

Council Assembly (Ordinary Meeting)

Wednesday 17 October 2012

7.00 pm

Walworth Academy, 34 - 40 Shorncliffe Road, London SE1 5UJ

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

Eleanor Kelly
Chief Executive

INFORMATION FOR MEMBERS OF THE PUBLIC

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.

Access

The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: www.southwark.gov.uk or please contact the person below.

Contact

Lesley John on 020 7525 7228 or 020 7525 7222 or email: lesley.john@southwark.gov.uk;
andrew.weir@southwark.gov.uk; constitutional.team@southwark.gov.uk

Date: 5 October 2012



Council Assembly (Ordinary)

Wednesday 17 October 2012
7.00 pm
Walworth Academy, 34 - 40 Shorncliffe Road, London SE1 5UJ

Order of Business

Item No.	Title	Page No.
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PART A - OPEN BUSINESS

1. PRELIMINARY BUSINESS

1.1. ANNOUNCEMENTS FROM THE MAYOR, MEMBERS OF THE CABINET OR CHIEF EXECUTIVE

To receive any announcements from the Mayor, members of the cabinet or the chief executive.

1.2. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE MAYOR DEEMS URGENT

In special circumstances an item of business may be added to an agenda within seven working days of the meeting.

1.3. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Members to declare any interests and dispensations in respect of any item of business to be considered at this meeting.

1.4. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1.5. MINUTES

To approve as a correct record the open minutes of the council assembly meeting held on 4 July 2012 (to be circulated separately).

2. ISSUES RAISED BY THE PUBLIC

Item No.	Title	Page No.
	2.1. PETITIONS	
	To formally receive any petitions lodged by members of the council or the public which have been received in advance of the meeting in accordance with council assembly procedure rules.	
	2.2. PUBLIC QUESTION TIME	
	The deadline for public questions for this meeting is Midnight, Thursday 11 October 2012. Questions can be emailed to constitutional.team@southwark.gov.uk .	
	Questions from the public will be distributed in a supplemental agenda.	
	2.3. DEPUTATION REQUESTS ON THE THEME	
	The deadline for deputation requests for this meeting is Midnight, Thursday 11 October 2012. Deputations can be emailed to constitutional.team@southwark.gov.uk .	
	Deputation requests will be distributed in a supplemental agenda.	
3.	THEMED DEBATE - OPPORTUNITIES FOR YOUNG PEOPLE, INCLUDING YOUTH EMPLOYMENT	2 - 3
	3.1. CABINET MEMBER STATEMENT	
	The cabinet member for children's services to present the theme for the meeting.	
	3.2. QUESTIONS FROM THE PUBLIC ON THE THEME	
	The deadline for public questions on the theme is Midnight, Thursday 11 October 2012. Questions can be emailed to constitutional.team@southwark.gov.uk .	
	Questions from the public will be distributed in a supplemental agenda.	
	3.3. MOTIONS ON THE THEME - OPPORTUNITIES FOR YOUNG PEOPLE, INCLUDING YOUTH EMPLOYMENT	4 - 6

Item No.	Title	Page No.
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To consider the following motions on the theme submitted by members of the council:

- Apprenticeships and work placements
- Opportunities for young people, including youth employment.

4. OTHER DEPUTATIONS

The deadline for deputation requests for this meeting is Midnight, Thursday 11 October 2012. Deputations can be emailed to constitutional.team@southwark.gov.uk.

Deputation requests will be distributed in a supplemental agenda.

5. ISSUES RAISED BY MEMBERS

5.1. MEMBERS' QUESTION TIME	7 - 13
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To receive any questions from members of the council.

5.2. MEMBERS' MOTIONS	14 - 16
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To consider the following motions submitted by members of the council:

- Social housing in mixed communities
- Tuition fees apology.

6. REPORT(S) FOR DECISION FROM THE CABINET

6.1. PECKHAM AND NUNHEAD AREA ACTION PLAN - PUBLICATION/SUBMISSION VERSION	17 - 35
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Council assembly is requested to publish the Peckham and Nunhead Area Action Plan (AAP) publication/submission version for consultation and thereafter agree the AAP publication/submission version for submission to the Secretary of State for Communities and Local Government provided no substantive changes are necessary following consultation.

Council assembly is also requested to delegate the approval of any minor amendments resulting from consultation on the publication/submission AAP to the director of planning in consultation with the cabinet member for culture, sport, the Olympics and regeneration (South).

7. REPORT FOR INFORMATION FROM THE CABINET

Item No.	Title	Page No.
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7.1. REPORT BACK ON MOTIONS REFERRED TO CABINET FROM COUNCIL ASSEMBLY	36 - 38
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Council assembly referred several motions to the cabinet for consideration, this report sets out the cabinet's decision in relation to each motion.

8. OTHER REPORTS

8.1. APPOINTMENT OF INDEPENDENT PERSONS	39 - 41
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A joint independent person selection panel (Southwark and Lambeth) meet in July to appoint an independent person to advise the council on breaches of the member code of conduct. Council assembly is asked to agree the appointments recommended by the panel.

8.2. EXEMPTION FROM THE RULES GOVERNING FAILURE OF A MEMBER TO ATTEND MEETINGS

Section 85 of the Local Government Act 1972 states that "if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority." Any exemption must be considered before the expiry of the six consecutive months absence. Council assembly is asked to consider whether to grant such an exemption.

9. AMENDMENTS

Any member of the council may submit an amendment to a report or motion on the agenda. The amendments will be circulated to all members in a supplemental agenda.

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

EXCLUSION MOTION (IF NECESSARY)

Item No.

Title

Page No.

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

10. APPOINTMENT OF INDEPENDENT PERSONS

11. EXEMPTION FROM THE RULES GOVERNING FAILURE OF A MEMBER TO ATTEND MEETINGS

Date: 5 October 2012

Walworth Academy: Transport and map

34-40 Shorncliffe Road, London SE1 5UJ

Buses:

21 from Lewisham Centre to Newington Green/Mildmay Road
 53 from Orchard Road/Griffin Road to Horse Guards parade
 63 from Forest Hill Tavern to King's Cross Station/York Way
 172 from Brockley Rise/The Chandos to King Edward Street
 363 from Crystal Palace Parade to Lambeth Road
 453 from Deptford Bridge to Great Central Street
 168 from Royal Free Hospital to Dunton Way

All stop at Dunton Way, on the Old Kent Road

78 from Shoreditch High Street to St Marys Road – stops at Humphrey Street

The following link is a map of all bus routes close to the venue:

<http://www.tfl.gov.uk/tfl/gettingaround/maps/buses/pdf/oldkentroad-11306.pdf>

See stops EB, EC and WN on the linked map.

Map of the venue and surrounding area:



Item No. 3.1	Classification: Open	Date: 17 October 2012	Meeting Name: Council Assembly
Report title:		Themed Debate: Opportunities for young people, including youth employment	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

BACKGROUND INFORMATION

Introduction

1. On 23 April 2012 the council assembly business panel met to agree the themes for the themed section of council assembly meetings for the 2012/13 municipal year. The council assembly business panel agreed that the theme for the themed section of council assembly in October 2012 should be 'opportunities for young people, including youth employment'.

What happens at the meeting?

2. At the meeting the agenda will be:
 - Cabinet member has 10 minutes in which to present the theme, plan or strategy
 - Shadow cabinet member has 5 minutes in which to reply
 - Public pre-submitted questions on the theme of the meeting (maximum of 15 minutes)
 - Member's motions on the cabinet theme using present principles to allow sufficient political balance and for political groups to hold cabinet to account.

One hour shall be allocated for the themed debate. The Mayor shall have the discretion to vary timings as appropriate.

Public questions on themed debate

3. The deadline for public questions is Midnight, Thursday 11 October 2012. To find out more visit <https://www.southwark.gov.uk/democracy> or to submit a public question email constitutional.team@southwark.gov.uk.
4. The Mayor may reject a question if it is not relevant to the theme, plan, strategy or policy under discussion.
5. The time during which public questions shall be taken at a themed meeting shall not exceed 15 minutes and shall be conducted under the existing rules for public questions.

Members' motions

6. All motions shall be relevant to the topic under discussion and shall be conducted under the existing rules for members' motions. Normal deadlines shall apply for the submission of members' motions.
7. The order of motions and timings shall be determined by the Mayor.

Themes

8. The themes for each meeting are set by the council assembly business panel.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Constitution	160 Tooley Street London SE1 2QH	Constitutional Team constitutional.team@southwark.gov.uk 020 7525 7228

APPENDICES

No.	Title
None	

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager	
Report Author	Lesley John, Constitutional Officer	
Version	Final	
Dated	4 October 2012	
Key decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer title	Comments sought	Comments included
Director of Legal Services	No	No
Strategic Director of Finance & Corporate Services	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	4 October 2012	

Item No. 3.3	Classification: Open	Date: 17 October 2012	Meeting Name: Council Assembly
Report title:		Motions on the Theme – Opportunities for young people, including youth employment	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

BACKGROUND INFORMATION

During the themed debate, council assembly may debate motions. Members' motions on the theme will use present principles to allow sufficient political balance and for political groups to hold cabinet to account.¹

Members are limited to moving one motion and seconding one motion in the themed section of the meeting.

All motions shall be relevant to the topic under discussion and shall be conducted under the existing rules for members' motions. Normal deadlines shall apply for the submission of members' motions.

The order in which motions are debated and timings shall be determined by the Mayor.²

1. **MOTION FROM COUNCILLOR PAUL NOBLET** (Seconded by Councillor Tim McNally)

Apprenticeships and work placements

1. Council assembly welcomes the 103% increase in apprenticeships in London between 2009/10 and 2010/11. However, council assembly notes that national youth unemployment has been rising since 2001 and is concerned about the impact for Southwark.
2. Council assembly recognises the value of local schemes like the Foot in the Door project run by Southwark Works since 2008 with funding from Southwark Council. Council assembly welcomes the experience which the work placements provide and which leads to permanent paid jobs.
3. Council assembly therefore calls on cabinet to double the investment in this project from £50,000 to £100,000 so that the number of Foot in the Door placements can be increased.

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

¹ Council assembly procedure rule 2.7 (3)

² Council assembly procedure rule 2.7 (9) and (10)

2. MOTION FROM COUNCILLOR PETER JOHN (Seconded by Councillor Ian Wingfield)

Opportunities for young people, including youth employment

1. Council assembly recognises the importance of providing real opportunities for young people in Southwark if we are to have fair and resilient communities and a thriving local economy.
2. Council assembly believes that when the economy is in recession and youth unemployment is high, it is the role of government at both national and local level to take action.
3. Council assembly notes that education and training play a vital role in increasing opportunities for young people. Many young people in Southwark want to go to college and university and the council should do everything it can to support that ambition.
4. Council assembly notes that young unemployment is at its highest ever level. It regrets the complacency of the government regarding youth unemployment and the shambolic introduction of the work programme which will now only reach 1.4 million people; 1.2 million fewer than originally announced. It also regrets the government's disastrous decision to treble tuition fees and scrap educational maintenance allowance and notes the negative impact this is already having on the number of people applying for university.
5. Council assembly therefore welcomes Labour's £3 million youth fund which is supporting:
 - Talented Southwark scholars through university by paying all of their tuition fees
 - Paying an educational maintenance supplement so that young people can stay on in further education
 - Creating 1,500 job opportunities for young people in the borough.
6. Council assembly calls on councillors on all sides to support the youth fund and consider what more can be done to support employment opportunities for young people and to enable young people to access further and higher education.

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

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Member Motions	Constitutional Team 160 Tooley Street London SE1 2QH	Andrew Weir 020 7525 7222

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager
Report Author	Virginia Wynn-Jones, Constitutional Officer
Version	Final
Dated	3 October 2012

Item No. 5.1	Classification: Open	Date: 17 October 2012	Meeting Name: Council Assembly
Report title:		Members' Question Time	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

BACKGROUND INFORMATION

Members' question time shall not exceed 30 minutes. During this time, members may not question any one cabinet member or committee chair for longer than fifteen minutes.

Members are limited to one question at each meeting. One councillor from each community council will be able to submit a question on behalf of their community council.

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

Cabinet members and committee chairs have discretion to refer a question to another cabinet member.

Responses to members' 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 cabinet members are not free ranging.

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

Notes:

1. The procedures on members' questions are set out in council assembly procedure rule 2.9 in the Southwark Constitution.
2. In accordance with council assembly procedure rule 2.9 (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.
3. A question from a community council must have been previously considered and noted by the relevant community council (CAPR 2.9.2).

1. QUESTION TO THE LEADER FROM COUNCILLOR ANOOD AL-SAMERAI

Can the leader state how many council homes have been built in Southwark since May 2010? How many council homes will be built in Southwark by May 2014? The promise to build 1000 council homes has been widely heralded by the leader – could he confirm that this will be a net gain to the borough of 1000 new council homes?

2. QUESTION TO THE LEADER FROM COUNCILLOR ANDY SIMMONS

How important is it for Southwark to have not only a strong police presence but infrastructure in order to tackle crime and anti-social behaviour?

3. QUESTION TO THE LEADER FROM COUNCILLOR PAUL NOBLET

What opportunities will residents have to publicly voice their opinions on the outline application for the regeneration at the Elephant and Castle at committee stage? Does the leader think that one evening at planning committee is enough time to discuss such a major project? Will he commit to holding the relevant planning committee meeting at the Elephant and Castle?

4. QUESTION TO THE LEADER FROM COUNCILLOR SUNIL CHOPRA

How does he feel the record of this administration's record on housing compares with the last previous administration?

5. QUESTION TO THE LEADER FROM COUNCILLOR WILMA NELSON

Will the leader state how many new a) primary and b) secondary school places will be needed in Southwark by 2015? What is the leader personally doing to support a new secondary school in the Bermondsey and Rotherhithe area?

6. QUESTION TO THE LEADER FROM COUNCILLOR MARTIN SEATON

How many affordable homes would have been delivered at the Heygate under the previous administration's development agreement and how many will be delivered under agreement secured by this administration?

7. QUESTION TO THE LEADER FROM COUNCILLOR CATHERINE BOWMAN

What process does the council currently undertake to verify that developers are meeting their Section 106 commitments?

8. QUESTION TO THE LEADER FROM COUNCILLOR GAVIN EDWARDS

Could the leader give an update on the work to deliver on Southwark Labour's administration commitment to turn plans for a new One O'clock Club on Peckham Rye into a reality?

9. QUESTION TO THE LEADER FROM COUNCILLOR TIM MCNALLY

As of 1 October 2012, what is the current amount held by the council in a) reserves and b) contingency funds?

10. QUESTION TO THE LEADER FROM COUNCILLOR THE RIGHT REVEREND EMMANUEL OYEWOLE

Can the leader provide an update on Southwark Circle?

11. QUESTION TO THE LEADER FROM COUNCILLOR ROSIE SHIMMELL

How much has been spent on agency staff for a) schools, b) children centres and c) nurseries in the borough since 2011 (broken down in years)?

12. QUESTION TO THE LEADER FROM COUNCILLOR PAUL KYRIACOU

How is the council ensuring that the views of parents are included in the review of council-run nurseries?

13. QUESTION TO THE LEADER FROM COUNCILLOR COLUMBA BLANGO

Could the leader state how many Olympic tickets were given to councillors and council employees, from whom were they received, and what were the value of tickets individually?

14. QUESTION TO THE LEADER FROM COUNCILLOR NICK STANTON

What is the average waiting time for a social care users being assessed for a personal budget and actually getting the money?

15. QUESTION TO THE LEADER FROM COUNCILLOR JONATHAN MITCHELL

How many apprenticeships were created in the borough for each financial year since 2009/10?

16. QUESTION TO THE LEADER FROM COUNCILLOR DAVID NOAKES

Can the leader of the council explain why the Labour amendment discussed at the full council meeting on 4 July stated "the council's intention to build a new centre for excellence for older people" before a public consultation on the merits of the proposal had even been concluded?" What confidence can staff, service users and their relatives have that the consultation is genuine and meaningful and that all options will be considered including the retention of the existing day centres?

17. QUESTION TO THE LEADER FROM COUNCILLOR NICK STANTON (BERMONDSEY AND ROTHERHITHE COMMUNITY COUNCIL)

What is the council doing to pro-actively ensure that conservation areas are respected and improved?

18. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR CLEO SOANES (PECKHAM AND NUNHEAD COMMUNITY COUNCIL)

What improvements does the cabinet member anticipate as a consequence of the cleaner, greener, safer (CGS) revenue money allocated to the cleanliness of Rye Lane by the Peckham and Nunhead community council?

19. QUESTION TO THE LEADER FROM COUNCILLOR ROBIN CROOKSHANK HILTON (DULWICH COMMUNITY COUNCIL)

Would the leader support in principle a new Dulwich police station in any redevelopment of the current Lordship Lane site via a Section 106/community infrastructure levy (CIL) agreement?

20. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR ADELE MORRIS

Following the introduction of the tables and chairs policy, please can the cabinet member give me details of 1) the amount of money that has been generated so far; 2) what that money is to be spent on; 3) what enforcement action has been taken to date against businesses who continue to obstruct the pavements without licenses for their A boards, tables and/or drinkers?

21. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR JEFF HOOK

When the cabinet published their council plan, the cabinet member for transport, environment and recycling set a target for the percentage of streets and highways with unacceptable litter at 4% and detritus at 9% for each of the next three years. In the council plan performance report 2011/12, the cabinet member then changed the target for litter to 7% and detritus to 10%. Why has the cabinet member changed the target? Does he think it is transparent and acceptable to change a three year target after one year because he has failed to meet it?

22. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR PODDY CLARK

Residents on the Rockingham Estate have raised with me a recent increase in flytipping. What is the council doing to tackle flytipping on the Rockingham Estate? How many cases of flytipping have been reported within the last year and how does this compare with the previous year?

23. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR ROBIN CROOKSHANK HILTON

Can the cabinet member update me on the progress of the tree warden scheme? Please can he specify what their role will be and will they also be instructed to monitor the salt in the tree pits in order to ensure that trees are not unnecessary killed by the laying of salt on the pavements?

24. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR LISA RAJAN

What is the council doing to deter landlords from flytipping on Trident Street in Surrey Docks ward?

25. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR DENISE CAPSTICK

What is the council doing to stop the Tesco Express on Southwark Park Road using the pavement as an extension to their store and why are their delivery lorries

permitted to block the traffic thoroughfare rather than use the parking bays on a regular basis?

26. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR JAMES BARBER

How will the recent court ruling that co-mingling has not met the EU directive impact on Southwark's recycling services?

27. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR MARK GETTLESON

The most recent officers report into Grange Road indicated the road was in a state of disrepair and in need of resurfacing. Is the cabinet member for environment willing to prioritise the resurfacing of Grange Road in the 2013/14 programme?

28. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR GEOFFREY THORNTON

How many employees have participated in the council's cycle to work scheme since it was launched? Please provide a breakdown by financial year.

29. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR DAN GARFIELD

What measures is he undertaking to improve recycling on Southwark's housing estates?

30. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR ABDUL MOHAMED

What is the council doing to improve cyclists' safety on Southwark streets?

31. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR MICHAEL SITU

What impact will the Southwark heat network have on carbon emissions and air quality?

32. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR LORRAINE LAUDER

Does the council still supply rose bushes and gardens for estates? How much money is allocated for each estate?

33. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR HELEN HAYES

How many of Southwark's parks received Green Flag awards this year? How many received the awards in the previous five years?

34. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR GRAHAM NEALE

Can the cabinet member explaining the delay in consulting residents on the tree management strategy adopted in 2010 with a one year review window? Will he commit to ensuring that the revised strategy gives increased priority to replacement tree planting and young tree maintenance (currently a low priority, band 3 of 4 bands)? Can he assure residents of Reverdy Road that tree-pits made vacant as a result of council felling, which the residents intend to plant up, will not be dug up by council staff - as was recently the case in Trinity Street?

35. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR TOBY ECKERSLEY

Given the high exposure of Southwark residents to aircraft movements, would the cabinet member for transport, environment and recycling please set out the principles on which the council will base its responses to consultations about issues of aircraft noise, additional airport capacity in the London area and changes to night take-offs and landings?

36. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR DAVID HUBBER

What is the most recent estimate of the number of empty homes in the borough, and how often are such figures collected?

37. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR LINDA MANCHESTER

How many council homes have been a) sold as voids and b) sold through right to buy, since 2011 to date (broken down in years)?

38. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR ELIZA MANN

How long are the current times for registering for housing and for medical assessments with the medical assessment department of Southwark Council's housing services department?

39. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR MICHAEL BUKOLA

Please can the deputy leader and cabinet member for housing management provide the average time for a void property to be re-let for a) 2010/11 and b) 2011/12? What process is used to check the quality of these refurbishments?

40. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR NICK DOLEZAL

What impact does he believe the government's housing benefit cap and introduction of "affordable" rents at 80% of market rent will have on promoting mixed and sustainable communities in Southwark?

41. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR CLEO SOANES

What is he doing to ensure Southwark estates have adequate CCTV coverage?

42. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR LEWIS ROBINSON

Please can the deputy leader and cabinet member for housing management publish the total number of outstanding repair jobs left by Morrisons (including those defaulted to other contractors) on termination of their contract in the south of the borough at the end of September and processes for dealing with any backlog?

Item No. 5.2	Classification: Open	Date: 17 October 2012	Meeting Name: Council Assembly
Report title:		Motions	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

BACKGROUND INFORMATION

The councillor introducing or “moving” the motion may make a speech directed to the matter under discussion. This may not exceed five minutes¹.

A second councillor 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 debate the issue and any amendments on the motion will be dealt with.

At the end of the debate the mover of the motion may make a concluding speech, known as 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 councillors 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 cabinet 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 cabinet (i.e. housing, social services, regeneration, environment, education etc) cannot be decided upon by council assembly without prior reference to the cabinet. While it would be in order for council assembly to discuss an issue, consideration of any of the following should be referred to the cabinet:

- 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 2.10 (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 Council assembly procedure rule 1.14 (9)

1. **MOTION FROM COUNCILLOR ANOOD AL-SAMERAI** (Seconded by Councillor Michael Bukola)

Social housing in mixed communities

1. Council notes the publication of the 'Ending Expensive Tenancies' report by Policy Exchange in August 2012, which called on councils to sell off higher valued social homes and replace them with others in cheaper areas.
2. Council also notes the warm reaction to the report by the leader of the council who said the report advocated a "variation on work we are doing in Southwark".
3. Council recognises that there is a need for affordable housing in all parts of the borough, and that many key workers and other residents in lower pay brackets live in social homes in those parts of the borough where land values are highest.
4. Council is concerned that, despite a desperate need for affordable homes, the current administration is worsening the situation in many parts of Southwark by selling family sized council homes and letting developers off their obligations to provide affordable housing through Section 106 agreements, particularly in higher cost areas.
5. Council is also concerned that the policy of selling higher value social homes would further push lower income residents out of expensive areas, furthering social segregation in the borough.
6. Council welcomes Southwark Council's plans to build more council homes, which has been made possible by changes to financing rules put in place by the present government, however is concerned that any new homes built will be negated by those sold off.
7. Council calls on cabinet to reject the proposals of the 'Ending Expensive Tenancies' report, and implores cabinet to retain council homes in all parts of the borough now and for future generations.

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

2. **MOTION FROM COUNCILLOR GAVIN EDWARDS** (Seconded by Councillor Chris Brown)

Tuition fees apology

1. Council assembly notes:
 - (1) the apology by the Deputy Prime Minister for making and breaking his pledge to vote against any increase in tuition fees.
 - (2) that the coalition government's decision to treble tuition fees to £9,000 a year at the same time as cutting funding for higher education has put thousands of people off university. Indeed the Independent

Commission on Fees report published in August found that university applications are 15,000 lower this year.

- (3) there was a 7.2% fall in numbers of 18 and 19-year-old applicants in England between this year and 2010, the last year of applications before the cap on tuition fees was raised.
- (4) Southwark Council's scholarship scheme launched last year which will pay the tuition fees of six talented youngsters from Southwark for the duration of their university course. This year it will pay the tuition fees of an additional seven Southwark scholars.

2. Council assembly therefore resolves:

- (1) to call on the deputy leader of the Liberal Democrats, Simon Hughes MP, to make his own apology to the young people of Southwark for making and breaking his pledge to vote against any increase in tuition fees.

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

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Member Motions	Constitutional Team 160 Tooley Street London SE1 2QH	Andrew Weir 020 7525 7222

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager
Report Author	Virginia Wynn-Jones, Constitutional Officer
Version	Final
Dated	3 October 2012

Item No. 6.1	Classification: Open	Date: 17 October 2012	Meeting Name: Council Assembly
Report title:		Peckham and Nunhead Area Action Plan – Publication/Submission version	
Ward(s) or groups affected:		Peckham, The Lane, Livesey, Peckham Rye, Nunhead	
From:		Cabinet	

RECOMMENDATIONS

That council assembly consider the recommendations of the cabinet and:

1. Agree to publish the Peckham and Nunhead Area Action Plan (AAP) publication/submission version (Appendix A).
2. Note the supporting documents: the consultation report (Appendix B), the consultation strategy (Appendix C), the consultation plan (Appendix D), the sustainability appraisal (Appendix E), the equalities appraisal (Appendix F), the appropriate assessment (Appendix G) and the schedule of proposed changes to the adopted policies map (Appendix H).
3. Approve the Peckham and Nunhead AAP publication/submission version for submission to the Secretary of State for Communities and Local Government provided no substantive changes are necessary following consultation.
4. Delegate the approval of any minor amendments resulting from consultation on the publication/submission AAP to the director of planning in consultation with the cabinet member for culture, sport, the Olympics and regeneration (South).

BACKGROUND INFORMATION

5. We are preparing an area action plan (AAP) for Peckham and Nunhead. Once adopted, the AAP will form part of Southwark's development plan and will be used to make decisions on planning applications. Whilst the AAP must be in general conformity with the London Plan (2011) and the Core Strategy (2011), it can adapt some of these policies to reflect specific issues in Peckham and Nunhead. Alongside the core strategy, it may replace some of the saved Southwark Plan (2007) policies. Once adopted the AAP will form part of the council's development plan and because of its status as a development plan, the AAP must be taken to Council Assembly for agreement for formal consultation and submission to the secretary of state.
6. The AAP covers the majority of the area covered by the Peckham and Nunhead community council, covering Livesey, Peckham Rye, The Lane, Peckham, and Nunhead wards. Small parts of Livesey and Peckham Rye wards are outside the AAP boundary.
7. The AAP sets out a detailed vision for Peckham and Nunhead which builds on the vision in the Core Strategy. It sets policies to make sure that over the next

fifteen years we get the type of development to deliver the vision. It includes a section on delivery which sets out how the policies and necessary infrastructure will be implemented.

8. We are currently at the sixth stage of preparing the AAP.
 - The first stage was the sustainability appraisal scoping report (November 2006-February 2007).
 - The second stage was a *Future Peckham* vision paper, which set out the key issues that the AAP would consider (March-April 2008).
 - The third stage was the issues and options consultation, which was the first big stage of consultation (September to May 2009). This set out the key issues and challenges for Peckham and Nunhead and possible options to overcome these issues. These options were fairly broad, but established distinct and viable alternative approaches to regeneration and redevelopment.
 - The fourth stage introduced a further stage of consultation on options to ensure that we had fully consulted on all of the possible options before we selected the preferred options (May to September 2011). This was called the *towards a preferred option*.
 - The fifth stage of consultation was the *preferred option* (January to April 2012). It set out our preferred option for Peckham and Nunhead, setting out our strategy for each of the issues identified through the issues and options and towards a preferred option.
9. This sixth and final stage of consultation proposes the same document for both the publication and submission to the Secretary of State for examination in public. The publication/submission AAP will be out for consultation until December 2012. We are inviting representations on its soundness.
10. Following close of consultation, the AAP will be submitted to the Secretary of State for independent examination in December 2012. The AAP will be subject to an examination in public held by a planning inspector appointed to act on behalf of the Secretary of State. This is planned to take place in March 2013. The inspector will consider representations made by interested parties to test the soundness of the draft AAP. This will involve the inspector asking further questions about issues and examining relevant evidence.
11. The inspector will then publish a report with binding recommendations, expected for receipt in summer 2013. We will then choose to adopt the final AAP or to withdraw and go back to informal consultation. If we choose to adopt the AAP, it will be taken to council assembly for adoption in October 2013.

KEY ISSUES FOR CONSIDERATION

Changes from the preferred option AAP

12. The publication/submission AAP carries forward the same overall approach as the approach consulted on at the preferred option stage of consultation.
13. The significant changes are:
 - **Targets/capacity.** We have amended targets to take into account further work considering capacities and the viability of development as follows:

- Up to 8,000 sqm of retail (previously up to 15,000)
- Up to 4,000 sqm of business (previously up to 8,000)
- A minimum of 2,000 new homes (this has remained the same).

We have explained throughout the AAP, specifically within the section on proposals sites that the capacities are indicative and will be determined through planning applications, so the figures could be higher or lower.

- Policy 11 – active travel. The publication/submission AAP includes a map to show cycling routes (we previously had one in the AAP at the towards a preferred option stage but took it out as our approach changed). Figure 15 shows indicative cycling routes (rather than detailed routes).
- Policy 26 – building heights. At the preferred option, we set out the there could be a taller element on five sites (Aylesham, Wooddene, Copeland Road car park, Copeland Industrial Park and the cinema site) of between 6-10 storeys. The publication/submission AAP amends this approach to take into account our urban design and tall building modeling and consultation feedback to set out an approach for taller buildings as set out in the following section.
- Delivering and implementation section
We have expanded this section to include:
 - An infrastructure plan
 - Information on CIL
 - A monitoring table.

14. The minor changes are:

- Factual updates to explain what happens at this final stage of consultation.
- Minor wording tweaks to the vision, policies and justifications to policies to make the final policies more clear.
- Removal of the policy to allow residential above shops within policy 1, as national planning policy has since changes allowing this.
- Inserting a figure to show the exclusion zone around secondary schools for hot food takeaways for policy 4.
- Making it clear within policy 6 on business space that business space will be retained within certain locations unless an exception can be demonstrated in accordance with our borough-wide policies.
- Removing the reference to wheelchair housing within policy 18, as this is already covered within the Saved Southwark Plan and will be reviewed through the preparation of our Local Plan.
- Policy 19 – open spaces. We have removed Brimington Allotments from being put forward as a new protected open space.
- Have included more detail within the character area policies to reflect comments from consultation and to focus more on each area's unique character, as required by English Heritage.

The publication/submission AAP

15. The key issues for consideration within the publication/submission AAP are set out below. The full publication/submission AAP is set out in Appendix A to this report.

16. The key issues for consideration are set out below. The full publication/submission AAP is set out in Appendix A to this report.
17. The AAP provides overarching policies for the action area as a whole, as well as detailed policies which describes how these should be applied to individual character areas. The area has been divided into five character areas: Peckham core action area, East Peckham, North Peckham, South Peckham, and Nunhead, Peckham Rye and Honor Oak. Most of the change will take place in Peckham core action area, which is focused around Peckham town centre. The wider area will see smaller scale development, mostly infill development and improvements to the supporting infrastructure. The AAP amends the existing Peckham core action area and town centre boundary from that adopted through the Core Strategy, to be more focused on the area of change and the town centre.
18. The AAP sets out an overarching vision for Peckham and Nunhead, and detailed visions for both Peckham and Nunhead. It sets out a number of objectives to help us achieve the vision which guides the policies and proposals across the AAP area.
19. The AAP promotes the provision of new shopping space to help maintain and enhance Peckham town centre as a major town centre in Southwark's hierarchy and broaden its appeal to a wider catchment. The AAP states that we will work with landowners to improve and expand shopping floorspace, with the capacity for around 8,000sqm of new floorspace across the key sites of the Aylesham shopping centre, Copeland Industrial Park, Peckham Rye Station and the land between the railway arches.
20. New developments should provide a range of unit sizes, including larger units and we will use planning conditions to prevent sub-division to ensure that there is adequate space for multiple retailers.
21. The AAP promotes building on Peckham's reputation for creativity including providing space for creative industries under the railway arches and building new cultural facilities around Peckham Square, Peckham Rye Station and Copeland Road Industrial Park. It also continues to support the provision of a cinema in Peckham town centre as well as working with businesses to facilitate the provision for more cafes and restaurants, making Peckham a better place to go out in the evening. It sets out that a cinema should be retained on the existing site in Rye Lane unless an alternative facility is provided. It sets out that an alternative location could be at Eagle Wharf or Copeland Industrial Park.
22. The AAP maintains the status of key shopping parades as 'protected shopping frontages', in accordance with the saved Southwark Plan and Core Strategy policies. It also supports the provision of small scale shops within the wider AAP area, particularly along Commercial Way and on the former Wooddene estate proposals site.
23. The AAP has a policy to ensure that the proportion of units which are hot food takeaways (A5 Use Class) does not rise above 5% in Peckham town centre and Nunhead local centre. It also does not allow takeaways within 400 metres (10 minutes walking distance) of secondary schools. This will ensure that these centres continue to be viable and vital and that there is a balance of uses within these centres, as well as improving the health of residents within Peckham and Nunhead.

24. The AAP supports the provision of new markets and street trading areas to increase the variety of retail offer. It sets out that we will establish a site for markets in a new location in Peckham town centre, possibly on the land to the rear of Peckham, Rye Station and/or on the land between the railway arches.
25. The AAP identifies the capacity for around 4,000sqm of new business space in Peckham town centre, specifically on the Copeland Industrial Park, Peckham Rye Station, cinema/multi-storey car park and the land between the railway arches. The AAP also requires existing business floor space within Peckham core action area and the town and local centres to be replaced if development comes forward, unless an exception can be demonstrated in accordance with our borough-wide policies. The AAP also allocates the Print Village Industrial Estate on Chadwick Road as a proposals site, requiring the existing business floorspace to be replaced if a development comes forward on this site
26. Our strategy for community facilities is to locate local facilities together so that the services required by the community, including services for young people, health centres and community space, are provided in accessible locations. The AAP also requires new development to contribute towards the provision of new or enhanced facilities through a section 106 planning obligation or community infrastructure levy.
27. The AAP says where the council will deliver improvements to schools, addressing the need for more school places.
28. The AAP sets out that the council will work with NHS Southwark to improve the health of residents in Peckham and Nunhead, and will consider opportunities to improve local health services through new developments in the area.
29. The AAP encourages active travel, including walking, jogging, cycling, skating or scootering. It prioritises improvements to links between key destinations such as the town centre, stations and schools, as well as adjoining areas including Camberwell and Dulwich. It sets out that the council will continue to work with partners to deliver the cycle superhighway along Queens Road and lobby TfL for the extension of the Mayor's cycle hire scheme.
30. The AAP sets out that the council will continue to work with partners to improve public transport. Specifically it sets the key priorities to include the extension to the Bakerloo line and the cross river tram or an alternative high quality public transport service. The AAP sets out that the 'Flaxyard' site will be either safeguarded for a tram or alternative terminus, or developed for mixed use development.
31. Our strategy for parking for shoppers and visitors in Peckham is to create a balance between providing enough parking to support town centre uses whilst encouraging people to use public transport and active modes of travel. The AAP says which car parks will be maintained and which car parks will be developed for alternative uses over the next 15 years. Of the council owned car parks, it sets out that Copeland Road car park and the multi storey car park on Cerise Road can both be developed for mixed use, allocating both these sites as proposals sites. The AAP sets out that Choumert Grove car park will be maintained as a car park.

32. For residential car parking, the AAP encourages car free development in the core action area, with a maximum of 0.3 spaces per residential unit and, within the wider area, maximum car parking standards of 1 space per unit in the urban zone and 1.5-2 spaces per unit within the suburban zone.
33. The AAP indicates there is capacity to provide a minimum of 2,000 new homes. At least 1,500 of these will be within the core action area and the majority of these will be on proposals sites. There will be a minimum of 700 affordable homes and 700 private homes, implemented through policies requiring a minimum of 35% of new development to be private housing and a minimum to be affordable housing. This is in accordance with the core strategy and a housing trajectory shows when we expect these new homes to be delivered.
34. The AAP amends saved Southwark Plan policy 4.4 to require 50% of the affordable homes to be intermediate homes and 50% to be social rented homes. It required the affordable housing to be of an appropriate mix of dwelling type and size to meet the identified needs of the borough.
35. It also requires a minimum of 20% of homes to be family homes within the core action area and the urban zone and a minimum of 30% within the suburban zone. It sets the minimum floor areas which should be met.
36. The AAP follows the core strategy and saved Southwark Plan policies and protects important open spaces from inappropriate development. It also seeks to protect some new open spaces, including Brayards Green, Jowett Street Park and Cossall Park, and some new sites of importance for nature conservation including Surrey Canal Walk.
37. Our strategy to meet high environmental standards is to reduce the energy use of new developments and support the provision of an efficient energy network for Peckham and Nunhead. The AAP also requires new development to meet and exceed the Core Strategy policies on water, energy and flooding.
38. It is important to maintain and improve the provision of street trees and the AAP has policies expecting development to retain and enhance trees wherever possible.
39. The AAP sets out key principles to ensure the high quality design of public squares, streets and spaces, and sets out detailed public realm guidance for each of the five character areas. It also has policies to ensure the high quality design of buildings for the whole area and each character area.
40. The AAP sets out policies to strengthen the character of Peckham and Nunhead by sustaining and enhancing it heritage.
41. Most buildings in the wider action area are between 2 and 4 storeys and within Peckham core action area up to 7 storeys. The AAP policy is to retain the current character with most new development having heights similar to existing. Within five sites in Peckham core action area, taller buildings may be appropriate. These sites are identified as: Aylesham centre (up to 20 storeys), former Wooddene Estate (up to 15 storeys), Copeland Road car park (up to 8 storeys), Copeland Industrial Park and 1-27 Bournemouth Road (up to 10 storeys) and the cinema/multi-storey car park (up to 10 storeys). The AAP sets out that a taller local landmark could help to provide definition to these sites

42. The AAP designate new and amends existing proposals sites on the adopted policies map, setting out the type and amount of development suitable on each of these sites. Most of the proposals sites are within the Peckham core action area.
43. The council cannot deliver the vision for Peckham and Nunhead alone, and the AAP contains detail on how the policies and objectives will be delivered. This includes progressing committed developments, developing the council's own sites, and working with other stakeholders such as Transport for London, NHS Southwark, community groups, developers and Network Rail. It sets out the many projects already being progressed including the significant improvements to Peckham Rye Station and Queens Road Station.
44. The section on implementation includes an infrastructure plan looking at the key infrastructure projects planned for the next 15 years. This includes completing the cycle superhighway 5 along Queens Road, creating a new access to Queens Road Station and improving Peckham Rye Station and its surroundings.
45. It also sets out information on section 106 planning obligations and Community Infrastructure Levy (CIL), linking to the council's current consultation on the CIL preliminary charging schedule. It sets out the current consultation proposed CIL charges for Peckham and Nunhead.
46. The AAP includes a monitoring table, setting out how the objectives of the plan will be measured through our AMR.
47. It also includes a section on risk, setting out the main risks to delivering the vision and objectives of the plan, and how these risks are mitigated.

Consultation

48. The Planning and Compulsory Purchase Act 2004 (amended 2008) and the council's statement of community involvement (2008) set out the consultation requirements for area action plans.
49. The consultation strategy (Appendix C) sets out how we will consult on the AAP throughout the entire AAP preparation process and the key groups we seek to involve. The consultation plan (Appendix D) sets out the consultation for the publication/submission stage. The AAP will be available for public inspection until 4 December 2012.
50. It is important to recognise that a considerable amount of consultation has taken place over the last few years on the Peckham and Nunhead AAP. The council aims to build on this process and demonstrate that previous comments have been taken into account to try and avoid consultation fatigue. Comments received at each stage of consultation have been considered as part of the preparation of the next stage of the AAP. The consultation report (Appendix B) sets out how we have taken all these comments into consideration.
51. The most recent stage of consultation – *the preferred option* – took place from 31 January to 24 April 2012. We received comments from 56 groups and individuals. This amounted to 341 individual representations and 9 questionnaire responses.
52. The key points raised are set out below. Many of these comments are addressed in the "key issues for consideration" section above. Where there are further

specific changes resulting from these comments, or where we could not make changes to the AAP, these are set out below.

53. The consultation report (Appendix B) includes a more detailed summary of all the representations received at each stage of consultation as well as appendices which includes the full representations and our officer comments on how we have taken these comments into account in preparing the publication/submission version.

Planning Committee

- The preferred option AAP was taken to planning committee for comment on 28 February 2012. The committee noted the AAP and supporting documents and had no comments on the content of the AAP.

Theme 1: Enterprise and activity

54. Some respondents wanted the wider impacts of encouraging residential use on the vacant upper floors of ground floor shops to also be considered in the strategy, such as the effect on later trading hours of businesses. Criteria are set out in policy 1 to ensure this is taken into account.
55. Concern was raised about a trend of the proliferation of the same kinds of retail offers such as betting shops and pay-day loan shops. The AAP sets out that at the moment we cannot control this effectively through the planning system but that we are looking at opportunities to change this in the future.
56. Policy 4 – takeaways. Several comments were received from local GPs who support the policy to restrict further A5 use on the basis of helping to improve the health of the local population
57. Some respondents wanted the policy to be more robustly worded to create a higher bar for planning applications in future. It was stated that in many parts of the area, the numbers of A5 uses has already gone beyond the proposed 5% saturation point and this needed to be acknowledged. The AAP policy has been amended to reflect that in some of the protected shopping frontages over 5% of the units are already takeaways.
58. Concern was raised about rising rents and other costs which small traders are facing in the town centre. The AAP supports a range of different retail units, including both larger units in some of the key proposals sites such as the Aylesham Centre, and new markets to help provide self-employment opportunities with low-entry costs.

Theme 2: Community and well-being

59. A number of objectors stated the need for additional facilities/meeting spaces that could be used as a base for local groups. The schedule of proposal sites sets out where there is capacity for an increased amount of community space.
60. The need for public toilets in the town centre, potentially as part of proposals at Peckham Rye Station, was also raised. This is too detailed for the AAP to provide guidance on, and is already covered under existing Southwark Plan policies.

61. A few respondents stated that the AAP should acknowledge the challenges presented by future healthcare reforms and changes to education provision, in terms of the focus on Academies and the prospect of free schools, and how they could impact on local service provision.
62. The provision and improvement of sports facilities was generally supported. Some respondents highlighted specific spaces that they saw as being important.

Theme 3: Transport and traffic

63. Promoting and enabling active travel generally supported by a range of respondents.
64. A number of comments were submitted to request that we reinstate the map of cycle routes that appeared at the previous, Towards a Preferred Option stage. There was concern that its removal signaled that cycle routes were deemed to be less important. A new map has been inserted into the AAP showing indicative cycle routes/directions of travel.
65. General support for the Cross River Tram and extension of the Bakerloo Line in principle, but a number of respondents stated that the AAP should provide more detail about these schemes. Some concerns expressed as to whether there was a realistic chance of provision of these schemes.
66. There was some concern over the loss of the Southern line service between London Bridge and Victoria expressed through written reps and at consultation events. No change to the AAP, as the loss of the Southern line has already been agreed.
67. Limited, but mixed, response on town centre car parking. Comments ranged from supporting reduced surface level car parking in favour of new development to urging caution that spaces were not unnecessarily removed because it could harm local trade.
68. The retention of Choumert Grove car park was welcomed by a number of respondents
69. Transport for London requested specific reference to safeguarding land for public transport, including the bus garage and bus station.

Theme 4: High quality homes

70. The GLA generally support the housing policies although they have concerns around consistency with London Plan policy 3.14 which require the re-provision of all affordable housing with regard to the proposals site guidance for the former Wooddene estate site. The supporting text for the Wooddene site has been amended to refer to London Plan policy 3.14.
71. Notting Hill Housing Trust commented that: the council should include affordable rent in the housing policies and that our policies (tenure and space standards specifically) should be applied flexibly in the context of site specific circumstances and scheme viability in order to ensure deliverability. The AAP continues to follow the Core Strategy and saved Southwark Plan policy requiring social rent and intermediate housing, based on our evidence base and housing need.

- 72. A number of comments were concerned with the levels of amenity space, particularly for family sized housing.
- 73. Some comments referred to the need for more family sized homes.
- 74. There were some comments on the need to ensure that density reflects the character of the surrounding area, particularly where the highest densities are being considered.

Theme 5: Natural environment

- 75. Natural England welcomed the references to green infrastructure and to street trees, green/brown roofs, living walls.
- 76. The GLA noted that the PNAPP should make reference to the All London Green Grid SPG. The AAP now refers to this SPG.
- 77. There was some concern about the lack of protection in planning policies against overuse of open space.
- 78. It was commented that the code for sustainable homes level 4 should be expressed as a minimum target.
- 79. There was support for a wider commitment to planting in parks and open spaces.

Theme 6: Design and heritage

- 80. Comments supporting more listed buildings (and locally listed buildings) and wanting to see more. There will be a separate consultation on locally listed buildings in 2013.
- 81. A request for further conservation areas. The Peckham Society have asked to have a new conservation north west of Queens Road Station around Asylum Road. Other residents also supported this idea. Another resident suggested a slightly different boundary to link in with the Peckham Hill Street conservation area. The AAP does not recommend the designation of a new conservation area as the feeling at the moment is that there is not sufficient evidence to meet the criteria to be designated as a conservation area. We will continue to review this, and future conservation areas can be designated outside of the AAP process.
- 82. English Heritage in general support of design and heritage policies. The GLA were also supportive of the policies.

Character areas

- 83. Peckham core action area: overall support for a range of shops. Some comments on needing more of an emphasis on improving the A202.
- 84. Nunhead and Peckham Rye character area: A number of comments supporting and liking the range of shops in Nunhead. There were also a number of comments requesting a lift at Nunhead Station and a new pedestrian entrance to the station from Evelina Road.

85. Peckham South: very few comments, but supportive of the proposed of the Bellenden one-way systems, and also support for the criteria seeking to restrict backland development.
86. Peckham North. Very few comments received, with the key comment being for an improved cycle link between Rye Lane, Peckham Square and Surrey Canal Walk.
87. Peckham West. No comments received.
88. Detailed comments on some of the proposals sites which have been addressed through the AAP.
89. Overall support for the vision with a couple of comments suggesting us should be more detailed and specific.
90. Comments on needing a risk assessment as part of the AAP

Cabinet comments

91. The AAP was taken to cabinet on 25 September 2012. Cabinet agreed the recommendations in the report.

Community impact statement

92. The purpose of the AAP is to facilitate regeneration and deliver the vision of the sustainable community strategy, Southwark 2016, ensuring that community impacts are taken into account. We have prepared an equalities impact assessment (EQIA) and a sustainability appraisal to make sure that the AAP is having a positive impact on different groups and that the AAP is delivering the most sustainable option for Peckham and Nunhead.

Equalities appraisal

93. An equalities analysis (Appendix F) has been carried out alongside the preparation of the AAP to assess the impact the AAP will have on groups with protected characteristics. Equalities analysis has replaced the equalities impact assessments that were previously carried out on our planning documents, including for the issues and options, towards a preferred option and preferred option stages of consultation on the Peckham and Nunhead AAP.
94. The EA highlights a number of key issues that need to be addressed in preparing the AAP. The first of these is the need to ensure that the methods used to consult and engage people in the preparation of the AAP are open and accessible to all members of the community. To help address this issue we have prepared a consultation strategy which sets out the principles of how we will consult and the importance of reducing barriers to consultation. These emphasise that particular needs such as access, transport, childcare and translation need to be considered, as well as a strategy to broaden the appeal of consultation and make it attractive to a diverse range of people and groups. At each stage, participation has been monitored and analysed to see whether any particular groups have not been engaged and whether this can be addressed at the next stage.

95. Other issues which the EA highlights include access to housing for all groups. There are particular groups, such as Black and Minor Ethnic communities (BME), who are impacted by the size of housing and have a need for family sized units. It will also be important to ensure that homes are adaptable and meet lifetime homes needs, and that homes which can be easily adapted to wheelchair use are provided. The latter are important considerations for the elderly and people with disabilities. It will also be important that the plans help reduce barriers to work which are experienced by those with low skills, single parent families, and people with disabilities in particular. This will have implications for a number of the council's equalities target groups, including the young and older people, people with disabilities and people in BME communities whose first language is not English.
96. Other important issues include access to facilities, to shops, jobs, schools etc. It will be important to ensure that provision is located in areas which are accessible. This can be particularly important for groups who are less likely to have access to cars, including the young and elderly. While it will be important to improve access to public transport and reduce parking requirements, it should be borne in mind that some groups rely on cars, particularly families and the elderly.
97. The action area is expected to undergo significant change through the development and implementation of the Peckham and Nunhead AAP. This will see increased investment and development activity, which provides significant opportunities to improve the built environment in the area. Improvements to the public realm and the environmental quality of the area will need to be of high quality to ensure that certain groups do not feel threatened walking through the area such as members of certain faith groups, members of the BME community, young people, older people and women. Within the wider AAP area, the protection of areas for heritage and conservation purposes may limit development which may limit the opportunities for creating new jobs and housing for those that are seeking employment or better quality housing.

Sustainability appraisal

98. A sustainability appraisal has been prepared to help identify the environmental, social and economic issues that the AAP needs to address. The preparation of a scoping report was the first stage of the sustainability appraisal to assist in the preparation of the AAP and its sustainability appraisal. The scoping report set out the sustainability objectives and indicators that will be used to measure the impacts of the policy upon sustainable development. Baseline information was gathered to draw attention to key environmental, social and economic issues facing the borough, which may be affected by development in Peckham and Nunhead.
99. An interim sustainability appraisal was carried out for the issues and options, towards a preferred option and preferred option reports. We have updated our sustainability appraisal for this stage of consultation to assess the impact of the publication/submission AAP.
100. The current stage of the process involved appraising the publication/submission for Peckham and Nunhead against the sustainability objectives. The results of the appraisal showed that the overall impact of the policies was positive. The key findings of the sustainability appraisal are that the overall impact was positive especially for policies relating to town centre growth and protection of open spaces. Whilst there were uncertain impacts identified, overall, the appraisal

indicated that the policies are likely to have a positive contribution to directing development in Peckham and Nunhead, the AAP policies in particular will help to achieve sustainable development objectives:

- SDO1 To tackle poverty and wealth creation
- SDO3 To improve the health of the population
- SDO4 To reduce the incidence of crime and the fear of crime
- SDO5 To promote social inclusion, equality, diversity and community cohesion
- SDO15 To provide everyone with the opportunity to live in a decent home

101. Some negative impacts were identified however; these were in relation to the environmental impacts of development. Mitigation measures have been identified which will need to be put in place to minimise impacts. Many of these mitigation measures are policy requirements in either the core strategy or supplementary planning documents (SPDs) such as the sustainable transport SPD, residential design standards SPD, sustainable design and construction SPD and sustainability assessment SPD. For example: Strategic Policy 13 in the core strategy, which sets out the council's targets for development to minimise their impacts upon climate change. Possible negative impacts will need to be reviewed and appropriate mitigation measures will need to be identified if these options are carried forward to the submission version AAP.

Resource implications

102. There are no immediate resource implications arising from this report as any additional work required to complete the work will be carried out by the relevant policy team staff and budgets without a call on additional funding.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

103. The PNAAP publication/ submission version together with the accompanying documents are presented to council assembly for consideration and approval of the PNAAP for agreement for formal consultation.
104. The PNAAP is a development plan document (Regulation 7 of the Town and Country Planning (Local Development) (England) Regulations 2004 ("the Regulations")) and will be subject to independent examination by an Inspector of the Secretary of State (SoS).
105. The Peckham and Nunhead 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 SoS for independent examination is a shared responsibility with council assembly and cannot be the sole responsibility of the cabinet.
106. Under Part 3B of the Constitution, the cabinet has responsibility for formulating the council's policy objectives and making recommendations to council

assembly. As stated above the AAP was taken to cabinet on 25 September 2012 where Cabinet agreed the recommendations in the report.

107. Under Part 3A, paragraph 10 the function of agreeing the policy framework including development plan documents is reserved to council assembly.
108. 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 PNAAP Publication Version are to be submitted to the SoS for consideration at EiP
109. Under Part 3F paragraph 7 of the Constitution (as amended) planning committee has the function of commenting on drafts of the local development framework during their consultation periods and making recommendations to the cabinet as appropriate.

Consultation requirements

Prior to publication

110. 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 10 May and 30 September 2011 and culminated in the Preferred Options. Extensive consultation took place on the council's preferred options on the AAP with the public, statutory bodies and other stakeholders between 31 January 2012 and 24 April 2012. Details of the consultation are set out in the Consultation Plan appended to this report.

Publication/ Submission

111. The PNAAP 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. Nonetheless, in line with its usual practices about public engagement under the SCI, the council will publicise the PNAAP for an additional period of 6 weeks.
112. The PNAAP 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)).

113. On the cabinet's recommendations, members of the council assembly are requested to simultaneously approve the PNAAP 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 PNAAP before submission.

Procedure for adoption of the Peckham and Nunhead AAP

114. 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 Peckham and Nunhead AAP will form part of the statutory development plan once adopted.

115. The status of the Peckham and Nunhead 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 Peckham and Nunhead 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 Peckham and Nunhead AAP in light of the representations on the preferred options;
- Examination – the independent examination into the soundness of the Peckham and Nunhead AAP; and
- Adoption – the binding report and adoption.

116. In preparing the Peckham and Nunhead AAP the council must have regard to:

- National policies and guidance;
- The London Plan;
- SSWP 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 Peckham and Nunhead AAP.

Soundness of the PNAAP

117. 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'.

118. The 'soundness test' set out in the National Planning Policy Framework states that the plan should be:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure

requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

Strategic Environmental Assessment/Sustainability Appraisal

119. 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).
120. The Planning and Compulsory Purchase Act 2004 also requires sustainability appraisal (SA) of all emerging DPDs and therefore the PNAAP 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

121. The Equality Act 2010 brought together the numerous acts and regulations that formed the basis of anti-discrimination law in the UK. It provides for the following "protected characteristics": *age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation*. Most of the provisions of the new Equality Act 2010 came into force in October 2010 ("the 2010 Act").
122. In April 2011 a single "general duty" was introduced namely the Public Sector Equality Duty (PSED). Merging the existing race, sex and disability public sector equality duties and extending the duty to cover the other protected characteristics namely age, gender reassignment, pregnancy and maternity, religion or belief and sexual orientation, (including marriage and civil partnership).
123. The single public sector equality duty requires all public bodies to "eliminate unlawful discrimination, harassment and victimisation", "advance equality of opportunity between different groups" and "foster good relations between different groups".
124. Disability equality duties were introduced by the Disability Discrimination Act 2005 which amended the Disability Act 1995. The general duties in summary require local authorities to carry out their functions with due regard to the need to:

- (a) “Promote equal opportunities between disabled persons and other persons;
- (b) Eliminate discrimination that is unlawful under the Act;
- (c) Eliminate harassment of disabled persons that is related to their disabilities;
- (d) Promote a positive attitude towards disabled persons;
- (e) Encourage participation by disabled persons in public life; and
- (f) Take steps to take account of disabled person’s disabilities even where that involves treating disabled persons more favourably than other persons.”

125. The carrying out of an EqIA in relation to policy documents such as the PNAAP improves the work of Southwark by making sure it does not discriminate and that, where possible, it promotes equality. 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. The EqIA in respect of the PNAAP needs to consider the impact of the proposed strategies on groups who may be at risk of discriminatory treatment and has regard to the need to promote equality among the borough’s communities.

Human rights considerations

126. The policy making process potentially 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 PNAAP preferred options, a number of rights may relevant:

- **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;
- **The right to respect for private and family life (Article 8)** – for instance the selection of preferred options from a number of alternatives could impact on housing provision, re-provision or potential loss of homes as a result of re-development. Other considerations may include significant impacts on amenities or the quality of life of individuals;
- **Article 1, Protocol 1 (Protection of Property)** – this right prohibits interference with individuals’ right to peaceful enjoyment of existing and future homes. It could be engaged, for instance, if the delivery of any plan necessitates Compulsory Purchase Orders;
- **Part II Protocol 1 Article 2 Right to Education** – this is an absolute right enshrining the rights of parents’ to ensure that their children are not denied suitable education. This will be a relevant consideration in terms of strategies in the plan which impact on education provision, e.g. the proposal to provide a new secondary school at Rotherhithe.

127. It is important to note that few rights are absolute meaning they 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 which means a balance must be struck between the legitimate aims to be achieved by a local planning authority in the policy making process 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 to strike a balance between the legitimate aims of making development plans for the benefit of the community as a whole against potential interference with some individual rights.

Departmental Finance Manager

128. This report recommends council assembly adopts the Peckham and Nunhead Area Action Plan (AAP) publication/submission for consultation (Appendix A) and note the appendices relating to the consultation report, consultation strategy, consultation plan, sustainability appraisal, equalities impact assessment and other relevant appendices.
129. There are no immediate financial implications arising from the adoption of the recommendations, and staff time to effect these recommendations will be contained within existing budgeted revenue resources.
130. Any specific financial implications arising from the final Peckham and Nunhead Area Action Plan will be included in subsequent reports for consideration and approval.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
London Plan 2011	http://www.london.gov.uk/priorities/planning/londonplan	planningpolicy@southwark.gov.uk
Southwark Statement of Community Involvement 2008	http://www.southwark.gov.uk/info/856/planning_policy/1238/statement_of_community_involvement_sci	planningpolicy@southwark.gov.uk
Saved Southwark Plan 2007	http://www.southwark.gov.uk/info/856/planning_policy/1241/the_southwark_plan	planningpolicy@southwark.gov.uk
The Core Strategy 2011	http://www.southwark.gov.uk/info/200210/core_strategy	planningpolicy@southwark.gov.uk

APPENDICES

No.	Title	Held at
Appendix A	Peckham and Nunhead Area Action Plan publication/submission version	Hard copy circulated separately to all councillors and also available online at: http://moderngov.southwark.gov.uk/mgAi.aspx?ID=25528#mgDocuments
Appendix B	The consultation report	Available online at: http://moderngov.southwark.gov.uk/mgAi.aspx?ID=25528#mgDocuments
Appendix C	The consultation strategy	Available online at: http://moderngov.southwark.gov.uk/mgAi.aspx?ID=25528#mgDocuments
Appendix D	The consultation plan	Available online at: http://moderngov.southwark.gov.uk/mgAi.aspx?ID=25528#mgDocuments
Appendix E	The sustainability appraisal	Available online at: http://moderngov.southwark.gov.uk/mgAi.aspx?ID=25528#mgDocuments
Appendix F	The equalities analysis	Available online at: http://moderngov.southwark.gov.uk/mgAi.aspx?ID=25528#mgDocuments
Appendix G	The appropriate assessment	Available online at: http://moderngov.southwark.gov.uk/mgAi.aspx?ID=25528#mgDocuments
Appendix H	The schedule of proposed changes to the adopted policies map	Available online at: http://moderngov.southwark.gov.uk/mgAi.aspx?ID=25528#mgDocuments

AUDIT TRAIL

Lead Officer	Eleanor Kelly, Chief Executive	
Report Author	Alison Squires, Planning Policy Team Leader	
Version	Final	
Dated	27 September 2012	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
	Comments sought	Comments included
Director of Legal Services	Yes	Yes
Departmental Finance Manager	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		4 October 2012

Item No. 7.1	Classification: Open	Date: 17 October 2012	Meeting Name: Council Assembly
Report title:		Report back on motions referred to cabinet from council assembly	
Ward(s) or groups affected:		All	
From:		Cabinet	

MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL ASSEMBLY PROCEDURE RULE 2.10 (6) – MOTION ON THEMED DEBATE – HEALTH AND WELLBEING PRIORITIES

Cabinet on 25 September 2012 considered the following motion referred from council assembly on 4 July 2012 which had been moved by Councillor David Noakes, seconded by Councillor Denise Capstick and subsequently amended.

1. That council assembly recognises and thanks the dedicated health professionals in our borough who work so hard to improve the lives of Southwark residents in our hospitals, GP surgeries and our homes.
2. That council assembly welcomes the increase in life expectancy in the borough, but notes the significant health inequalities which still exist among Southwark residents.
3. That council assembly welcomes the return of responsibility for public health to local government and the formation of Southwark's shadow health and wellbeing board, to finally provide some democratic accountability for health provision in Southwark.
4. That council assembly noted and supports the four work areas that have been identified as priorities for the shadow health and wellbeing board in their first year: prevention or reduction of alcohol-related misuse; coping skills, resilience and mental wellbeing; early intervention and families; healthy weight and exercise.
5. That council assembly also noted that sexual health and drug addiction are major areas of public concern in the borough, which have a disproportionate impact on the health and wellbeing of a significant minority of our residents, and calls on the new shadow board to consider these issues.
6. That council assembly believes that a wider and more diverse board membership leads to more effective, accountable and representative decisions and outcomes. Council assembly therefore calls for the health and wellbeing board to consider ways to involve other parties and representatives from the voluntary sector.

We noted the motion and the comments of the strategic director of health and community services.

**MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL ASSEMBLY
PROCEDURE RULE 2.10 (6) – SOUTHWARK NURSERIES**

Cabinet on 25 September 2012 considered the following motion referred from council assembly on 4 July 2012 which had been moved by Councillor Graham Neale, seconded by Councillor Catherine Bowman and subsequently amended.

1. That council assembly noted that Tenda Road and Bishop's House children's centres will remain open and this has always been the case and regrets the mendacious campaign by local Liberal Democrat councillors that gave the impression that these centres would close.
2. That council assembly noted that the consultation will continue until 31 July 2012 and urges parents and relevant stakeholders to submit their views.
3. That council assembly also noted that Southwark has had a real terms cut of 25% of its budget in the last 2 years – far greater than other local authorities including more affluent boroughs like Richmond.
4. That it noted the hypocrisy of the local Liberal Democrat MP for Bermondsey and Old Southwark, Simon Hughes, to campaign against nursery closures while voting to cut their funding.
5. That council assembly calls on the leaders' of each political group on the council and the local MP to write a joint letter to the Liberal Democrat Children's Minister, Sarah Teather MP, urging her to rethink her cuts to nursery funding.

We noted and agreed the motion with the following amendment: 'David Laws to replace Sarah Teather' in recommendation 5.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Cabinet agenda and minutes – 25 September 2012	Constitutional Team, 160 Tooley Street, London SE1 2QH	Everton Roberts 020 7525 7221

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager	
Report Author	Everton Roberts, Constitutional Officer	
Version	Final	
Dated	2 October 2012	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Legal Services	No	No
Strategic Director of Finance and Corporate Services	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	2 October 2012	

Item No. 8.1	Classification: Open	Date: 17 October 2012	Meeting Name: Council Assembly
Report title:		Appointment of Independent Persons	
Ward(s) or groups affected:		All	
From:		Director of Legal Services	

RECOMMENDATIONS

1. That council assembly approves the appointment of the two individuals as independent persons, as outlined in the closed report, subject to recommendation 2.
2. That the commencement date of each term of office be confirmed by the director of legal services.

BACKGROUND INFORMATION

3. Section 28 of the Localism Act 2011 requires provision for the appointment of at least one independent person whose views must be sought and taken into account before the authority makes a decision on an allegation or complaint relating to a member.
4. The independent persons will advise the council prior to any decision to investigate an allegation or complaint relating to whether a member has failed to comply with the code of conduct. The independent persons may be consulted by the council's monitoring officer in respect of an allegation against a member in other circumstances. They may also be consulted by a member or co-opted member of the council against whom an allegation or complaint has been made. Additionally, the views of the independent persons will be considered by the council's standards committee or sub-committees, who are responsible for determining the outcome of any complaints and remedial action. The independent person will therefore be required to attend meetings of the standards committee.
5. These persons cannot be a current or past member or co-opted member of the authority, so could not be a member of either the old or the new standards committee. However, the Department of Communities and Local Government have announced that in order to avoid the loss of expertise caused by this provision, they will defer it coming into force for a year. For the first year, therefore, the prohibition on past members will not apply.
6. The Localism Act 2011 requires that the process to appoint independent persons must be open and transparent and any appointment must be approved by a majority of members of the authority, which in effect requires approval by council assembly.
7. The standards committee agreed, at the meeting held on 5 March 2012, that a joint independent person selection process be held with Lambeth Council to

appoint at least one independent person for each borough and if possible for both.

KEY ISSUES FOR CONSIDERATION

8. The joint Southwark and Lambeth independent selection panel met on 27 June 2012 to interview candidates and make a recommendation to council assembly for appointments. At that stage, the panel recommended the appointment of Mr William Dee, which was approved by Southwark council assembly on 4 July 2012 and by the Lambeth council meeting on 18 July 2012.
9. The same panel then met again on 24 July 2012 to interview the final candidate. The panel comprised of one Labour group member from Southwark, one Labour group member from Lambeth and one Liberal Democrat group member from Lambeth.
10. At the meeting on 24 July, the selection panel agreed to recommend the appointment of two individuals, as independent persons, as outlined in the closed report.
11. Council assembly are asked to appoint the named individuals as set out in the recommendations. Summary biographies for the individuals are set out in Appendix 1 of the closed report.
12. As with independent members in the past, references have been sought and criminal records bureau checks have been arranged. The successful outcome has been reported back to the director of legal services who is satisfied with the outcome.

Number of independent persons who can be appointed

13. One of the individuals was appointed under delegated authority on 24 July 2012 by the Lambeth director of governance and democracy. Due to differing workloads in each borough, Lambeth Council has decided to appoint two independent persons.
14. Should council assembly agree the appointment of both the individuals as per recommendation 1 of the report, this will bring the total number of independent persons appointed by Southwark Council to three, which is sufficient to manage anticipated workloads. It is not envisaged that the council will need to recruit any further independent persons in the foreseeable future. It is anticipated that one of the recommended candidates will serve until such time as the Department for Communities and Local Government implements the prohibition of past independent members.

Community impact statement

15. The position of independent persons is required by statute and the individuals appointed play an important part in the work of the council monitoring the probity and conduct of elected councillors.

Resource implications

16. Expenditure relating to recruitment and the annual fixed allowance of £1,061 per independent person can be contained within current budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Standards Committee – previous reports and agenda – 5 March 2012	Constitutional Team, 160 Tooley Street, London SE1 2QH	Ian Millichap 020 7525 7225

APPENDICES

No.	Title
Appendix 1	Biographies (see closed agenda)

AUDIT TRAIL

Lead Officer	Doreen Forrester-Brown, Director of Legal Services	
Report Author	Ian Millichap, Constitutional Manager Andrew Weir, Constitutional Officer	
Version	Final	
Dated	4 October 2012	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Legal Services	Yes	Incorporated in report
Strategic Director of Finance and Corporate Services	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	4 October 2012	

**COUNCIL ASSEMBLY AGENDA DISTRIBUTION LIST (OPEN) (FULL LIST)
MUNICIPAL YEAR 2012/13**

NOTE: Original held by Constitutional Team; all amendments/queries to
Lesley John, Tel: 020 7525 7228

ONE COPY TO ALL UNLESS OTHERWISE STATED	Copies	To	Copies
All Councillors	1 each	Officers	4
Group Offices	2	Ian Millichap	1
Alex Doel, Labour Group Office	1	Sonia Sutton	1
William Summers, Liberal Democrat Group Office	1	Robin Campbell	1
		Doreen Forrester-Brown	1
Libraries	1	Constitutional Team	25
Local History Library	1	(Copies to Lesley John , 2 nd Floor, Hub 4, Tooley Street)	
Press	2	Trade Unions	9
Southwark News	1	Roy Fielding, GMB	1
South London Press	1	Henry Mott, Unite	1
		Chris Cooper, Unison	1
Corporate Management Team	5	Neil Tasker, UCATT	1
Eleanor Kelly	1	Michael Davern, NUT	1
Deborah Collins	1	James Lewis, NASUWT	1
Romi Bowen	1	Pat Reeves, ATL	1
Duncan Whitfield	1	Miss Sylvia Morris, NAHT	1
Gerri Scott	1	Irene Bishop, ASCL	
		Local M.P.	1
		Simon Hughes M.P.	
		Others	2
		Ann-Marie Connolly	1
		Shahida Nasim, Audit Commission, Ground Floor, Tooley Street	1
		Total:	114