Plan.
- Leisure I am persuaded that the majority of local people would rather see the current Seven Islands Leisure Centre refurbished. I understand that no funds are currently available for a lido, but I am really clear that building work should be done in a way which leaves this option open. It seems to me that the pool could be built in a way that allowed it to extend to an open air section in the park and I am sure that this is possible.
- Shopping Support for Baltic and Scandinavian theme around Albion Street. However, it is not clear from the preferred options that this vision has the enthusiasm which it should given the fascinating Baltic and Scandinavian history of the area. Please ensure that this option is pursued energetically and with vision.
- Transport I am very pleased to see that making Lower Road two way is a preferred option and I strongly support this proposal. The importance of

resolving the Jamaica Road congestion to our community cannot be underestimated.

### **Cllr Livingstone**

- Create mini- Green Chain that the main chain could link into at a later date. With the riverside, Southwark Park, Russia Dock Woodland, the docks and routes created by the LDDC such as Albion Channel, there appear to be a lot of the elements needed already in place. It would be useful if the final CWAAP tried to join these together more effectively – for example, this might include proposals that could be considered for the community project bank and future CGS rounds to better link Southwark Park to the waterfront areas.

### **Cllr Colley**

- Include of Albion Street in the core area
- To take Woodlands Crescent and Water gardens out of the core area

### **BARGES**

- Concern about the loss of green spaces throughout the area.
- Concern about the sheer scale and speed of redevelopment in the area.
- CWAAP does not sufficiently recognise the biodiversity and the very varied ecology of the area.

### **Southwark Cyclists/Southwark Living Streets**

- Clearer programming of existing projects in the area: for example, the much needed Jamaica Road crossing shown in Figure 6 has been promised for 5 years and put off several times.
- More about the Thames Path needs to be included
- More attention to the protection of valuable unofficial green spaces such as around Hothfield Place.
- More provision for more and better cycle parking at Canada Water and for all land uses, e.g. the library, shops, cinemas, etc. The interchange needs a really world-class bike park for 300 bikes and this should be capable of expansion at a later date.

### **Theatres Trust**

- Activities associated with the 'arts' are absent. The statement on page 29 that *The Rotherhithe peninsula has many arts, cultural and tourism attractions* is inaccurate as it does not actually have many arts attractions as such. The arts specifically would be interpreted as referring to music, drama, film, dance, literature, crafts and visual images, all of which could be included within the word 'culture'. Suggest that the word 'arts' be dropped from the title.

### **Barratt Homes**

- Support for landmark building on Site A
- Criteria based policy for tall buildings needed – AAP should not be too prescriptive on height
- 30 % target for family housing is too high

### **Frogmore and CGNU**

- Provision of car parking numbers should be determined on site specific basis
- Objection to heights of buildings on Leisure site have been reduced since I & O.
- Re-designation of density inappropriate. Benchmarks for exemplary design required.

#### **BLCQ**

- Family housing provision should be on a site by site basis with a minimum of 10%
- Support for Landmark tower on Site A

#### **Surrey Quays Ltd**

- The creation of a 'genuine town centre and local facilities' and in particular the 'significant increase in the amount of shopping space within the town centre' is supported.
- Flexible use of car parking spaces allocated for retail use should only be made available to other users outside of trading hours.
- Aspiration of stitching together key development sites in and adjacent to the core area is admirable but in practice will be difficult to achieve and should not therefore present the only option in terms of the future development of Canada Water.
- No support for 30% family housing. Secure a range of unit types of which the precise mix is determined on a site by site basis. A target figure of 35% of affordable housing should be sought subject to mitigating circumstances affecting delivery.

#### **Other comments**

A significant number of comments were received relating to:

- Support for the creation of a town centre
- Need a new leisure centre, Seven Islands is not fit for purpose
- A split between concern over tall buildings in the area and support of tall buildings in the area
- Concern over the transport impacts of new development
- Enough car parking should be provided to avoid overspill onto the streets
- Need more youth facilities in the area
- There is a need for more affordable/council housing
- More family housing in the area
- Concern that Albion Street may suffer and is already in decline
- Concern about the loss of green spaces throughout the area.

Comments also included:

- Criteria based policy for tall buildings needed – AAP should not be too prescriptive on height
- Site E should be a new leisure centre
- Quebec Way industrial estate should be a new secondary school
- Support for more shops provided there is the demand
- Need to support local small businesses
- Support for more River transport
- Need to make clear throughout the document that make clear that planning obligations must be both directly related to the proposed development and

- fairly and reasonably related in scale and kind to the proposed development
- Should discourage car use and car ownership in the area
- Should become a model for green urban living
- The outer peninsula should stay suburban
- Stronger commitment to independent shops and cafes
- Need for more community facilities in the area
- There should a strong focus on improving sports facilities in the area
- The AAP should only cover the core area

### **Digital response received from residents of the Hawkstone Estate**

This representation made comments on;

- Would like to see Southwark park and Hawkstone Estate excluded from the AAP boundary
- Disagree with the vision as it needs to include homes for local people, elderly people and less pollution
- Objectives should include reducing traffic, pollution
- Support for shopping and the creation of a town centre
- disagree with parking standards as residents need cars, should be at least 1 space per home
- No MUGA's in Southwark Park
- No coaches in Hawkstone Road
- No neighbour support for projects
- More flats would be overdevelopment of the area
- Need to be more specific about design and energy efficiency standards
- Disagree with the proposed school on Rotherhithe Primary School site
- Need more health facilities in the area
- Infrastructure residents want is not being paid for

### **Main Issues**

19. The purpose of the publication/submission is to formalise this approach into a planning vision, strategy, objectives and policies with an implementation and monitoring plan. We have set out the main issues that we are taking forward as the publication/submission below. These address the comments, proposed changes to the London plan and the publication of the Core Strategy.
20. Town centre: Canada Water has around 40,000 sqm of shopping floorspace and is a district town centre in the London Plan. The AAP promotes the reconfiguration or redevelopment of key sites, including the shopping centre, the Surrey Quays Leisure Park and the Decathlon Site to increase the amount of shopping space by around 35,000 sqm. This would mean that a much greater range of shops could be provided, including a new department store. As a result of changes proposed in the AAP, it would move up the London Plan hierarchy to become a major centre.
21. Southwark's 2008 retail study suggested that the majority of expenditure which is generated in the borough and which is spent on comparison goods (clothes, footwear, music, books etc) is spent outside the borough. The study suggests that around 30,000sqm of new comparison goods floorspace could be provided at Canada Water, without harming neighbouring centres, including Elephant and Castle and Peckham. Increasing the amount of comparison goods retail floorspace at Canada Water would help claw back some of this leakage, reducing the need for longer trips, providing residents with more choice and boosting the local economy.

The council is continuing to involve key landowners in the preparation of AAP policy to ensure that development will be delivered.

22. Leisure: The peninsula has the potential to become a great leisure destination. New leisure facilities will be provided in Southwark Park and as part of the new secondary school (see below). The AAP also states that the council will refurbish the Seven islands Leisure Centre. The council has committed £150k through the capital refresh programme and has made a bid for £500k from the Department for Culture Media and Sport. The £650K scheme will improve wet-side changing facilities and bring the training pool back into use.
23. Places: The town centre is currently characterised by bland and lifeless architecture. A key objective of the AAP is to create a centre which is more distinctive with the Canada Water basin as its focus. The AAP seeks to ensure that a range of heights are provided in the core area, generally below 10 storeys. The exception to this includes a building of comparable height to the Canada estate towers on Site A, and a building of around 10-15 storeys on the south-west corner of the shopping centre. The tall buildings would act as landmarks in the area and help mark the town centre and key locations such as the new plaza and the tube stations. They can variety to the character of an area and help make the skyline more interesting. It is very important that they are of the highest architectural quality and that they are designed carefully to avoid overshadowing or wind tunnel effects.
24. The AAP proposes new open spaces in the core area, including the plaza outside the new library. In addition, the AAP proposes converting the Fish Farm into a public open space. St Paul's Sports Ground is allocated as open space and possibly a community use. The AAP will need to set out s106 funding likely to come forward for open space improvements within the plan period.
25. The AAP seeks to generate more activity around Greenland and South Docks. St George's Wharf (the boatyard) is identified as having the potential to provide a mix of uses, including boatyard and possibly hotel or residential use.
26. The AAP will designate a Strategic District Housing Area (SDHA). All development built within the SDHA must be designed to ensure that they are capable of future connection to a district heating network. Moreover, in the period 2010-2013, all major developments should reduce emissions by 44% (Code for Sustainable Homes level 4). Higher targets will be triggered at 2013 and 2016, in anticipation of government policy to achieve carbon zero homes by 2016.
27. It is anticipated that developments in the SDHA will connect to SELCHP in the future. Consultants commissioned by the council to provide an energy strategy consider that the costs of provision of energy infrastructure could be financed by heat sales and that therefore s106 contributions to deliver this will not be required.
28. Better homes: The London Plan and emerging Core Strategy require the provision of at least 2,500 new homes in the Canada Water Core Area in the period between 2011 and 2026. The AAP will show how this target will be met by estimating the capacities of all sites. Over the AAP area as a whole, more than 3,000 new units will be provided.
29. There will be 30% family homes in the wider peninsula and 20% in the action area core.
30. The Emerging Core Strategy seeks to ensure that 875 affordable homes are provided in the Canada Water core area. This equates to around 35% of all new

homes. The AAP will reiterate the affordable homes target for Canada Water and specify that 35% of new homes should be affordable.

31. Enhanced social and economic opportunities: The AAP promotes a cluster of businesses uses around Harmsworth Quays printworks. This would equate to around 12,000sqm of new office/studio space.
32. Over the lifetime of the plan, increases in population may mean that primary school provision needs to expand. Albion Street Primary School, which is currently single form of entry, is identified as a school which could expand to accommodate two forms of entry. Together with school governors, the council is in the process of commissioning an architectural feasibility assessment, to explore opportunities on the site. The AAP will need to specify how expansion may be funded. It is likely that expansion will need to be cost neutral to the council and officers are exploring the extent to which s106 could be used to fund development.
33. The AAP will require provision of health uses on the shopping centre and overflow car park site and will continue to work with the PCT on this aspect of the plan.
34. In respect of other community facilities, the AAP acknowledges the new library which is currently under construction which will replace the current Rotherhithe Library.
35. Rotherhithe Primary School is identified as the preferred location for a new secondary school in the area. This option could streamline resources for both Rotherhithe Primary School and new secondary school and provide students with access to a greater range of facilities than they could access in a single school. Both schools would work in a complementary way with the sports facilities in Southwark Park.
36. Improved transport links: Lower Road is very congested at peak times when there is a conflict between local and through traffic. The traffic gyratory around Lower Road, Bush Road, Rotherhithe Old Road and Rotherhithe New Road creates a poor environment for residents who live around it and the town centre area is poorly connected to the wider peninsula. The AAP is proposing a number of measures to help improve the situation and also to accommodate growth. These measures include the reintroduction of two-way traffic movement on Lower Road, the introduction of a right-hand turn into Surrey Quays Road off Lower Road and the signalisation of the roundabout at the entrance to Rotherhithe Tunnel. The council is working with TfL and Lewisham to ensure that these proposals can be delivered. It is anticipated that the cost of these improvements would need to be raised through s106. Improvements will also be sought for improvements to public realm and walking/cycling facilities.
37. The town centre currently has a large amount of surface car parking spaces which are not used efficiently. The AAP requires all new parking for retail and leisure uses to be provided as shared car parking. The AAP preferred options report did not set out maximum standards for town centre parking as these are prescribed in the London Plan and borough-wide development plans (the Southwark Plan and future Development Management development plan document).
38. Site guidance and delivery: These sections of the report set out requirements for individual sites and describes how policies in the report will be implemented. For each of the projects set out in the AAP, the council will need to identify costs, sources of funding and phasing. The AAP will also set out a s106 policy, outlining

those elements where requirements will differ from the borough-wide policy set out in the s105 Planning Contributions SPD.

### **Executive response to the comments of Planning committee and GoL**

39. The comments from planning committee and GoL to the draft Publication/submission version AAP are set out in appendix G, together with the Executive response. The draft AAP has been updated to incorporate changes recommended by Executive.

### **Community Impact Statement**

40. There has been an equalities impact assessment and sustainability appraisal. These set out the positive changes brought by the area action plan.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Strategic Director of Communities, Law & Governance**

#### Functions of Planning Committee, Executive and Council Assembly

41. Planning Committee commented on the Canada Water AAP on December 8 2009 and the Executive considered it on December 15 2009 and have recommend to Council Assembly its publication and submission for EiP (Examination in Public) by the SoS (Secretary of State) together with any representations received on the publication document.
42. Under Part 3F paragraph 7 of the Constitution Planning Committee has the function of commenting on successive drafts of the local development framework and making recommendations to the Executive as appropriate. Under Part 3B of the Constitution, the Executive has responsibility for formulating the Council's policy objectives and making recommendations to Council Assembly. More specifically, the function of approving the preferred options of DPDs (including AAPs) is reserved to full Executive (Para 20, Part 3C).
43. The Canada Water AAP Publication Version is at the publication / submission phase. By virtue of Regulation 4, paragraph 3(c) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 ("the 2000 Regulations") (as amended by the Local Authorities (Functions and Responsibilities) (Amendment) (No 2) (England) Regulations 2005 - Regulation 2, paragraph 4), the approval of a development plan document for submission to the Secretary of State for independent examination is a shared responsibility with Council Assembly and cannot be the sole responsibility of the Executive. It is noted that minor changes to the AAP Publication Version (presented in Appendix G) have been made following its consideration by Executive on 15 December 2009. Council Assembly must be confident that it is satisfied with those changes and ready to proceed with the AAP to publication and submission to the SoS.
44. Under Part 3A, paragraph 9 the function of agreeing development plan documents is reserved to Council Assembly. Accordingly, the Council Assembly is requested to approve the Canada Water AAP Publication Version for publication and submission for examination in public by the SoS. The purpose of publication is to allow for any representations on the soundness of the document to be made. Any such representations received during publication of the Canada Water AAP Publication Version are to be submitted to the Secretary of State for consideration at EiP.

### Procedure for adoption of the Canada Water AAP

45. Regulation 7 of the Town and Country Planning (Local Development) (England) Regulations 2004 ('The Regulations') provides that Area Action Plans must be development plan documents (DPDs). This means that the Canada Water AAP will form part of the statutory development plan once adopted.
46. The status of the Canada Water AAP as a DPD also means that the legislative processes for the preparation of DPDs must be followed. The preparation process is divided into four stages:
  - Pre-production – survey and evidence gathering leading to decision to include the Canada Water AAP in the Local Development Scheme;
  - Production – preparation of preferred options in consultation with the community, formal participation on these, and preparation and submission of the Canada Water AAP in light of the representations on the preferred options;
  - Examination – the independent examination into the soundness of the Canada Water AAP; and
  - Adoption – the binding report and adoption.
47. In preparing the Canada Water AAP the council must have regard to:
  - National policies and guidance;
  - The London Plan;
  - Southwark 2016, the sustainable community strategy;
  - Any other DPDs adopted by the council or in the process of being adopted; and
  - The resources likely to be available for implementing the proposals in the Canada Water AAP.

### Consultation requirements

48. Regulations 24 and 25 of the Regulations require the council to consult with the community and stakeholders during the preparation of the preferred options and publish an initial sustainability report. Regulation 26 and Section 19(3) of the Planning and Compulsory Act 2004 ("the Act") specifically require local planning authorities to comply with their adopted SCI. In so far as the SCI exceeds the consultation requirements of the Regulations, it must be complied with. This process of consultation in accordance with Regulation 25 (the statutory consultation period of 6 weeks) and the council's adopted SCI (including 6 weeks of informal and 6 weeks of statutory formal consultation) occurred between October 2008 and February 2009 and culminated in the Preferred Options Report July 2009. Extensive consultation took place on the Council's preferred options on the AAP with the public, statutory bodies and other stakeholders between July 21 and October 13 2009. Details of the consultation are set out in the Consultation Plan appended to this report.
49. The Canada Water AAP is now at the formal stage of publication before submission to the Secretary of State. The council is required to make available for public inspection in person and on its website the proposals for the DPD, the supporting documents (contained in the appendices) and details of how to make representations as to the soundness of the document. Representations can be made within a six-week period (Regulation 27(2)). This process is distinguished from a participation or consultation process and simply allows an opportunity for representations as to the soundness of the document.



50. The Canada Water AAP will then be sent to the Secretary of State for examination in public as required by section 20(1) of the Planning and Compulsory Planning Act. This will be accompanied by all the supporting documents including the sustainability appraisal report, the SCI and statements setting out the main issues raised and how these have been addressed in the AAP and any supporting documents (Regulation 28(1)).
51. On the Executive's recommendations, members of the council assembly are requested to simultaneously approve the Canada Water AAP publication / submission version for publication and subsequent submission to the Secretary of State. This approach is acceptable provided that representations made do not raise doubt as to soundness or necessitate substantive changes to the Canada Water AAP before submission. In the event that substantive changes to the submission version of the Canada Water Strategy are necessary following publication, the document cannot be submitted to the Secretary of State without Council Assembly making a fresh determination in light of the representations.

### Soundness

52. Under the Planning and Compulsory Purchase Act 2004 S 20(5)(a) an Inspector is charged with firstly checking that the plan has complied with legislation and is otherwise sound. Section 20(5)(b) of the Act requires the Inspector to determine whether the plan is 'sound'. The 'soundness test' includes in particular ensuring that the plan:-
- (i) has been prepared in accordance with the Local Development Scheme
  - (ii) is in compliance with the Statement of Community Involvement and the Regulations;
  - (ii) has been subject to Sustainability Appraisal;
  - (iii) has regard to and is consistent with national policy;
  - (iii) conforms generally to the Spatial Development Strategy, namely the London Plan;
  - (iv) has regard to other relevant plans, policies and strategies such as other DPDs which have been adopted or are being produced by the Council;
  - (v) has regard to any sustainable community strategy for its area; and
  - (vi) has policies, strategies and objectives which are coherent, justified, consistent and effective.
53. 'Justified' means that the document must be founded on a robust and credible evidence base and that it must be the most appropriate strategy when considered against reasonable alternatives. 'Effective' means that the document must be deliverable, flexible and able to be monitored. These are the overarching principles that should be in members' minds when providing comments on the documents before them.

### General conformity of Canada Water AAP

54. Section 24(1)(b) of the Act requires that local development documents (LDDs) issued by the Council, such as this AAP, must be in general conformity with the spatial development strategy, namely the London Plan (consolidated with alterations since 2004). On submission of the final draft of the AAP to the Secretary of State for independent examination, the Council will be required to simultaneously seek the Mayor's opinion in writing as to whether the AAP is in general conformity (Reg 30, the Regulations). The purpose of the independent examination is to

ensure legal compliance with the legislative framework, including consultation and soundness of the AAP (Section 20(5)(b) of the Act). General conformity must be determined as a matter of law and policy practice. This issue was considered at the Preferred Options Stage in July 2009 and in light of the revisions to housing in the revised Preferred Options Report has been considered afresh.

55. General conformity is not a defined term anywhere within the legislative framework. However, the Court of Appeal decision of *Persimmon Homes (Thames Valley) Ltd & Oths v Stevenage Borough Council* [2005] EWCA 1365 considered the judicial construction of the term and contains authoritative guidance. The term is to be given its ordinary meaning and take into account the practicalities of planning control and policy, namely the long lead times for the implementation of planning policy and the exigencies of good planning policy which are liable to change. The 'general conformity requirement must accommodate these factors and in its true construction allow a 'balanced approach' favouring 'considerable room for manouvre within the local plan (the Southwark Plan 2004 and in future the Local Development Framework) in the measures taken to implement the structure plan (the London Plan) so as to meet the changing contingencies that arise. In other words the word general is designed to allow a degree of flexibility in meeting London Plan objectives within the local development plan. The fact that the statutory regime makes provision for the possibility of conflict in the London Plan and local plan to be resolved in favour of the latter subject to general conformity envisages that 'general conformity' allows for flexibility at local level and not strict compliance with every aspect of the London Plan (Section 46(10) of the 1990 Act as substituted by the Act) provided that the effectiveness of the London Plan strategic objectives on housing are not compromised and there is local justification for any departure.

#### Strategic Environmental Assessment/Sustainability Appraisal

56. The European Directive 2001/42/EC requires an 'environmental assessment' of plans and programmes prepared by public authorities that are likely to have a significant effect upon the environment. This process is referred to commonly as 'Strategic Environmental Assessment' (SEA) and has been given effect in UK law by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regs).
57. The Planning and Compulsory Purchase Act 2004 also requires sustainability appraisal (SA) of all emerging DPDs and therefore the Canada Water AAP too. SA and SEA are similar and to some extent overlapping processes that involve a comparable series of steps. If there is a difference between them, it lies in the fact that SEA focuses on environmental effects whereas SA is concerned with the full range of environmental, social and economic matters. It is acceptable for the same SA document to deal with both SA and SEA aspects providing that there is a clear and substantive audit trail of compliance with both.

#### Equality Impact Assessment (EqIAs)

58. The Race Relations (Amendment) Act 2000 places a duty on local authorities to promote race equality in their policy-making, service delivery, regulation, enforcement and employment. This includes three overlapping areas of responsibility:
- To eliminate unlawful discrimination (direct or indirect)
  - To promote equality of opportunity
  - To promote good community relations

59. During the policy and decision making process, The Disability Discrimination Act 2006 and Sex Discrimination Act 1976 places a similar positive duty on local authorities to have regard to the promotion of equality for disabled groups and individuals. This is in addition to the duty to eliminate or prevent unlawful discrimination (whether direct or indirect).
60. To meet these responsibilities, Southwark published its Equality Scheme 2005-2008 approved by the Executive in October 2005. This sets out our overall policy for addressing equality, diversity and social cohesion in the borough. This policy recognises that people may face discrimination, or experience adverse impact on their lives as a result of age, disability, ethnicity, faith, gender or sexuality.
61. The preparation of equality impact assessments (EqIA) is part of Southwark's wider commitment to equalities, which is set out on the Corporate Equalities Action Plan 2003-2006. EqIAs examine the aims, implementation and effects of policies, practices and services to ensure that (i) no groups are receiving or are likely to receive less favourable treatment or outcomes that are discriminatory or unfair in nature (whether directly or indirectly) and (ii) regard is had to the need to promote equality among such groups.
62. The EqIA ensures and records that individuals and teams have thought carefully about the likely impact of their work on the residents of Southwark and take action to improve the policies, practices or services being delivered. Throughout the process of developing the Canada Water AAP and the associated Sustainability Appraisal, the Council has had regard to equalities issues by producing and updating its EqIAs in light of revisions to the AAP. The revised EqIA annexed to this report has been updated in light of the revised Preferred Options for the Canada Water AAP. The revisions respond to previous consultation replies. Taken together with the EqIA, the revised Preferred Options are therefore likely to diminish the risk of the AAP having unforeseen direct or indirect discriminatory effects on groups or individuals in the community and promote equality. Members should note that planning decisions and policies are not required to ensure absolute equality but to have regard to the need and mechanisms for promoting equality (R (on the application of Baker) v Secretary of State for Communities and Local Government [2008] EWCA Civ 141).

### Human Rights Implications

63. The policy making process for the Canada Water AAP engages certain human rights under the Human Rights Act 2008 ("the HRA"). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant. In the case of the Canada Water AAP, a number of rights are potentially engaged. These may include the following examples, which are not intended to be exhaustive: -
  - i. **The right to a fair trial (Article 6)** – giving rise to the need to ensure proper consultation and effective engagement of the public in the process;
  - ii. **The right to respect for private and family life (Article 8)** – the Canada Water AAP proposes to develop land alongside existing homes, which may alter the manner in which those homes are enjoyed; and
  - iii. **Article 1, Protocol 1 (Protection of Property)** – this raises the potential for interference with individuals' right to peaceful enjoyment of existing and future homes upon adoption or implementation of the AAP.

64. It is important to note that not all rights operate in the same way. There are very few rights are absolute and cannot be interfered with under any circumstances. Other 'qualified' rights, including the aforementioned Article 6, Article 8 and Protocol 1 rights, can be interfered with or limited in certain circumstances. The extent of legitimate interference is subject to the principle of proportionality whereby a balance must be struck between the legitimate aims to be achieved by an LPA in the policy making process, such as improving communities and regeneration against potential interference with individual human rights. Public bodies have a wide margin of appreciation in striking a fair balance between competing rights in making these decisions. This approach has been endorsed by *Lough v First Secretary of State* [2004] 1 WLR 2557 and clearly shows that human rights considerations are also material considerations in the planning arena which must be given proper consideration and weight. It is acceptable for the Council to strike a balance between the legitimate aim of regeneration for the benefit of the community as a whole against potential interference with some individual rights.
65. The approach and balance between Individual and community rights and objectives set out in the Canada Water AAP is considered to be within the justifiable margins of appreciation.

#### **Finance Director / Departmental Finance Manager**

66. There are no specific financial implications associated with this paper. The financial implications of any particular policy or strategy should be addressed as part of any specific proposal.

#### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Canada Water Preferred Option	Planning and Transport	Julie Seymour
Core Strategy publication/submission (available on request)	Planning and Transport	Julie Seymour

#### **APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix A	Canada Water publication/submission (circulated separately to all councillors)
Appendix B	Canada Water publication/submission consultation plan (available on the internet)
Appendix C	Canada Water publication/submission consultation report (available on the internet)
Appendix D	Canada Water publication/submission sustainability appraisal (available on the internet)
Appendix E	Canada Water publication/submission equalities impact assessment (available on the internet)
Appendix F	Canada Water publication/submission appropriate assessment (available on the internet)
Appendix G	Executive response to the comments of Planning Committee and GoL (available on the internet)

## AUDIT TRAIL

<b>Lead Officer</b>	Richard Rawes, Strategic Director of Regeneration And Neighbourhoods	
<b>Report Author</b>	Julie Seymour, Head of Planning Policy	
<b>Version</b>	Final	
<b>Dated</b>	January 14 2010	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	Yes	Yes
Departmental Finance Manager	Yes	Yes
Executive Member	Yes	No
<b>Date final report sent to Constitutional Team</b>		January 14 2010

<b>Item No.</b> 7.2	<b>Classification:</b> Open	<b>Date:</b> January 27 2010	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Adoption of Local Development Document: Aylesbury Area Action Plan	
<b>Ward(s) or groups affected:</b>		East Walworth, Faraday, Newington, Grange, South Bermondsey, Peckham, Brunswick Park, Camberwell Green	
<b>From:</b>		Strategic Director of Regeneration and Neighbourhoods	

## RECOMMENDATIONS

That Council Assembly: -

1. Consider the recommendations of the Executive; and
2. Consider the binding recommendations of the Planning Inspector on the Aylesbury Area Action Plan (appendix A2) and the comments of Planning Committee; and
3. Consider the Aylesbury Area Action Plan – final (appendix A1) incorporating the binding recommendations of the Inspector and the change proposed by Executive and Planning Committee, adoption statement (Appendix B), consultation report (appendix C), sustainability appraisal (appendix D), equalities impact assessment (appendix E) and appropriate assessment (appendix F); and
4. Adopt the Aylesbury Area Action Plan – final (appendix A1) incorporating the binding recommendations of the Inspector and the change proposed by Executive and Planning Committee and the sustainability appraisal (Appendix D).

## BACKGROUND INFORMATION

5. The Aylesbury Area Action Plan (AAP) has been prepared under the new planning system and is a spatial plan that combines land use planning policies with an employment strategy, a health and services strategy, a transport strategy, an open spaces strategy and a business and delivery plan, to create a holistic plan for the regeneration of the estate and surrounding area.
6. The AAP was prepared over 2008 and 2009, and went through four stages of preparation and consultation (Issues and Options, Preferred Options, Revised Preferred Options, Publication/Submission).
7. The AAP was submitted to the Secretary of State in May 2009 for formal examination.
8. The Aylesbury Area Action Plan (AAP) has been through an Examination in Public (EiP) on September 2 and 3 2009 as required by the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning Local Development Regulations (England).
9. Under the terms of Section 20 (5) of the Planning and Compulsory Purchase Act 2004, the purpose of the EiP of a Development Plan Document is to determine:
  - a. Whether it satisfies the requirements of s19 and s24 (1) of the 2004 Act,

the regulations under section 17 (7) and any regulations under section 36 relating to the preparation of the document; and

- b. Whether it is sound (in terms of paragraph 4.52 of Planning Policy Statement 12 – Local Spatial Planning (PPS12))
10. The AAP was examined independently by an Inspector at the EiP. The Inspector issued his report on October 23 2009, which contains an assessment of the AAP in terms of the above matters, along with recommendations and the reasons for them, as required by s20 (7) of the 2004 Act.
  11. The Inspector has concluded that in paragraph 5.1 of the report, that with the minor amendments recommended, which are set out in the annex:
    - The AAP can be considered sound
    - It satisfies the requirements of s20 (5) of the Planning and Compulsory Purchase Act 2004 and that it accords with the advice in PPS12.
  12. These recommendations are binding on the council.
  13. The council has completed a 'Fact Check' of the Inspectors report, in accordance with paragraph 4.29 of PPS12. The fact check has provided an opportunity to identify any factual errors and to seek clarification on any conclusions that are unclear. It did not provide any scope to question the Inspector's conclusions. The fact check was forwarded to the Planning Inspectorate on November 6 2009.
  14. The draft AAP was reported to Planning Committee for their comments on December 8 2009. Planning Committee comments are reported in paragraph 16 below.
  15. The council's Executive considered the draft AAP on December 15 2009 and agreed that the draft AAP, incorporating the one change recommended by Planning Committee, is considered by Council Assembly for adoption.

#### **Comments of Planning Committee**

16. Planning committee considered the draft AAP and noted that there is a typographical error in column 7 of appendix C of the proposed changes to the AAP. The plus (+) sign in the text "3+ bed" should be deleted. It is now superfluous as the inspector recommended that the council specify the number of 3, 4 and 5 bedroom homes that will be provided.

#### **KEY ISSUES FOR CONSIDERATION**

17. The AAP has been examined by an independent inspector and the council has received a binding report. His overall conclusion is that the AAP is sound and therefore there are no significant issues that need to be addressed.
18. Prior to the examination in public the council provided the inspector with a list of proposed changes to the AAP to provide updates due to changes during the consultation period. The most significant of these were that we alter the proportions of private and affordable housing in phases 1 and 4 to reflect funding proposals agreed with the HCA and also to amend the public sector funding requirement calculations. These proposals were agreed by IDM in May 2009. The inspector agreed with the council that these changes would improve the document and has confirmed that they should be incorporated into the final AAP.

19. We proposed these changes as they enabled us to keep the mix of affordable and private housing the same for the entire area. We increased the affordable housing and reduced the private housing in phase 1 to gain HCA funding to unlock development to make it viable. This has then been changed in phase 4 to reduce the affordable housing and increase the private housing by the same amount to keep the overall figures the same.
20. The inspector has recommended that we make these changes as follows.

### **3 Justified; Effective and Consistent with National Policy**

*(a) Tenure mix 3.7 In order to make the Action Area Plan sound, the following changes should be made: C1 Delete Policy BH3 and replace it with the text set out in the Annex; C2 Delete Paragraph 3.3.8 and replace it with the text set out in the Annex; C3 Delete Table A7.1 and replace it with the version in the Annex.*

#### **Issue (d) – Delivery and monitoring**

*3.23 In order to make the Action Area Plan sound, the following changes should be made: C5 Change the capital programme and funding shortfall figures in paragraphs 7.4.2 to £1.2bn and £169m respectively; C6 Change the capital programme and funding shortfall figures in paragraphs A7.1.24 to £1.2bn and £169m respectively and remove the last sentence referring to social housing grant; C7 Delete table A7.2 and replace it with the version in the Annex.*

#### **Monitoring 3.27**

*In order to make the Action Area Plan sound, the following changes should be made: C9 Delete the indicator for Policy PL2 in Section 2.3 which refers to the percentage of approvals meeting design requirements.*

21. In addition to those changes proposed by the council, the inspector has recommended a very small number of additional changes. These are very minor in character. The most significant of these is that we clarify that any development in Burgess Park is for “open space activities”. This reference is not intended to change the policy, but simply draw attention to the fact that Burgess Park is Metropolitan Open Land. These are set out in detail below.

*(c) Public transport 3.18 In order to make the Action Area Plan sound, the following change should be made: C4 Delete the last sentence of paragraph 5.3.3 and replace it with the following text: However, it will be necessary to raise PTALs further and improvements to the frequency of the existing bus services which run through the Core Action Area as well as new routes to Peckham and Elephant and Castle will be sought in Phase 4 in co-operation with TfL and with developer funding.*

*Burgess Park 3.25 In order to make the Action Area Plan sound, the following change should be made: C8 Policy PL8: second sentence after ‘designed to’ insert ‘....facilitate open space activities which will....’*

22. The AAP has been brought forward in advance of the adoption of the Core Strategy Development Plan Document. The Inspector considers that the AAP focuses on a small part of the council’s area, and would not unduly prejudice future overall policy for the borough as a whole or for the adjoining communities.



23. The council does not have the opportunity to question the Inspector's conclusions. The report is binding on the council, and it is up to the council to decide whether to adopt it or not.
24. Once adopted by Council Assembly it will be a development plan in the council's local development framework (LDF) and will be used as the basis for determining planning applications in the area. Together with the Core Strategy which is currently at the publication/submission stage, and other AAPs, it will replace the adopted Southwark Plan.
25. The AAP is needed at this time to facilitate the development of the Aylesbury Estate and the regeneration of the surrounding area, including Burgess Park in a sustainable manner ensuring that community impacts are taken into account.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Strategic Director of Communities, Law & Governance**

#### Functions and Responsibilities

26. The Aylesbury AAP is now at the adoption stage. This report is brought before members of Council Assembly upon the recommendation of Executive and Planning Committee to adopt the AAP with the Inspector's binding recommendations and one minor factual change. By virtue of paragraph 9, Part 3A of the Constitution the function of adopting development plan documents such as this AAP is reserved to Council Assembly.
27. By virtue of Regulation 4(1), paragraph 3(d) of *the Local Authorities (Functions and Responsibilities) (England) Regulations 2000* ("the 2000 Regulations") (as amended by the *Local Authorities (Functions and Responsibilities) (Amendment) (No 2) (England) Regulations 2005* - Regulation 2, paragraph 4) the approval of a DPD is a shared responsibility with Council Assembly and cannot be the sole responsibility of the Executive. It is noted that on December 8 and 15 2009 respectively, the Planning Committee and Executive having considered the Inspector's binding report and a deputation by local groups, including the Burgess Park, recommend that Council Assembly adopt the AAP in accordance with the Inspector's binding report.
28. Accordingly, members of Council Assembly are advised to consider the content and recommendations of the binding Inspector's Report, the accompanying documents and deputation before determining to adopt the AAP together with the accompanying sustainability appraisal.

#### Examination in Public

29. Regulation 7 of the Town and Country Planning (Local Development) (England) Regulations 2004 ('the Regulations') provides that Area Action Plans must be development plan documents (DPDs). The AAP is identified in the council's revised Local Development Scheme, which was approved in May 2008.
30. As set out in the report, the AAP was subject to an examination in public (EiP) by a planning inspector appointed by the Secretary of the State on 2 and 3 September 2009.
31. The purpose of the independent examination is set out in section 20(5) of the 2004 Act. This is required to determine whether the submitted DPD has been prepared in accordance with certain statutory requirements under s19 & s24(1)

of the 2004 Act and the associated regulations (*The Town and Country Planning (Local Development) (England) Regulations 2004; SI.2004 No. 2204*) and whether it is sound.

32. In making an assessment of soundness, the AAP was examined against the requirements set out in Planning Policy Statement 12 (2008) – *Local Spatial Planning* (PPS 12).
33. The Inspector concluded in his binding decision dated October 23 2009 that the AAP was sound subject to his recommended amendments set out in his report. Members' are advised that the Inspector findings are binding upon the council. Therefore, the AAP must be adopted in a form which incorporates the Inspector's recommendations. If members were not minded to accept the Inspector's recommendations, the entire process would need to be re-commenced and fresh consultation undertaken.

#### Sustainability Appraisal

34. The Planning and Compulsory Purchase Act 2004 also requires sustainability appraisal (SA) of all emerging DPDs. In accordance with this provision, a sustainability appraisal was prepared to ensure the wider impacts of the AAP's policies are addressed. The sustainability appraisal has informed the preparation of the AAP and is recommended for adoption by Members. The SA should be expressly adopted along with the AAP and must have a separate adoption statement pursuant to *Environmental Assessment of Plans and Programmes Regulations 2004* (16) (3) and (4).

#### Adoption Process – Procedural Requirements

35. Members' are advised that should the AAP be adopted by Council Assembly, following the recommendation of the Executive, a number of statutory requirements will need to be complied with by the council. These requirements are set out in *Regulations 35 and 36 Town and Country Planning (Local Development)(England) Regulations 2004* (as amended by the 2008 Regulations) and must be complied with as soon as reasonably practicable after the date of adoption.
36. In summary, Regulation 35 (1) and (2) require that as soon as reasonably practicable after the day of adoption of the AAP, the council must comply with section 20(8) of the Planning and Compulsory Purchase Act 2004 to publish the Inspectors recommendations and reasons as follows: -
  - a. That the recommendations of the Inspectors report be deposited for the purposes of public inspection at the same venue that the pre-submission proposal documents were deposited;
  - b. That Inspectors recommendations be published upon the council's web-site; and
  - c. That notification of publication be provided to those persons who requested to be notified of the recommendations publications.
37. Regulation 36 further provides that as soon as reasonably practicable after the day of adoption of the AAP the council must make available for inspection the following documents at the same place where the pre-submission documents were deposited and publish notice of the adoption in a local paper:
  - a. the AAP;
  - b. an adoption statement, and
  - c. the sustainability appraisal report; and

- d. publish the adoption statement on the Council's web-site;
- e. give notice by local advertisement of the adoption statements and details of where the AAP can be inspected;
- f. send the adoption statement to any person who has asked to be notified of the adoption of the AAP; and
- g. send the AAP and adoption statement to the Secretary of State.

#### Application to the High Court

38. The AAP has been prepared in accordance with the relevant legislation and regulations. This is the final version, which will, when adopted, establish the planning policy framework for the Aylesbury Estate and the regeneration of the surrounding area, including Burgess Park. Any party aggrieved by the AAP may make an application to the High Court within 6 weeks of the publication of the adoption statement. Such applications may only be made on limited grounds namely that the document is not within the appropriate power and / or that a procedural requirement has not been complied with. Officers believe this risk is minimal as the AAP has been prepared in accordance with the relevant regulations and guidance and that due process has been followed.

#### Saved UDP Policies

39. If this AAP is not adopted planning applications in this area will be assessed against saved Unitary Development Plan policies, which did not anticipate redevelopment on the scale now being proposed within the specific area. This would hinder efforts to regenerate the Aylesbury Estate and surrounding regeneration area.

#### Saved UDP Policies

40. If this AAP is not adopted planning applications in this area will be assessed against saved Unitary Development Plan policies, which did not anticipate redevelopment on the scale now being proposed within the specific area. This would hinder efforts to regenerate the Aylesbury Estate and surrounding regeneration area.

#### **Departmental Finance Manager**

41. There are no specific financial implications associated with this paper. The financial implications of any particular policy or strategy should be addressed as part of any specific proposal.

#### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Report on the Examination into the Aylesbury Area Action Plan Development Plan Document – 23 October 2009	Planning and Transport	Julie Seymour
Core Strategy publication/submission (available on request)	Planning and Transport	Julie Seymour

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix A	The final Aylesbury Area Action Plan incorporating the binding recommendations of the Planning Inspector and the change recommended by Executive and Planning Committee (Appendix A1) (circulated to members separately)  Planning Inspector's binding recommendations on the Aylesbury Area Action Plan (Appendix A2) (available on the internet)
Appendix B	Adoption Statement (available on the internet)
Appendix C	Aylesbury publication/submission consultation report (available on the internet)
Appendix D	Aylesbury publication/submission interim sustainability appraisal (available on the internet)
Appendix E	Aylesbury publication/submission equalities impact assessment (available on the internet)
Appendix F	Aylesbury publication/submission appropriate assessment (available on the internet)

**AUDIT TRAIL**

<b>Lead Officer</b>	Anne Lippitt, Strategic Director of Regeneration and Neighbourhoods	
<b>Report Author</b>	Julie Seymour, Head of Planning Policy	
<b>Version</b>	Final	
<b>Dated</b>	January 15 2010	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	Yes	Yes
Departmental Finance Manager	Yes	Yes
<b>Executive Member</b>	Yes	No
<b>Date final report sent to Constitutional Team</b>	January 15 2010	

<b>Item No.</b> 8.1	<b>Classification:</b> Open	<b>Date:</b> January 27 2010	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Report back on motions referred to executive from council assembly	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Executive	

**MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 2.9 (6) – PEDESTRIAN SAFETY AT JUNCTION OF LORDSHIP LANE AND DULWICH COMMON**

Executive on December 15 2009 considered the following motion referred from council assembly on November 4 2009 which had been moved by Councillor Lewis Robinson and seconded by Councillor Kim Humphreys:

That council assembly notes:

1. The long standing calls by College Ward councillors and local residents, particularly the elderly of the Lordship Lane Estate, for the introduction of a “pedestrian phasing” of the traffic lights at the junction of the South Circular with Lordship Lane at Dulwich Common.
2. The council traffic survey commissioned by College Ward councillors through cleaner, greener, safer funding which concluded that the most effective way to improve pedestrian safety and reduce car collisions at this junction was the introduction of “pedestrian phasing” amongst other measures.
3. Following the survey the description of this junction in local newspapers as “Is this the most dangerous junction in Southwark?” (Southwark News).

That council assembly welcomes:

4. The commitment now given by Transport for London (TfL) under the new London Mayor that a “pedestrian phasing” will now be introduced at this junction in the next 12 months.
5. The recent petition of local residents organised by College Ward councillors which calls on TfL to recognise the importance of making this junction as safe as possible and to bring forward the “pedestrian phasing” forward in their work programme at the earliest opportunity.

That council assembly requests the executive to:

6. Make the appropriate representations to TfL in support of ward councillors to ensure that these works are brought forward at the earliest opportunity in the next 12 months and coincide with upgrading the lights to ease any potential traffic congestion.

We agreed the motion.

**MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 2.9 (6) – SOUTHWARK COUNCIL HOUSING**

Executive on December 15 2009 considered the following motion referred from council assembly on November 4 2009 which had been moved by Councillor Ian Wingfield and seconded by Councillor Martin Seaton and subsequently amended:

1. That council assembly notes in a draft of the housing strategy a £700 million gap in the funding for the executive's Southwark decent homes programme was reported. It notes the omission of this figure in the housing strategy agreed by the executive as further work is still being carried out as part of the stock condition survey.
2. That council assembly regrets the large number of homes classified as non-decent in Southwark and notes that the housing strategy recognises this is a problem across all sectors with more than a third of housing association homes classified as such. Council assembly further notes that Southwark has far more council housing than any other London borough.
3. That council assembly reaffirms its support for the settled view of Southwark tenants that:
  - a) they wish to remain as tenants of the council
  - b) that the government's so-called decent homes standard is an inadequate and insufficient standard for Southwark's homes
  - c) when refurbishment takes place the work should be comprehensive and take into account landlord obligations, decent homes and other improvements, rather than simply reflect artificial, piecemeal and partial government targets.
4. That council assembly regrets the continued restrictions imposed on the council by government that prevent it meeting the legitimate aspirations of tenants and leaseholders and its failure to provide any additional funding for fire safety work.
5. That council assembly welcomes the review of the housing revenue account (HRA) by the Communities and Local Government department, particularly over suggestions that power will be returned to local government over rent incomes and capital receipts and supports London Councils in its view that "where an exceptional need to spend is identified, certain local authorities should have their level of debt reduced so as to create additional headroom for local prudential borrowing", but awaits detailed proposals with concern given the government's recent record on housing finance.
6. That in addition council assembly calls on the executive to launch a campaign to persuade the government to recognise Southwark's unique position and look at other solutions, excluded from the HRA review, and allow the council to invest in its homes through a combination of:
  - a) Writing off historic debt – particularly for estates that have been demolished or redeveloped
  - b) Allowing the council to remortgage parcels of its debt at the current competitive rates
  - c) Allowing the council a temporary "debt holiday"
  - d) Lifting the restrictions on the use of receipts from planning gain
  - e) Giving councils full control over their rent and other income.

We deleted the word 'crisis' from the motion heading. Subject to this amendment the motion was agreed.

**MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 2.9 (6) – FREEDOM PASS CUTS**

Executive on December 15 2009 considered the following motion referred from council assembly on November 4 2009 which had been moved by Councillor David Noakes and seconded by Councillor Tim McNally and subsequently amended:

1. That council assembly notes the Labour government review of the last year of the 3-year special grant for concessionary fares to support the introduction of the English national concession which has resulted in London losing £28.6 million from the funding it had already been promised.
2. That council assembly condemns this decision for the following reasons:
  - a) It means the council is likely to lose around £1,000,000 of already promised central government funding in 2010-11.
  - b) It goes against sensible financial planning as the government is proposing unilateral changes to the final year of a three year funding settlement.
  - c) The announcement is very late and creates huge uncertainty for London boroughs in dealing with Transport for London (TfL) by the end of December.
3. That council assembly notes with anger that every other urban area in the country will receive a 100% subsidy from the Labour government for the cost of elderly and disabled travel, while London council taxpayers will have to contribute between one half and a third of the cost of the scheme in the capital.
4. That council assembly supports the view of London Councils' Chairman, Councillor Merrick Cockell, who said earlier today: "The government's decision at this late stage to renege on the deal they had already agreed is absolutely stunning and will be met with anger across the capital."
5. That council assembly calls on the executive members for resources and health and adult care to write to the Minister for London and the Junior Transport Minister, Sadiq Khan, in the strongest possible terms, to express its anger and demand that London boroughs get a fair deal.
6. That council assembly calls on the executive to use all appropriate means to publicise this funding withdrawal, particularly among Southwark residents applying for freedom passes.

We agreed the motion.

**MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 2.9 (6) – SAVE THE SOUTH LONDON LINE**

Executive on December 15 2009 considered the following motion referred from council assembly on November 4 2009 which had been moved by Councillor Caroline Pidgeon and seconded by Councillor Barrie Hargrove:

1. That council assembly notes the importance of the current South London Line rail service between London Bridge and London Victoria via four stations in Southwark to the residents, businesses and public services of Camberwell, Peckham and South Bermondsey.

2. That council assembly notes that under the current proposals to end the operation of the South London Line, Denmark Hill and Peckham Rye stations would lose half of their daytime services to London Victoria and have no service at all to Victoria at evenings or on Sundays. It further notes that Denmark Hill station will lose all direct services to London Bridge.
3. That council assembly further notes the vital importance of the service for helping some of the borough's most vulnerable residents access health services at Guy's Hospital, King's College hospital and The Maudsley.
4. That council assembly recognises that residents in areas such as Peckham Rye and East Dulwich continue to be poorly served by public transport despite the efforts of the council to secure the implementation of the Cross River Tram.
5. That council assembly notes and welcomes the fact that retention of a direct Victoria to London Bridge service will be considered as part of the Transport for London (TfL) / London Travelwatch study into the options for the future of the South London Line.
6. That council assembly notes that TfL and Department for Transport (DfT) agreed that £24m Department for Transport funding intended for a new London Victoria-Bellingham service be diverted to the provision of East London Line Extension Phase 2.
7. That council assembly strongly believes that this borough needs both the East London Line Extension and the South London Line. This is not an either or debate.
8. That council assembly calls on the Department for Transport to provide the funding necessary to provide platform capacity for the service at London Bridge station as part of its redevelopment.
9. That council assembly congratulates the community and cross-party campaign against the threat to the South London Line services on its high-profile and effective activities to date, and re-affirms its own commitment to the campaign.
10. That council assembly calls on the executive to seek a written assurance from TfL that the retention of direct Victoria-London Bridge services is being considered as part of the South London Line Options Study.
11. That council assembly calls on the responsible executive member to meet with Network Rail and the Department for Transport at the earliest opportunity to put the case for the revision of the plans for London Bridge station so that it is developed to its full capacity, including terminating platforms for the South London Line.
12. That council assembly requests that the executive works in conjunction with the leaders of all political groups on Southwark Council to ensure the strongest representations continue to be made to the Department for Transport, London Mayor, Network Rail, the Minister of Transport and Minister for London to retain the South London Line service.

We agreed the motion and noted that some of the issues have been addressed as part of the council's response to the Mayor's draft transport strategy considered at our meeting on December 15 2009.



**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Executive agenda and minutes – December 15 2009	Constitutional Team, 160 Tooley Street, London SE1 2TZ	Paula Thornton 020 7525 4395

**AUDIT TRAIL**

<b>Lead Officer</b>	Ian Millichap, Constitutional Manager	
<b>Report Author</b>	Paula Thornton / Everton Roberts, Constitutional Team	
<b>Version</b>	Final	
<b>Dated</b>	January 13 2010	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	No	No
Finance Director	No	No
<b>Executive Member</b>	No	No
<b>Date final report sent to Constitutional / Community Council / Scrutiny Team</b>		January 13 2010

<b>Item No.</b> 9.1	<b>Classification:</b> Open	<b>Date:</b> January 27 2010	<b>Meeting Name</b> Council Assembly
<b>Report title:</b>		The Council Tax Base for 2010-11	
<b>Ward(s) or groups affected:</b>		The Whole Borough	
<b>From:</b>		Finance Director	

## RECOMMENDATION

1. That the council tax base for 2010-11 be set at:

	<b>Number of band D equivalent properties</b>
For the parish of St. Mary Newington	13,348.53
For the parish of St. Saviour's	1,150.92
For the whole of the borough excluding the parishes of St. Mary Newington and St. Saviour's	81,919.50
<b>For the whole borough</b>	<b>96,418.95</b>

## BACKGROUND INFORMATION

2. Regulations require the council to inform its preceptors of the council tax base by January 31 2010.
3. This report sets out the statutory information that Members need in order to set the council's council tax base for 2010-2011. A further report will be presented to Council Assembly on February 23 2010 setting out the level of Council Tax needed to meet the council's expenditure for the year.

## KEY ISSUES FOR CONSIDERATION

### Council tax base for 2010-11

4. Calculation of the council tax ("the tax") is governed by the Local Government Finance Act 1992 and various regulations there under. In particular, Section 33(1) of the Act requires the basic (Band D) tax to be calculated by applying the formula:

The budget requirement less Formula Grant

**Divided by**

The Council's "Tax Base"

5. Although the Council's net budget requirement has not yet been determined, the "tax base" can be set and is subject to the local authorities (calculation of council tax base) Regulations 1992, made under section 33 of the Act and the local authorities (calculation of council tax base) (amendment) England regulations 1999. Regulation 8 of the 1992 regulations requires the calculation to be made some time between 1st December 2009 and 31st January 2010.

6. The proportions applicable to the various council tax bands (the “basic” band being D) are as follows:

<b>Band</b>	<b>Proportion (ninths)</b>
A	6
B	7
C	8
D	9
E	11
F	13
G	15
H	18

7. The council’s basic tax is calculated in respect of band D. Band A properties therefore pay 6/9 of the basic tax, band B 7/9 of the basic tax and so on up to band H where the tax is 18/9 or twice the tax at Band D.
8. A calculation of the total number of dwellings net of discounts needs to be made for each of the above bands. This takes into account the number of dwellings on the official valuation list as at the 2010-11 CTB1 submission, the estimated number of dwellings that are exempt, attract disabled relief, attract single person discount, are empty, or have only disregarded residents, and estimated changes in the status of the dwellings during the year. Appendix A attached tabulates the above information for each of the bands. Line 3 of Appendix A (i) shows the total number of dwellings net of discounts for each band, which total 106,116.75
9. The line 3 total of 106,116.75 described above must be converted into the number of band D equivalents by applying the proportions shown in paragraph 6 above. The result for each of the bands is shown on line 4 of the appendix, which totals 100,436.41.
10. It is necessary to calculate the council’s Tax Base by applying an estimated collection rate to the total of all properties converted to the average equivalent property at band D shown in appendix A(i).
11. The finance director recommends that, based on collection performance in previous years and to date in 2009-10 (see below), a 96% assumed collection rate would give the best estimate of the likely value to be obtained from the demands issued in April 2010. A comparison of this rate to those currently levied and proposed for other inner London authorities is included as appendix B. It can be clearly seen in the Appendix that there is not a firm trend in projected collection rates within Inner London boroughs, the rate of 96% is consistent with the Inner London average, and similar to near neighbours Lambeth and Lewisham.
12. The resultant council tax base is calculated as follows:

**Total of the relevant amounts (appendix A (i) line 4) 100,436.41**

**Estimated collection rate 96%**

**2010-11 council tax base 96,418.95**

13. Additional earmarked income may be available from Trust Funds, which can subsidise the council tax in the former parishes of St. Mary Newington and St. Saviour's. Separate calculations have to be made for these specific areas. These are set out at Appendices A (ii & iii). The subsidy to St Mary Newington is taken from interest earned on the Walworth Common Trust capital sum, divided by the taxbase to give a band D equivalent subsidy, the subsidy to St Saviours comes from contributions from the Borough Market Trustees, again divided by the taxbase.
14. The council also has local discretion, granted under the Local Government Act 2003, in setting the discount for homes counted as long-term empty and second homes. These are currently:

<b>Reason</b>	<b>Discount Given</b>	<b>Local / Statutory</b>
Single Person	25%	Statutory
All except one person in household disregarded	25%	Statutory
All persons in household disregarded	50%	Statutory
Second Home	10%	Local Statutory Minimum 10% Statutory Maximum 50%
Long-term empty	0%	Local Statutory Minimum 0% Statutory Maximum 50%

### **Collection performance**

15. The council's contract with Liberata for the collection of revenues is output based incorporating financial incentives to encourage the contractor to achieve and sustain improvements in Council Tax collection.
16. The outturn in-year collection performance during 2008-09 was disappointing. Performance for that year out-turned at 91.70%, some 1.30%, £1.2m below the contract in year target. However arrears collection performance in 2008-09 was £4.3m, £1.3m above target, meaning that total collection was £0.1m in excess of expectation
17. Given this level of performance in respect of the in year collection target, at the start of this financial year significant work was undertaken jointly with Liberata to refocus efforts on achievable collection and service targets. This is monitored under a jointly agreed improvement plan.
19. Current in-year collection performance during 2008-9, however, remains disappointing. The latest collection figures produced by Liberata show total in year collection at December 31 2009 of 79.24%. This is a lower figure on the equivalent time in December 2008 and there remains a concern that that the minimum contract performance of 92.50% will not now be achieved.
20. Performance in respect of arrears collection is also disappointing. As at December 31 2009 this was £3.13m compared to £3.55m at a similar stage in 2008-09. Although the

full year minimum collection target of £4.1m is still achievable there remains a risk that this target will not be achieved.

21. The table below highlights Liberata's performance for in year collection over the last 6 years and compares it to the Inner London average performance.

	2004-05 %	2005-06 %	2006-07 %	2007-08 %	2008-09 %	2009-10 %
In year Collection Level	93.20	92.96	92.30	92.50	91.70	92.50 (Projected)
Inner London Average	92.9	93.9	94.1	94.7	94.6	Not Available

24. Taking into account collection expected in future years, we still expect to achieve the budgeted overall collection level of 96.0% for 2009-10. See appendix D for details and the table below for a summary of projected performance for the last six financial years.

	2004-05 %	2005-06 %	2006-07 %	2007-08 %	2008-09 %	2009-10 %
Actual Collection level to date (December 31 2009)	95.60	95.77	95.75	95.52	94.51	83.04
Projected Final Collection Level	95.60	95.86	96.00	96.00	96.00	96.00
Budgeted Collection Rate	97.50	97.50	97.50	96.00	96.00	96.00

25. A major project commenced in 2008 with the large-scale introduction of bankruptcy and charging order applications. This has continued and now over 400 accounts with a debt exceeding £2m have followed this process. The Council has now taken possession of three properties, two of which have been sold to pay the Council Tax debt.
- 26 A large amount of debt is owed by Southwark council tenants and illegal sub-letting is considered to be a serious issue, the London Borough of Southwark has the highest success in the UK at identifying these tenants according to the Audit Commission. Liaison arrangements for joint working with Housing have commenced with a view for tackling large debt cases and evicting sub-letting tenants. Consolidated action is now being taken on the largest housing and council tax debtors.
- 27 The revenues client unit has recommenced committal applications against high value debtors in rented accommodation. This will tackle some of the hardest to collect debt where other recovery methods have proved unsuccessful or inappropriate. Debtors in the top 20 are highlighted for such action. In November 2009, one resident was given a three month prison sentence for failing to pay his council tax.
- 29 Liberata have also taken steps to strengthen their revenues management resource on the contract to provide greater expertise and resilience as this has been accepted as a weakness. New experienced managers have been drafted in to cover previous areas of concern.
- 30 A transformation programme has commenced with customer services to deal with more queries at the first point of contact in partnership with Vangent. This has improved the accuracy of the database and timeliness of bills being issued.

- 31 The introduction of the facility to take payment by credit and debit cards within the call centre was rolled out to the One Stop Shops in 2008 and continues to be successful. Facilities to pay by cash are available at 220 pay point and 30 post office swipe card outlets in the London Borough of Southwark or within close proximity of the borough (i.e. where we share the same post code with neighbouring London boroughs such as Lewisham and Lambeth) where cash payments can be made to the Council by swipe card without the customer paying any fees or charges. The Post Office will accept chip and pin debit card payments by swipe card and the Council's 2 cash offices will accept all 4 payment methods (e.g.. cash, cheque, debit or credit card) 6 days per week.
- 32 A full reconciliation of the valuation list of new properties has been completed this year, supporting prompt and accurate billing.
- 33 Direct debit remains the council's favourite method of payment and Southwark have joined a London wide campaign to promote this further.
- 34 The council continues to promote the take-up of council tax benefit and close working with welfare rights groups aids this purpose.
- 35 Nevertheless the collection of council tax within Southwark is difficult, and the key difficulties remain:
- (a) An historic culture of non-payment and avoidance.
  - (b) Preference for non-direct debit methods of payment.
  - (c) Deprivation levels
  - (d) Database accuracy
- 36 Following on from this, on September 29 2009 the council took the decision not to extend the current contract with Liberata in 2011 and look towards an in-house solution.

#### **Collection fund monitor 2009-10**

38. The estimated balance on the Collection Fund for Council Tax transactions to 31st March 2010 is a surplus of £1.652m, of which Southwark's element is £1.232m.

	£m
Southwark Council	1.232
Greater London Authority	<u>0.420</u>
<b>Total surplus</b>	<b><u>1.652</u></b>

The surplus is due mainly to higher than expected council tax billing in 2009-10, principally as a result of new developments being completed in the borough, and a reduction in discounts following a review of entitlements at the end of 2008-09. The surplus is one-off and must be used to reduce the demand on Council Tax payers in 2010-11.

#### **Revenue budget implications 2010-11**

39. Subject to Council approval, the tax base recommended and the projected surplus on the collection fund as at March 31 2010, will be used in the calculation of the level of council tax that will be recommended to Council on February 23 2010.

## Consultation

40. Calculation of the council tax base forms an integral part of the revenue budget setting process for 2010-2011. The budget is underpinned by the council's refreshed medium term resource strategy as agreed by Executive on December 15 2010 and provides the basis for delivering the council's corporate plan which has been subject to extensive consultation.

## Community impact statement

41. This report contains technical calculations relating to the council's tax base for 2010-2011. There is no direct community impact at this stage. The impact on the community of any potential change in service design, outcomes or access arising from recommendations relating to the 2010-11 revenue budget will need to be addressed and identified as part of the final budget submission to council assembly on February 23 2010.

## SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

### Strategic Director of Communities, Law & Governance

42. Section 33(1) Local Government Finance Act 1992 imposes a duty on a billing authority to calculate its council tax by applying a formula laid down in that Section. This relies on calculating a figure for the council tax base for the year. The Local Authority (Calculation of Council Tax Base) Regulations 1992 require a billing authority to use a given formula to calculate the council tax base

43. Other legal implications are set out in the body of the report.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
CTB (1) Working Papers	Revenues and Benefits Client Unit, 1 London Bridge	Dominic Cain – Client & Commissioning Manager
Monitoring schedules	Revenues and Benefits Client Unit, 1 London Bridge	Dominic Cain – Client & Commissioning Manager

## APPENDICES

Appendix	Title
Appendix A (i)	Council Tax Base for 2010-11 for the Whole Area
Appendix A (ii)	Council Tax Base for 2010-11 for the Parish of St Mary Newington
Appendix A (iii)	Council Tax Base for 2010-11 for the Parish of St Saviours
Appendix A (iv)	Council Tax Base for 2010-11 for the whole area excluding the parishes of St Mary Newington and St Saviours
Appendix B	Inner London – Council Tax Collection Rates Used for Tax Setting
Appendix C	Collection of Council Tax – Statistical Information
Appendix D	Council Tax – Collection Achieved and Projected

**AUDIT TRAIL**

<b>Lead Officer</b>	Duncan Whitfield, Finance Director	
<b>Report Author</b>	John Braggins, Finance and Resources, Patrick Hall, CSC and Client Services.	
<b>Version</b>	Final	
<b>Dated</b>	January 14 2010	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	Yes	Yes
Executive Member	Yes	Yes
<b>Date final report sent to Constitutional Team</b>	January 14 2010	



## COUNCIL TAX BASE FOR 2010-2011 FOR THE WHOLE AREA – FOR COUNCIL TAX SETTING

	BAND - A	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL
(a) Number of Chargeable Dwellings per Valuation List		12,413.00	37,299.00	32,865.00	19,573.00	12,683.00	5,492.00	3,821.00	504.00	124,650.00
(b) Estimated number of Dwellings not listed (f.y.e.)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
(c) Estimated number of Dwellings listed, which will not be in that Band (f.y.e.)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
(d) Estimated number of Exempt Dwellings etc		-617.00	-1,608.00	-1,325.00	-635.00	-514.00	-178.00	-55.00	-16.00	-4,948.00
(e) Number of Dwellings falling into the Band as a result of disabled relief	6.00	27.00	47.00	68.00	42.00	27.00	19.00	8.00	0.00	244.00
(f) Number of Dwellings falling out of the Band as a result of disabled relief	0.00	-6.00	-27.00	-47.00	-68.00	-42.00	-27.00	-19.00	-8.00	-244.00
<b>1 Revised Number of Chargeable Dwellings (a+b+c+d+e+f)</b>	<b>6.00</b>	<b>11,817.00</b>	<b>35,711.00</b>	<b>31,561.00</b>	<b>18,912.00</b>	<b>12,154.00</b>	<b>5,306.00</b>	<b>3,755.00</b>	<b>480.00</b>	<b>119,702.00</b>
<b>Number of Discounts:</b>										
(g) Estimated number @ 25% (No of properties x 1)	-3.00	-7,532.00	-20,422.00	-13,399.00	-6,491.00	-3,258.00	-1,273.00	-670.00	-55.00	-53,103.00
(h) Estimated number of @ 50% (No of properties x 2)	0.00	-20.00	-80.00	-62.00	-64.00	-54.00	-38.00	-50.00	-36.00	-404.00
(i) Estimated number of @ 10% (No of properties x 0.4)	0.00	-51.20	-150.80	-222.80	-135.20	-127.20	-84.00	-54.40	-8.40	-834.00
(j) Total Appropriate Percentage Discounts (g+h+i)	-3.00	-7,603.20	-20,652.80	-13,683.80	-6,690.20	-3,439.20	-1,395.00	-774.40	-99.40	-54,341.00
<b>2 Total deducted from Chargeable Dwellings at 25% (j) x 25%</b>	<b>-0.75</b>	<b>-1,900.80</b>	<b>-5,163.20</b>	<b>-3,420.95</b>	<b>-1,672.55</b>	<b>-859.80</b>	<b>-348.75</b>	<b>-193.60</b>	<b>-24.85</b>	<b>-13,585.25</b>
<b>3 Total in Band ( (1) - (2) )</b>	<b>5.25</b>	<b>9,916.20</b>	<b>30,547.80</b>	<b>28,140.05</b>	<b>17,239.45</b>	<b>11,294.20</b>	<b>4,957.25</b>	<b>3,561.40</b>	<b>455.15</b>	<b>106,116.75</b>
Band Factor	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
<b>4 Number of Band D Equivalentents</b>	<b>2.92</b>	<b>6,610.80</b>	<b>23,759.40</b>	<b>25,013.38</b>	<b>17,239.45</b>	<b>13,804.02</b>	<b>7,160.47</b>	<b>5,935.67</b>	<b>910.30</b>	<b>100,436.41</b>
<b>5 Estimated Collection Level</b>										<b>0.960</b>
<b>6 Estimated 2010-2011 TAX BASE (4) x (5)</b>										<b>96,418.95</b>

## COUNCIL TAX BASE FOR 2010-2011 FOR ST MARY NEWINGTON – FOR COUNCIL TAX SETTING

	BAND - A	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL
(a) Number of Chargeable Dwellings per Valuation List		3,679.00	7,435.00	5,113.00	1,786.00	1,212.00	379.00	49.00	12.00	19,665.00
(b) Estimated number of Dwellings not listed (f.y.e.)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
(c) Estimated number of Dwellings listed, which will not be in that Band (f.y.e.)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
(d) Estimated number of Exempt Dwellings etc		-211.00	-390.00	-297.00	-171.00	-101.00	-19.00	-3.00	-1.00	-1,193.00
(e) Number of Dwellings falling into the Band as a result of disabled relief	1.00	3.00	9.00	5.00	7.00	1.00	0.00	0.00	0.00	26.00
(f) Number of Dwellings falling out of the Band as a result of disabled relief	0.00	-1.00	-3.00	-9.00	-5.00	-7.00	-1.00	0.00	0.00	-26.00
<b>1 Revised Number of Chargeable Dwellings (a+b+c+d+e+f)</b>	<b>1.00</b>	<b>3,470.00</b>	<b>7,051.00</b>	<b>4,812.00</b>	<b>1,617.00</b>	<b>1,105.00</b>	<b>359.00</b>	<b>46.00</b>	<b>11.00</b>	<b>18,472.00</b>
<b>Number of Discounts:</b>										
(g) Estimated number @ 25% (No of properties x 1)	-1.00	-1,804.00	-3,804.00	-1,890.00	-571.00	-293.00	-79.00	-9.00	0.00	-8,451.00
(h) Estimated number of @ 50% (No of properties x 2)	0.00	-4.00	-8.00	-14.00	-2.00	-8.00	-2.00	-2.00	-4.00	-44.00
(i) Estimated number of @ 10% (No of properties x 0.4)	0.00	-10.40	-26.00	-19.20	-12.80	-8.80	-4.40	0.00	0.00	-81.60
(j) Total Appropriate Percentage Discounts (g+h+i)	-1.00	-1,818.40	-3,838.00	-1,923.20	-585.80	-309.80	-85.40	-11.00	-4.00	-8,576.60
<b>2 Total deducted from Chargeable Dwellings at 25% (j) x 25%</b>	<b>-0.25</b>	<b>-454.60</b>	<b>-959.50</b>	<b>-480.80</b>	<b>-146.45</b>	<b>-77.45</b>	<b>-21.35</b>	<b>-2.75</b>	<b>-1.00</b>	<b>-2,144.15</b>
<b>3 Total in Band ((1) - (2))</b>	<b>0.75</b>	<b>3,015.40</b>	<b>6,091.50</b>	<b>4,331.20</b>	<b>1,470.55</b>	<b>1,027.55</b>	<b>337.65</b>	<b>43.25</b>	<b>10.00</b>	<b>16,327.85</b>
Band Factor	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
<b>4 Number of Band D Equivalents</b>	<b>0.42</b>	<b>2,010.27</b>	<b>4,737.83</b>	<b>3,849.96</b>	<b>1,470.55</b>	<b>1,255.89</b>	<b>487.72</b>	<b>72.08</b>	<b>20.00</b>	<b>13,904.72</b>
<b>5 Estimated Collection Level</b>										<b>0.960</b>
<b>6 Estimated 2010-2011 TAX BASE (4) x (5)</b>										<b>13,348.53</b>

## COUNCIL TAX BASE FOR 2010-2011 FOR ST SAVIOURS - FOR COUNCIL TAX SETTING

	BAND - A	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL
(a) Number of Chargeable Dwellings per Valuation List		57.00	284.00	326.00	171.00	168.00	105.00	143.00	37.00	1,291.00
(b) Estimated number of Dwellings not listed (f.y.e.)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
(c) Estimated number of Dwellings listed, which will not be in that Band (f.y.e.)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
(d) Estimated number of Exempt Dwellings etc		-4.00	-18.00	-12.00	-3.00	-5.00	-4.00	-4.00	-2.00	-52.00
(e) Number of Dwellings falling into the Band as a result of disabled relief	0.00	0.00	1.00	0.00	1.00	0.00	0.00	0.00	0.00	2.00
(f) Number of Dwellings falling out of the Band as a result of disabled relief	0.00	0.00	0.00	-1.00	0.00	-1.00	0.00	0.00	0.00	-2.00
<b>1 Revised Number of Chargeable Dwellings (a+b+c+d+e+f)</b>	<b>0.00</b>	<b>53.00</b>	<b>267.00</b>	<b>313.00</b>	<b>169.00</b>	<b>162.00</b>	<b>101.00</b>	<b>139.00</b>	<b>35.00</b>	<b>1,239.00</b>
<b>Number of Discounts:</b>										
(g) Estimated number @ 25% (No of properties x 1)	0.00	-35.00	-147.00	-157.00	-57.00	-53.00	-31.00	-38.00	-4.00	-522.00
(h) Estimated number of @ 50% (No of properties x 2)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-2.00	-2.00
(i) Estimated number of @ 10% (No of properties x 0.4)	0.00	0.00	-0.40	-2.00	-3.20	-3.60	-2.80	-6.00	-2.40	-20.40
(j) Total Appropriate Percentage Discounts (g+h+i)	0.00	-35.00	-147.40	-159.00	-60.20	-56.60	-33.80	-44.00	-8.40	-544.40
<b>2 Total deducted from Chargeable Dwellings at 25% (j) x 25%</b>	<b>0.00</b>	<b>-8.75</b>	<b>-36.85</b>	<b>-39.75</b>	<b>-15.05</b>	<b>-14.15</b>	<b>-8.45</b>	<b>-11.00</b>	<b>-2.10</b>	<b>-136.10</b>
<b>3 Total in Band ((1) - (2))</b>	<b>0.00</b>	<b>44.25</b>	<b>230.15</b>	<b>273.25</b>	<b>153.95</b>	<b>147.85</b>	<b>92.55</b>	<b>128.00</b>	<b>32.90</b>	<b>1,102.90</b>
Band Factor	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
<b>4 Number of Band D Equivalents</b>	<b>0.00</b>	<b>29.50</b>	<b>179.01</b>	<b>242.89</b>	<b>153.95</b>	<b>180.71</b>	<b>133.68</b>	<b>213.33</b>	<b>65.80</b>	<b>1,198.87</b>
<b>5 Estimated Collection Level</b>										<b>0.960</b>
<b>6 Estimated 2010-2011 TAX BASE (4) x (5)</b>										<b>1,150.92</b>

APPENDIX A (iv)

COUNCIL TAX BASE FOR 2010-2011 FOR THE WHOLE BOROUGH EXCLUDING THE PARISHES OF ST MARY NEWINGTON & ST SAVIOURS - FOR COUNCIL TAX SETTING

	BAND - A	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL
(a) Number of Chargeable Dwellings per Valuation List		8,677.00	29,580.00	27,426.00	17,616.00	11,303.00	5,008.00	3,629.00	455.00	103,694.00
(b) Estimated number of Dwellings not listed (f.y.e.)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
(c) Estimated number of Dwellings listed, which will not be in that Band (f.y.e.)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
(d) Estimated number of Exempt Dwellings etc		-402.00	-1,200.00	-1,016.00	-461.00	-408.00	-155.00	-48.00	-13.00	-3,703.00
(e) Number of Dwellings falling into the Band as a result of disabled relief	5.00	24.00	37.00	63.00	34.00	26.00	19.00	8.00	0.00	216.00
(f) Number of Dwellings falling out of the Band as a result of disabled relief	0.00	-5.00	-24.00	-37.00	-63.00	-34.00	-26.00	-19.00	-8.00	-216.00
<b>1 Revised Number of Chargeable Dwellings (a+b+c+d+e+f)</b>	<b>5.00</b>	<b>8,294.00</b>	<b>28,393.00</b>	<b>26,436.00</b>	<b>17,126.00</b>	<b>10,887.00</b>	<b>4,846.00</b>	<b>3,570.00</b>	<b>434.00</b>	<b>99,991.00</b>
<b>Number of Discounts:</b>										
(g) Estimated number @ 25% (No of properties x 1)	-2.00	-5,693.00	-16,471.00	-11,352.00	-5,863.00	-2,912.00	-1,163.00	-623.00	-51.00	-44,130.00
(h) Estimated number of @ 50% (No of properties x 2)	0.00	-16.00	-72.00	-48.00	-62.00	-46.00	-36.00	-48.00	-30.00	-358.00
(i) Estimated number of @ 10% (No of properties x 0.4)	0.00	-40.80	-124.40	-201.60	-119.20	-114.80	-76.80	-48.40	-6.00	-732.00
(j) Total Appropriate Percentage Discounts (g+h+i)	-2.00	-5,749.80	-16,667.40	-11,601.60	-6,044.20	-3,072.80	-1,275.80	-719.40	-87.00	-45,220.00
<b>2 Total deducted from Chargeable Dwellings at 25% (j) x 25%</b>	<b>-0.50</b>	<b>-1,437.45</b>	<b>-4,166.85</b>	<b>-2,900.40</b>	<b>-1,511.05</b>	<b>-768.20</b>	<b>-318.95</b>	<b>-179.85</b>	<b>-21.75</b>	<b>-11,305.00</b>
<b>3 Total in Band ((1) - (2))</b>	<b>4.50</b>	<b>6,856.55</b>	<b>24,226.15</b>	<b>23,535.60</b>	<b>15,614.95</b>	<b>10,118.80</b>	<b>4,527.05</b>	<b>3,390.15</b>	<b>412.25</b>	<b>88,686.00</b>
Band Factor	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
<b>4 Number of Band D Equivalents</b>	<b>2.50</b>	<b>4,571.03</b>	<b>18,842.56</b>	<b>20,920.53</b>	<b>15,614.95</b>	<b>12,367.42</b>	<b>6,539.07</b>	<b>5,650.26</b>	<b>824.50</b>	<b>85,332.82</b>
<b>5 Estimated Collection Level</b>										<b>0.960</b>
<b>6 Estimated 2010-2011 TAX BASE (4) x (5)</b>										<b>81,919.50</b>

## APPENDIX B

## Inner London - Council Tax Collection Rates Used for Tax Setting

	2005-06	2006-07	2007-08	2008-9	2009-10	Proposed 2010-11
	%	%	%	%	%	
Camden	96.50	97.00	97.25	97.50	97.50	97.50
Greenwich	95.00	95.00	95.00	95.00	95.00	95.00
Hackney	90.00	91.00	92.00	93.00	97.00	N/A
Hammersmith and Fulham	97.50	97.50	97.50	98.00	98.00	97.50
Islington	96.80	96.80	96.80	96.80	96.80	N/A
Kensington and Chelsea	98.50	96.20	96.50	97.00	97.25	97.25
Lambeth	95.00	95.00	95.00	95.00	95.25	95.25
Lewisham	96.18	96.18	96.25	96.25	96.25	96.25
<b>Southwark</b>	<b>97.50</b>	<b>97.50</b>	<b>96.00</b>	<b>96.00</b>	<b>96.00</b>	<b>96.00</b>
Tower Hamlets	97.00	97.00	97.00	97.00	97.00	97.00
Wandsworth	95.00	95.00	95.00	95.00	95.00	N/A
Westminster	95.00	96.00	96.00	96.00	96.00	N/A
<b>Inner London Average</b>	<b>96.04</b>	<b>95.87</b>	<b>96.00</b>	<b>96.10</b>	<b>96.36</b>	<b>N/A</b>

## Collection of Council Tax – Statistical Information

Volumes		Category
2010-11	2009-10	
125,028	123,994	Number of Council Tax Accounts
88,210	89,319	Number of Accounts where a payment has been made.
34,332	33,080	Number of Council Tax Accounts in receipt of Benefit
3,090	9,196	Number of Summons arrangements
942	1,054	Number of Attachment of Earnings in force.
2,237	2,151	Number of Attachment of Benefits in force.
45,283	44,248	Number paying by Direct Debit
68,687	75,626	Number of Reminders
2,571	4,211	Number of Final Reminders
27,002	32,688	Number of Summonses
15,299	12,913	Number of Bailiff Referrals
77	77	Number of committal/Regulation 36 cases

2009-10 data provided as at 12<sup>th</sup> January 2010

COUNCIL TAX - COLLECTION ACHIEVED AND PROJECTED

APPENDIX D

	2003/04 £'000	2004/05 £'000	2005/06 £'000	2006/07 £'000	2007/08 £'000	2008/09 £'000	2009/10 £'000
Total Debit	111,892	117,499	122,305	127,658	135,243	141,868	143,081
Exemptions	(5,585)	(6,216)	(6,415)	(6,742)	(7,314)	(7,591)	(6,685)
Disabled relief	(41)	(39)	(41)	(43)	(46)	(47)	(48)
Discounts	(14,366)	(13,559)	(14,064)	(14,450)	(14,963)	(14,795)	(14,705)
<b>Collectable debit</b>	<b>91,900</b>	<b>97,685</b>	<b>101,786</b>	<b>106,422</b>	<b>112,921</b>	<b>119,434</b>	<b>121,643</b>
Council Tax collected to date	(67,173)	(71,330)	(74,734)	(79,011)	(84,513)	(89,319)	(76,296)
Less credit balances	754	398	298	440	614	1,014	1,754
Less Costs paid	881	818	836	1,037	1,119	1,153	674
Adjustments	136	125	124	117	68	23	0
Council Tax to date	(65,402)	(69,989)	(73,476)	(77,417)	(82,712)	(87,129)	(73,868)
Estimated Future collection	0	0	(76)	(235)	(478)	(1,518)	(15,760)
<b>Total projected Council tax</b>	<b>(65,402)</b>	<b>(69,989)</b>	<b>(73,552)</b>	<b>(77,652)</b>	<b>(83,190)</b>	<b>(88,647)</b>	<b>(89,628)</b>
Benefits	(22,302)	(23,408)	(24,019)	(24,513)	(25,214)	(26,010)	(27,149)
<b>Total income</b>	<b>(87,703)</b>	<b>(93,397)</b>	<b>(97,572)</b>	<b>(102,165)</b>	<b>(108,404)</b>	<b>(114,657)</b>	<b>(116,777)</b>
Actual Collection to date (as at 31st December 2009)	95.4%	95.6%	95.8%	95.8%	95.6%	94.7%	83.0%
<b>Projected final collection level</b>	<b>95.4%</b>	<b>95.6%</b>	<b>95.9%</b>	<b>96.0%</b>	<b>96.0%</b>	<b>96.0%</b>	<b>96.0%</b>

<b>Item No.</b> 9.2	<b>Classification:</b> Open	<b>Date:</b> January 27 2010	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Proportionality Report	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Communities, Law & Governance	

## RECOMMENDATIONS

1. That council assembly reviews proportionality on the council's ordinary committees following recent membership changes on the council.
2. That council assembly adopts one of the following options as set out in the report:
 

**Option 1** – Reduce the total number of seats on ordinary committee to 34 seats (see paragraph 10 of the report and Appendix 1)

**Option 2** – No change. Total number of seats on ordinary committee remains at 35 seats (see paragraph 11 of the report). Note: This option requires the unanimous agreement of all councillors present and voting.

## BACKGROUND INFORMATION

3. Following recent membership changes including the resignation as a councillor of Susan Elan Jones and the notification that Councillor Olajumoke Oyewunmi wishes to be treated as an independent councillor, officers have reviewed the proportionality on council committees.

4. The overall allocation of seats reported to council assembly in May 2009 was:

	No of seats	%
Liberal Democrat	27	42.86
Labour	29	46.03
Conservative	6	9.52
Green	1	1.59
Independent	0	0.00
<b>Total</b>	<b>63</b>	<b>100</b>

5. Following the membership changes the position now is:

	No of seats	%
Liberal Democrat	27	43.55
Labour	27	43.55
Conservative	6	9.68
Green	1	1.61
Independent	1	1.61
<b>Total</b>	<b>62</b>	<b>100</b>



## KEY ISSUES FOR CONSIDERATION

### Ordinary Committees

6. The ordinary committees on the council are: appointments, planning, audit and governance, disciplinary appeals and corporate parenting committees.
7. The membership changes are significant enough to change the percentage of seats on the council held by the different political groups. The new calculation gives the percentage of seats on the council for the Labour Group and the Liberal Democrat Group as equal. Therefore to obtain the most proportionate allocation on ordinary committees both groups need to be allocated an equal number of seats. If the new percentages are applied to the current total number of seats on ordinary committees, i.e. 35 seats, this does not give the most proportionate allocation because an extra seat has to be allocated to either the Labour Group or Liberal Democrat Group. Officers have explored giving an extra seat to the Conservative Group but this is even more disproportionate.
8. Officers have suggested two options for allocating places on the ordinary committees which are set out below. The total number of seats on ordinary committees and the allocation of seats to individual committees are agreed by council assembly. This allocation must provide the lowest total discrepancy compared to the ideal proportional allocation.

The current allocation on ordinary committees is as follows:

<b>Committee</b>	<b>Total</b>	<b>Liberal Democrat</b>	<b>Labour</b>	<b>Conservative</b>
<b>Committee 1</b> (in 2009-10 - Appointments Committee)	<b>7</b>	<b>3</b>	<b>3</b>	<b>1</b>
<b>Committee 2</b> (in 2009-10 - Planning Committee)	<b>7</b>	<b>3</b>	<b>3</b>	<b>1</b>
<b>Committee 3</b> (in 2009-10 – Disciplinary Appeals Committee)	<b>8</b>	<b>4</b>	<b>4</b>	<b>0</b>
<b>Committee 4</b> (In 2009-10 - Audit and Governance Committee)	<b>5</b>	<b>2</b>	<b>2</b>	<b>1</b>
<b>Committee 5</b> (In 2009-10 Corporate Parenting Committee)	<b>8</b>	<b>3</b>	<b>4</b>	<b>1</b>
<b>Total</b>	<b>35</b>	<b>15</b>	<b>16</b>	<b>4</b>
<b>Total Discrepancy</b>	<b>0.78</b>	<b>0.00</b>	<b>0.11</b>	<b>0.67</b>

Notes: 1. The size and composition of the “ordinary committees” is based on a total number of 35 seats and includes the committees established for the 2009-10

*municipal year. The proportionality is based on the total number of seats compared to the overall allocation of seats each political group had on the council at the time of the annual meeting in May 2009 (see paragraph 4).*

2. *It is for council assembly to agree the total number of seats and allocate the appointments, planning, disciplinary appeals, audit and governance and corporate parenting committees to committees numbered 1 to 5 in the table above.*

9. The recommended two options are as follows:

### Option 1

10. The total number of seats on ordinary committee is reduced to 34 seats (see Appendix 1). Effect: Reduces the Labour allocation on corporate parenting committee by one, giving a revised allocation of:

Committee	Total	Liberal Democrat	Labour	Conservative
<b>Committee 5</b> (In 2009-10 Corporate Parenting Committee)	<b>7</b>	<b>3</b>	<b>3</b>	<b>1</b>

There are no other changes to other committees. This gives a total discrepancy of 1.09.

Comments:

- Lowest discrepancy
- Minimal changes to committees

### Option 2

11. Council assembly could agree to leave all the allocations unchanged. This would need to be agreed unanimously by council assembly. This gives a total discrepancy of 1.61.

Comments:

- No changes required
- This option must be agreed unanimously by council assembly
- Not the lowest discrepancy.

Option 1 is the more proportionate option.

### Other options

12. Other options may become available if there are further changes to the membership of political groups.

### Other committees

13. Proportionality on other committees is unaffected by the recent changes.
14. The overview and scrutiny committee gives consideration to appointing independent councillors who are not members of any political group to scrutiny sub-committees. This is to enable the member concerned to play a part in the scrutiny functions in their capacity as a

non-executive member. This is a matter the overview and scrutiny committee may wish to consider.

### Legal implications

15. Section 15 (1) of the Local Government and Housing Act 1989 states that it the "duty of the relevant authority having power from time to time to make appointments to a body to which this section applies to review the representation of different groups" where the members are divided into different political groups.

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Appointment of Leader and Executive, Establishment of Committees and Other Constitutional Issues 2009-10, Council Assembly May 2009 report	160 Tooley Street, London SE1 2LX	Ian Millichap 020 7525 7225

### APPENDICES

Appendix	Title
Appendix 1	Proportionality – Ordinary Committees - Option 1
Appendix 2	Proportionality rules

### AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Communities, Law & Governance	
<b>Report Author</b>	Ian Millichap, Constitutional Manager	
<b>Version</b>	Final	
<b>Dated</b>	January 14 2010	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Strategic Director of Communities, Law & Governance	Yes	Yes (included in body of report)
<b>Executive Member</b>	No	No
<b>Date final report sent to Constitutional Support Services</b>	January 14 2010	

### PROPORTIONALITY - ORDINARY COMMITTEES – OPTION 1

#### Proportionality

	No of seats	%
Liberal Democrat	27	43.55
Labour	27	43.55
Conservative	6	9.68
Green	1	1.61
Independent	1	1.61
<b>Total</b>	<b>62</b>	<b>100</b>

Note: The Local Government and Housing Act 1989 covers the allocation of seats to political groups, it makes no provision for single independent members so they do not form part of the proportionality allocations for ordinary committees.

#### Ideal Number of Ordinary Committee Places

Total places	Liberal Democrat	Labour	Conservative
<b>34</b>	14.81	14.81	3.29

Note: The ideal allocations set out in the table above are based on each political group's percentage allocation on the council.

#### Proposed allocation of seats on ordinary committees – Option 1

	Lib Dem	Lab	Cons	Total	Total Discrepancy
<b>Committee 1</b> (Appointments Committee)	3	3	1		
<b>Committee 2</b> (Planning Committee)	3	3	1		
<b>Committee 3</b> (Disciplinary Appeals Committee)	4	4	0		
<b>Committee 4</b> (Audit and Governance Committee)	2	2	1		
<b>Committee 5</b> (Corporate Parenting Committee)	3	3	1		
<b>Total no. of seats</b>	<b>15</b>	<b>15</b>	<b>4</b>	<b>34</b>	
<b>Discrepancy</b>	<b>-0.19</b>	<b>-0.19</b>	<b>-0.71</b>		<b>1.09</b>

### PROPORTIONALITY RULES

1. The Local Government and Housing Act 1989 covers the allocation of seats to political groups, it makes no provision for single independent councillors so they do not form part of the proportionality considerations.
2. Seats on committees and sub committees must be allocated in accordance with the four principles of proportionality contained in sections 15, 16 and 17 of the Local Government and Housing Act 1989. There is a duty to give effect to the following principles, as far as is reasonably practicable:
  - (i) That not all the seats on a committee or sub committee are allocated to the same political group;
  - (ii) That the majority group must have the majority of seats on each committee or sub committee;

*Note: As no one group has an overall majority on the council, this principle is not relevant.*

- (iii) Subject to (1) and (2) above, it must be ensured that the proportion of each political group's seats of the total number of seats on "ordinary committees" reflects, as closely as possible, their proportion of seats on full council; and,

*Notes: 1. The ordinary committees are appointments, planning, disciplinary appeals, audit and governance and corporate parenting. The total number of seats on these 5 committees must be allocated as proportionately as is reasonably practicable.*

2. *The licensing committee is appointed under the Licensing Act 2003 and the overview and scrutiny committee is appointed under section 21 of the Local Government Act 2000. Neither committee is an ordinary committee.*

- (iv) Subject to (i) to (iii) above, the proportion of each political group's seats on each committee and sub committee reflects as closely as possible their proportion of seats on full council.

*Note: This rule applies to all committees, sub committees and joint committees, except for licensing committee, standards committee and community councils.*

#### Appointments to seats

3. Section 16(1) of the Local Government and Housing Act 1989 provides that it is the duty of an authority or committee to exercise its power to make appointments in such a way as to give effect "to such wishes about who is to be appointed to the seats on that body which are allocated to a particular political group as are expressed by that group".
4. There is no requirement that a seat allocated to a particular group can only be filled by a member of that group. Therefore, groups have discretion to allocate seats as they wish, including to a member of another group, or an individual councillor or councillors sitting on the council.

<b>Item No.</b> 10.	<b>Classification:</b> Open	<b>Date:</b> January 27 2010	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Motions	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Communities, Law & Governance	

## BACKGROUND INFORMATION

In accordance with council assembly procedure rule 1.12 (9), the member moving the motion may make a speech directed to the matter under discussion. This may not exceed five minutes without the consent of the Mayor.

The seconder will then be asked by the Mayor to second the motion. This may not exceed three minutes without the consent of the Mayor.

The meeting will then open up to debate on the issue and any amendments on the motion will be dealt with.

At the end of the debate the mover of the motion may exercise a right of reply. If an amendment is carried, the mover of the amendment shall hold the right of reply to any subsequent amendments and, if no further amendments are carried, at the conclusion of the debate on the substantive motion.

The Mayor will then ask members to vote on the motion (and any amendments).

## IMPLICATIONS OF THE CONSTITUTION

The constitution allocates responsibility for particular functions to council assembly, including approving the budget and policy framework, and allocates to the executive responsibility for developing and implementing the budget and policy framework and overseeing the running of council services on a day-to-day basis. Therefore any matters that are reserved to the executive (i.e. housing, social services, regeneration, environment, education etc) cannot be decided upon by council assembly without prior reference to the executive. While it would be in order for council assembly to discuss an issue, consideration of any of the following should be referred to the executive:

- to change or develop a new or existing policy
- to instruct officers to implement new procedures
- to allocate resources.

(Note: In accordance with council assembly procedure rule 2.9 (7) & (8) (prioritisation and rotation by the political groups) the order in which motions appear in the agenda may not necessarily be the order in which they are considered at the meeting).

**1. MOTION FROM COUNCILLOR NICK STANTON** (Seconded by Councillor Kim Humphreys)

Please note that, in accordance with council assembly procedure rule 2.9 (6), council assembly shall consider this motion.

**Transforming Southwark Council**

1. Council assembly notes the transformation of Southwark over the last eight years, from one of the worst performing London boroughs under Labour control to one of the best.
2. In particular assembly notes how prudent budgeting and financial competence has meant Southwark residents have benefited from cost of living tax rises, rather than inflation busting rises under Labour, illustrated by Band D council tax increasing 94% from £397 to £776 between 1994 and 2002 and by just 17.5% (to £912) since then, protecting pensioners and those on fixed incomes.
3. Council assembly also notes the rise in council tax collection rates from just 80% under Labour to 96% last year and believes they are set to rise further as a result of the council's decision to bring the service in-house.
4. Council assembly is pleased to record that local peoples' satisfaction with the council has increased in this time from 57% in 2000 to 67% in 2008 and notes that local environments are much improved with people feeling much safer walking outside their homes, and more satisfied with street lighting, street cleaning and recycling than they were under the previous Labour administration.
5. Council assembly further notes that after many years' delay and lack of commitment under Labour, all of the big regeneration schemes – Bermondsey Spa, Canada Water, Aylesbury and Elephant and Castle – are together on course to transform the borough.
6. In addition, council assembly notes the council's record housing investment that has seen, over the last five years, a £374m major works programme (over and above the Labour government's basic standard) including roof repairs, window replacements, electrical rewiring, boiler replacements, concrete repairs, external decorations, cavity wall and loft insulation and kitchen and bathroom refurbishment (including a doubling of spending from £4.1m pa to £8.7m pa on lifts, heating, electrics and tank room refurbishments); recognises this approach has widespread support from the tenants' movement and is reflected in increased tenants' satisfaction with housing services and believes much more could be achieved if the government ended the spending restrictions on the council.
7. Council assembly welcomes Simon Hughes MP's Town and Country Planning Act (Amendment) private member's bill which by proposing to lift restrictions on the use of planning gain would significantly increase resources for Southwark's social housing of all types, and calls on all the borough MPs to support it in the House of Commons.

**Note:** If the motion is agreed, any proposals will be submitted to the executive for consideration.

**2. MOTION FROM COUNCILLOR DORA DIXON FYLE** (Seconded by Councillor Peter John)

Please note that, in accordance with council assembly procedure rule 2.9 (6), council assembly shall consider this motion.

### **Social care in Southwark**

1. Council assembly is grateful for the hard work and dedication of both the council's own social care staff and those of partner organisations providing care in the borough. It believes that any institutional failings in social care services are not the fault of front-line staff who work to provide the best possible service in difficult conditions.
2. Council assembly notes the publication in December 2009 of the Care Quality Commission's Annual Performance Assessment which judged Southwark's social care service to be one of the eight worst in the country. It further notes the conclusion of the service inspection report published at the same time that "the capacity to improve in Southwark is uncertain".
3. Council assembly notes with particular concern the following findings from the service inspection:
  - that the inspectors had concerns in around half of the safeguarding cases they examined
  - that older people, carers and support organisations have reservations about the performance of the call centre
  - that access to extra care housing and community enablement and intermediate care services are limited
  - that access to telecare services had been closed to new referrals for a period
  - that out-of-hours services appear increasingly stretched
  - that the expansion of direct payments is proceeding at a pace well below that planned, with low levels of promotion and engagement
  - that there is evidence of significant delays in conducting reviews of need levels for those in receipt of social care, despite this becoming more important as a result of cuts in eligibility
  - that there has been a significant loss of long-standing and experienced staff
  - that "some partner agencies considered that a valued tradition of collaborative work with them was at risk"
  - that "practical plans were not yet in place to offer the prospect of sustainable delivery of the council's vision and strategy".
4. Council assembly believes that these serious concerns cannot be dismissed out of hand. It expresses its concern over the intention to spend thousands of pounds on employing hand-picked inspectors to conduct a new inspection, which could only be seen as a whitewash by Southwark residents.
5. Council assembly calls on the leader and the executive member for health and adult care to urgently draw up an action plan to address the findings and recommendations of the Care Quality Commission's reports and to report back to the next ordinary meeting progress against this action plan.

**Note:** If the motion is agreed, any proposals will be submitted to the executive for consideration.



**3. MOTION FROM COUNCILLOR TOBY ECKERSLEY** (Seconded by Councillor Nick Vineall)

Please note that, in accordance with council assembly procedure rule 2.9 (6), council assembly shall consider this motion.

**Local rail services**

In light of the potentially detrimental effect on the amenity of the Herne Hill and Elephant and Castle area, the council views with serious concern the proposals by Network Rail and/or First Capital Connect to terminate the Thameslink Wimbledon loop services at Blackfriars. Council notes concern amongst residents over adequate consultation and calls upon the executive and officers to liaise with other affected London boroughs to explore alternative options for the continuation of the current service providing through trains to Farringdon (for Cross Rail), to Kings Cross St Pancras (for Eurostar and other mainline services) and points north to Bedford.

**Note:** If the motion is agreed, any proposals will be submitted to the executive for consideration.

**4. MOTION FROM COUNCILLOR DAVID HUBBER** (Seconded by Councillor Lewis Robinson)

Please note that, in accordance with council assembly procedure rule 2.9 (6), council assembly shall consider this motion.

**Improving public transport on the River Thames**

Council assembly notes

1. The River Thames is an integral part of the London Borough of Southwark, not just as a landmark, but as part of our transport system.
2. The recent publication of the report "At a Rate of Knots – Improving Public Transport on the Thames", that contains a number of proposals to improve river transport.

Council assembly believes:

3. That the restoration of the River Thames on the next edition of the standard tube map, recognising its potential as part of London's transport network, should be welcomed.
4. Improved river transport will attract more visitors to the borough, as demonstrated by the successful shuttle service which runs between Tate Modern and Tate Britain.
5. The council's plans to complete the Thames Path in Southwark will provide greater accessibility to river transport and enable visitors to explore the borough with greater ease.
6. In addition, more use could be made of river transport to benefit residents of Southwark in their commute to work, for very little cost, by properly integrating the River Thames into London's public transport network.

Council assembly requests the executive:

7. To consider how Southwark can promote greater awareness amongst our residents of existing river services and how they can use them.
8. To request that Southwark's transport policy team consider the proposals in the report, liaise with Transport for London (TfL) and the London Mayor's office, produce a report to executive on their viability and how Southwark could support them.
9. To request that Southwark's transport policy team also consider as part of this report any public realm improvements associated with the completion of the Thames Path.

**Note:** If the motion is agreed, any proposals will be submitted to the executive for consideration.

**5. MOTION FROM COUNCILLOR BARRIE HARGROVE** (Seconded by Councillor Veronica Ward)

Please note that, in accordance with council assembly procedure rule 2.9 (6), council assembly shall consider this motion.

**Southwark's recycling shame**

1. Council assembly notes that the Department for Environment Food and Rural Affairs (DEFRA) 2008-09 waste statistics, released in November 2009, revealed that Southwark's household waste recycling rate stands at just 20.89%, which is the sixth worst in the country.
2. Council assembly notes the Liberal Democrat manifesto pledge to double recycling by 2010 to 30%.
3. Council assembly notes that if the borough's recycling rate had improved at the same pace as the national average then the Liberal Democrats would have fulfilled their pledge. It further notes that if it had improved at the same pace as Greenwich then Southwark's recycling rate would be 39% today
4. Council assembly believes that household recycling rates can be significantly increased by widening the range of items that can be recycled and through simplifying the collection system, particularly for those in flats.
5. Council assembly calls on the executive to introduce urgent measures to bring household waste recycling levels in Southwark up to an acceptable level, including learning from the successes of similar boroughs across London.
6. Council assembly further calls on the executive member for environment to present these plans at the next ordinary meeting of council assembly.

**Note:** If the motion is agreed, any proposals will be submitted to the executive for consideration.

**BACKGROUND DOCUMENTS**

Background Papers	Held At	Contact
Member Motions	Town Hall Peckham Road London SE5 8UB	Constitutional Team 020 7525 7228

<b>Lead Officer</b>	Ian Millichap, Constitutional Manager
<b>Report Author</b>	Sean Usher, Constitutional Officer
<b>Version</b>	Final
<b>Dated</b>	January 8 2010

Last Updated:  
Sept 2009

<b>COUNCIL ASSEMBLY AGENDA DISTRIBUTION LIST (OPEN) (FULL LIST) MUNICIPAL YEAR 2009-10</b>			
<b>NOTE:</b> Original held by Constitutional Team; all amendments/queries to Lesley John Tel: 020 7525 7228			
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<b>Councillors (All)</b>	1 each	<b>Officers</b>	<b>3</b>
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Dan Falchicov, Liberal Democrat Political Assistant	1	Sonia Sutton	1
John Bibby, Labour Group Political Assistant	1	Robin Campbell	1
<b>Libraries</b>	<b>6</b>	<b>Constitutional Team</b>	<b>40</b>
Albion / Dulwich / Newington / Local Studies Library	1 each	(6 copies to Lesley John , 2 <sup>nd</sup> Floor, Hub 4 Tooley Street and 34 copies to Lesley John, Town Hall Peckham)	
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South London Press	1	Euan Cameron, Unison	1
<b>Corporate Management Team</b>	<b>6</b>	Tony O'Brien, UCATT	1
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Romi Bowen	1	Miss Sylvia Morris, NAHT	1
Duncan Whitfield	1	Irene Bishop, ASCL	1
Susannah White	1	Mick Young TGWU	
		<b>Local M.P.</b>	<b>1</b>
		Simon Hughes M.P.	
		<b>Others</b>	<b>2</b>
		Shahida Nasim, Audit Commission, Room 32, 2 <sup>nd</sup> Floor, Central House, Town Hall Complex	1
		Mr. Mark Roelofsen	1
		<b>Total:</b>	<b>139</b>