

Council Assembly (Ordinary)

Wednesday 27 November 2013

7.00 pm

Harris Academy Peckham, 112 Peckham Road, London SE15 5DZ

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 Andrew Weir 020 7525 7222 or email:
lesley.john@southwark.gov.uk; andrew.weir@southwark.gov.uk;
constitutional.team@southwark.gov.uk

Date: 15 November 2013



Council Assembly (Ordinary)

Wednesday 27 November 2013
7.00 pm
Harris Academy Peckham, 112 Peckham Road, London SE15 5DZ

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 16 October 2013 (to be circulated separately).

2. ISSUES RAISED BY THE PUBLIC**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 is Midnight, Thursday 21 November 2013. 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 is Midnight, Thursday 21 November 2013. Deputations can be emailed to constitutional.team@southwark.gov.uk.

Deputation requests will be distributed in a supplemental agenda.

3. THEMED DEBATE - LOCAL BUSINESS AND ENTERPRISE**3.1. CABINET MEMBER STATEMENT**

1 - 2

The cabinet member for communities and economic wellbeing 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 21 November 2013. Questions can be emailed to constitutional.team@southwark.gov.uk.

Questions from the public will be distributed in a supplemental agenda.

Item No.	Title	Page No.
----------	-------	----------

3.3. MEMBERS' MOTIONS ON THE THEME	3 - 7
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To consider the following motions on the theme submitted by members of the council:

- Local Business and Enterprise
- Small Business Saturday
- Introducing a Supermarket Levy
- Pay Day Lenders.

4. OTHER DEPUTATIONS

The deadline for deputation requests is Midnight, Thursday 21 November 2013. 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	8 - 14
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To receive any questions from members of the council.

5.2. MEMBERS' MOTIONS	15 - 19
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To consider the following motions:

- Bermondsey Business Improvement District
- Whitworth House
- Pop up shops on Canada Water Plaza
- Ending Council Investment in Tobacco and Arms
- Fairtrade
- Stop the delay on Southwark Park Athletics Track
- Support for the British Nuclear Test Veterans' Association (BNTVA).

Item No.	Title	Page No.
6.	REPORT(S) FOR DECISION FROM THE CABINET	
	6.1. PUBLICATION / SUBMISSION DRAFT REVISED CANADA WATER AREA ACTION PLAN (AAP)	20 - 38
	<p>Council assembly to agree the revised Canada Water Area Action Plan for publication and submission to the Secretary of State provided no substantive changes are necessary following consultation.</p>	
7.	OTHER REPORTS	
	7.1. TREASURY MANAGEMENT - MID-YEAR UPDATE 2013/14	39 - 47
	<p>Council assembly is asked to note the treasury management mid year report on operational activity and agree change to prudential indicators.</p>	
	7.2. CONSTITUTIONAL REVIEW 2013/14 - PLANNING SUB-COMMITTEES AND COMMUNITY COUNCILS	48 - 52
	<p>Council assembly to consider constitutional issues referred from the constitutional steering panel.</p>	
8.	AMENDMENTS	
	<p>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.</p>	
	ANY OPEN ITEMS IDENTIFIED AS URGENT AT THE START OF THE MEETING	
	EXCLUSION MOTION (IF NECESSARY)	
	<p>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:</p>	
	<p>“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.”</p>	
	PART B – CLOSED BUSINESS	
	ANY CLOSED ITEMS IDENTIFIED AS URGENT AT THE START OF THE MEETING	

Harris Academy Peckham: Transport and map

Buses:

171 from Newquay Road to Holborn Station
345 from Peckham Bus Station to Natural History Museum/Cromwell Road
436 from Molesworth Street to Paddington Station
12 from Margaret Street to Dulwich Library
36 from Claremont Road to New Cross Bus Garage
343 from City Hall to New Cross/Jerningham Road

All stop at Harris Academy Peckham, on Peckham Road.

78 from Shoreditch High Street to St Marys Road
P21 from Surrey Quays Shopping Centre to Brockley Rise/The Chandos
197 from Peckham Bus Station to Croydon Flyover
63 from Forest Hill Tavern to King's Cross Stn/York Way

All stop at the Aylesham Centre, Hanover Park.

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

<http://www.tfl.gov.uk/tfl/gettingaround/maps/buses/pdf/peckhamroad-12694.pdf>

Train:

Peckham Rye station is nearby; trains from Beckenham Junction, London Victoria, London Bridge, Dartford, Sevenoaks, West Croydon and Kentish Town.

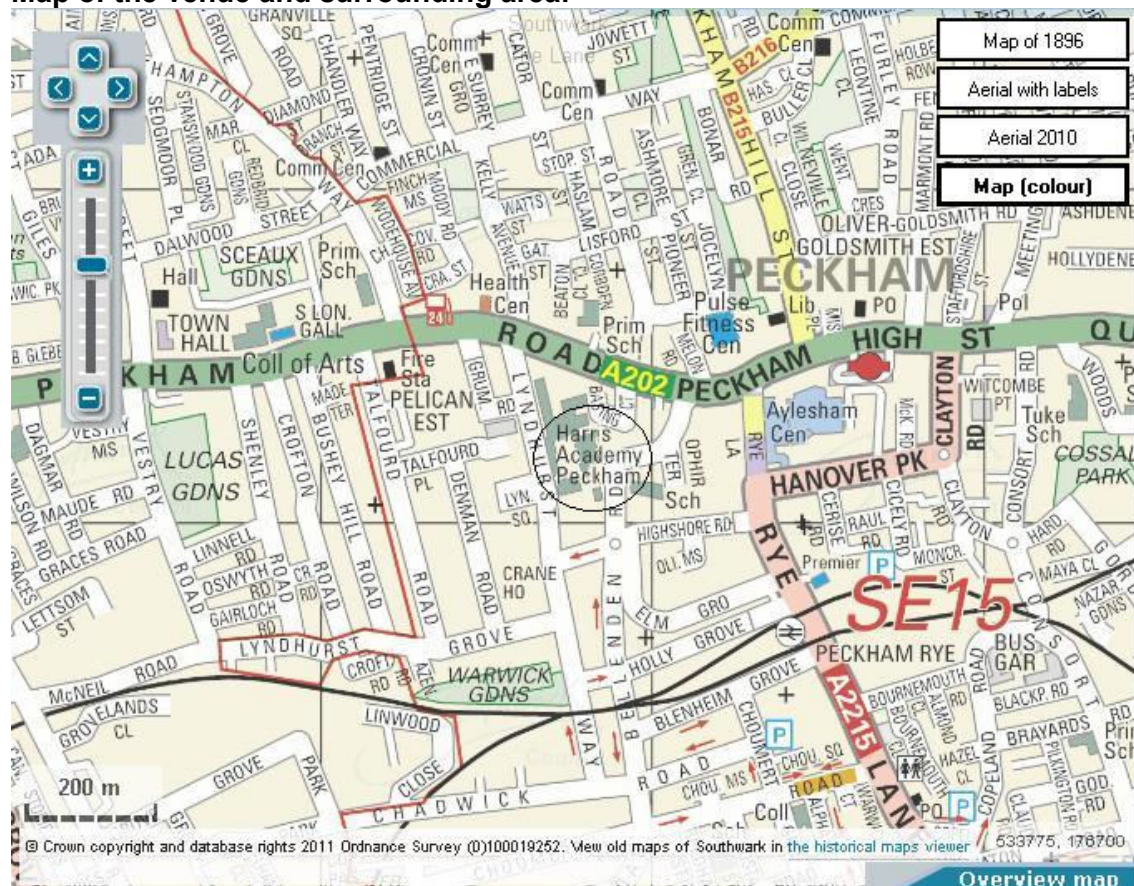
The following link has a list of train timetables going through Peckham Rye station:

<http://www.train-stations.co.uk/index.php?pageId=PMR>

Tube:

The closest tube station is Oval, on the Northern Line. The 36 or 436 from Oval to Harris Academy will take about 15-20 minutes.

Map of the venue and surrounding area:



Item No. 3.1	Classification: Open	Date: 27 November 2013	Meeting Name: Council Assembly
Report title:		Themed Debate: Local Business and Enterprise	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

BACKGROUND INFORMATION

Introduction

1. On 4 December 2012 the council assembly business panel met to agree the themes for the themed section of council assembly meetings for the 2013/14 municipal year. The council assembly business panel agreed that the theme for the themed section of council assembly in November 2013 should be 'Local Business and Enterprise'.

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 21 November 2013. To find out more visit 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	29 October 2013	
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	29 October 2013	

Item No. 3.3	Classification: Open	Date: 27 November 2013	Meeting Name: Council Assembly
Report title:		Motions on the Theme – Local Business and Enterprise	
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 SUNIL CHOPRA** (Seconded by Councillor Mark Glover)

Local business and enterprise

1. Council assembly welcomes this administration's commitment to supporting our residents and businesses in tough economic times and the difference this administration is making to jobs and growth across our borough.
2. Council assembly notes the council's recent economic wellbeing strategy and its important commitment to:
 - Narrow the gap between the Southwark and London employment rate
 - Make Southwark the place of choice to start and grow a business
 - Get our town centres and high streets thriving
 - Promote financial independence and resilience.
3. Council assembly welcomes the steps that the council has already taken to progress these ambitions. Council assembly further warmly welcomes the £1 million business support fund, the £1 million of youth fund a year through to 2016/17, focused on employment and assisting young people to remain in education and training and the council's ongoing commitment to securing jobs, training and employment support through section 106 and community infrastructure levy agreements with developers.

¹ Council assembly procedure rule 2.7 (3)

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

4. Council assembly recognises the progress this administration has made including:
 - Over 1000 Southwark residents finding work as a direct result of the council's employment programmes in the last 18 months
 - Over £440,000 of investment in five of our town centres through the community restoration fund
 - A £100,000 emergency fund for Herne Hill businesses affected by the August 2013 flood, eH
 - Supporting Southwark businesses over the course of this year to secure public and private sector contracts worth £1.2 million through our supply Southwark project.

5. Council assembly warmly welcomes the commitment of this administration to keep making a difference, including by:
 - Supporting 200 Southwark start-ups and small to medium enterprises (SMEs) to get investment-ready, helping to secure over £2 million worth of finance for Southwark businesses and making sure it is Southwark residents that get the job opportunities arising from this business growth
 - Supporting Southwark businesses to be 'fit to compete' for public and private sector contract opportunities, securing contracts with a value of £1.2 million this year and £3 million by the end of 2015
 - A £600,000 town centre growth initiative to help business-led groups to reinvigorate their local high streets.

6. Council assembly regrets the abject failure of the Tory Liberal Democrat government to introduce policies that would maximise the huge opportunities of regeneration in Southwark and the huge talent and potential of our residents and to instead oversee three years of austerity-induced stagnation and continuously failing living standards across the UK. Council assembly further regrets the decision of the Tory Liberal Democrat government to scrap Labour-backed schemes such as the future jobs fund which helped to get unemployed people into work, and which was scrapped by the government despite a report from the Department for Work and Pensions which showed it produced a net benefit to society of approximately £7,750 per participant.

7. Council assembly welcomes the cabinet's commitment to prioritise delivering jobs and growth across Southwark and urges them to continue to prioritise these efforts so that Southwark is a place where residents can get on and where businesses and high streets can continue to thrive.

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

2. **MOTION FROM COUNCILLOR MICHAEL MITCHELL** (Seconded by Councillor Lewis Robinson)

Small Business Saturday

Council assembly commends the Prime Minister's efforts to encourage people to shop locally and assist small businesses in their communities by supporting the Small Business Saturday campaign.

Council assembly resolves to call on cabinet to back local businesses throughout the borough, with particular emphasis in Dulwich on Lordship Lane, Dulwich Village and the flood-hit businesses in Herne Hill, by taking part in Small Business Saturday on 7 December 2013.

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

3. **MOTION FROM COUNCILLOR TIM McNALLY** (Seconded by Councillor James Barber)

Introducing a supermarket levy

Council assembly:

1. Welcomes the recent campaign by Local Works, the national organisation which has promoted the adoption of a levy on large supermarkets.
2. Notes that under the proposal, local authorities would be given the power to introduce a local levy of 8.5% on large retail outlets in their area with a rateable value of over £500,000 and that the revenue would be used to promote local economic activity, local services and facilities, community wellbeing and environmental protection.
3. Notes that in Southwark this would apply to 10 retail outlets and raise in excess of £1.1 million per year.
4. Notes that a similar measure has been introduced in Northern Ireland without adversely affecting inward investment or the local economy, and that similar measures have been supported across the country by council groups from all political parties.
5. Therefore urges cabinet to consult on the supermarket levy proposal as soon as possible with a view to introducing such a levy in 2014 at a rate of up to 8.5%, and to discuss this proposal with neighbouring councils to ensure a joined up approach to local business in South London.

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

4. MOTION FROM COUNCILLOR NEIL COYLE (Seconded by Councillor Martin Seaton)

Pay day lenders

Council assembly:

1. Notes with concern the increase in “payday loan” outfits in our high streets, particularly in Peckham, the Walworth Road, Southwark Park Road and Tower Bridge Road.
2. Recognises the negative effect these lenders can have on people on low incomes, particularly given the very high interest rates that are often charged, and the tactics used by many lenders to encourage borrowing while failing to disclose the true cost of loans.
3. Believes lending of this kind is both socially and financially irresponsible and calls for all political parties in Southwark to support and prioritise alternative affordable models of lending.
4. Welcomes the cabinet’s announcement that Southwark residents will face less exposure to payday lenders following the agreement from two of the council’s billboard advertising contractors not to display payday loan adverts. Council assembly urges the council’s other contractor, JC Decaux, to follow this example and end payday loan advertising in Southwark.
5. Recognises the importance of small businesses for the local economy and acknowledges that these businesses are often ‘priced out’ of our high streets, allowing an increased number of payday lenders to open shops.
6. Praises the work of the London Mutual Credit Union for their commitment to responsible lending in the borough and encourages the council to further promote credit unions as an alternative to irresponsible payday lenders.
7. Welcomes the commitment of the cabinet member for communities and economic wellbeing to work with officers to make it more difficult for payday lenders to open on our high streets, including tackling payday loan shops through planning powers.
8. Welcomes the council's groundbreaking approval to bring into force Article 4 planning directions on change of use to help protect our high streets. This makes Southwark the first authority nationally to make such a change.
9. Urges cabinet to call on government to follow Southwark’s lead in finding new ways of tackling the scourge of payday lenders on our high streets and better supporting local businesses.

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	Lesley John, Constitutional Officer
Version	Final
Dated	12 November 2013

Item No. 5.1	Classification: Open	Date: 27 November 2013	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 TOBY ECKERSLEY

In the light of the recent report in "Southwark News" of the leader's views on pension fund investment, would the leader advise how many complaints have been received to date on the investment policy from our pension scheme members; and would he set out his view on whether the cost of any survey of scheme members should be met from the pension fund or from the general fund?

2. QUESTION TO THE LEADER FROM COUNCILLOR NEIL COYLE

What response has the leader of the council had from the House of Commons Standards Committee on his complaint against Simon Hughes for breaches of the Parliamentary Code of Conduct?

3. QUESTION TO THE LEADER FROM COUNCILLOR GRAHAM NEALE

What steps are the council taking to regenerate and revitalise the Old Kent Road?

4. QUESTION TO THE LEADER FROM COUNCILLOR MICHAEL SITU

Can the leader of the council confirm the live date for the SELCHP energy waste facilitator and explain the benefits this project will have for residents in Southwark?

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

How much has the council so far spent on legal fees in the pursuit of its appeal against the Information Commissioner's Office ruling that it must publish viability information for the Heygate Estate redevelopment? How much has it budgeted for its total spend on legal fees associated with the appeal? What resources [financial, human or other] has the project developer contributed toward this legal challenge?

6. QUESTION TO THE LEADER FROM COUNCILLOR GAVIN EDWARDS

Can the leader of the council confirm what action is being taken to reduce the number of payday lenders opening on our high streets?

7. QUESTION TO THE LEADER FROM COUNCILLOR LISA RAJAN

What are the council's long-term plans for South Dock Marina and the boatyard?

8. QUESTION TO THE LEADER FROM COUNCILLOR REBECCA LURY

Can the Leader of the Council confirm whether Lib Dem claims that fly tipping has tripled are true? Can the Leader assure me on the Council's performance on fly-tipping?

9. QUESTION TO THE LEADER FROM COUNCILLOR ADELE MORRIS

What is the leader's view on investing in residential property via the council's pension fund, with the returns from rent or sales being put back into the pension pot? Will he ask the council to look into such a policy?

10. QUESTION TO THE LEADER FROM COUNCILLOR MARK WILLIAMS

How is Southwark Council promoting equality and opportunity within its housing service?

11. QUESTION TO THE LEADER FROM COUNCILLOR JEFF HOOK

Please give an update on the trial scheme to prevent rat running through residential streets to the north of Jamaica Road? What are the Leader's views on implementing a further series of one way systems in the area around Cathay Street to reduce rat running in residential areas?

12. QUESTION TO THE LEADER FROM COUNCILLOR CLAIRE HICKSON

Can the leader of the council update me on the likely budget settlement from government and what impact this is likely to have on services in Southwark?

13. QUESTION TO THE LEADER FROM COUNCILLOR ELIZA MANN

What percentage of invoices to the council were paid within the best practice target of 10 days in 2012/13? What is the average number of days the council takes to pay an invoice in 2012/13? Will the leader commit to pay invoices within 10 days in order to support businesses?

14. QUESTION TO THE CABINET MEMBER FOR HEALTH, ADULT SOCIAL CARE AND EQUALITIES FROM COUNCILLOR MARTIN SEATON (BOROUGH, BANKSIDE AND WALWORTH COMMUNITY COUNCIL)

Why is there no dedicated telephone line which handles calls from older people to the council's adult social care department?

15. QUESTION TO THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY FROM COUNCILLOR GRAHAM NEALE (BERMONDSEY AND ROTHERHITHE COMMUNITY COUNCIL)

Under the provisions of the Localism Act an application was submitted, on 7 July 2013, to the council to establish a neighbourhood forum in the Rotherhithe and Surrey Docks neighbourhood area. The regulations require the council to carry out a public consultation on the application. As all the requirements of the legislation have been met, why has this not been done?

16. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR ROSIE SHIMELL

Further to the answer given at October's council assembly on take up of free early education provision, how many free early learning outreach officers (FTE) will be employed by the council? What tasks will they undertake in order to assist parents to take up their free entitlements? When will those officers be in place?

17. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR DAVID NOAKES

Of the total number of troubled families, how many has Southwark identified to date? How many have been turned around, broken down by each of the outcomes specified by government? How much funding has the council received from the government for troubled families?

18. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR DAVID HUBBER

What is the average cost of school uniforms in Southwark? What is the range of cost? What does the council do to monitor the cost?

19. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR PAUL KYRIACOU

How many staff are employed in the council's family information service? What targets exist to monitor success rates in getting parents to take up the government's free early education offer?

20. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR CATHERINE BOWMAN

How many Southwark looked after children are placed with foster parents outside the borough? Of those outside the borough, how many are placed further than 35 miles away from central London?

21. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR PAUL NOBLET

How many parents have applied for a statement of special educational needs for their children in each of the last three years? Of these applicants, how many children have been refused a statement in each year? How many parents have had a statement changed in each year?

22. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR CLEO SOANES

What success has the 'Find 40 Families' scheme had in the borough?

23. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR DARREN MERRILL

What steps is the council taking to enhance and better recognise the role of school governors in the borough?

24. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR MARTIN SEATON

Can the cabinet member confirm what proportion of young people in Southwark are staying on in education or training post 16 years old and how this compares to the London and national average?

25. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR ROWENNA DAVIS

Can the cabinet member reassure me that this administration will not follow the lead of the Liberal Democrats and restrict free school meals to the youngest children?

26. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR SUNIL CHOPRA

Can the cabinet member update me on the work the council has done to clear up after the recent storm?

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

Can the cabinet member provide an update on the cycling to school partnership in Dulwich and Herne Hill?

28. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR NORMA GIBBES

Can the cabinet member confirm what actions have been taken by the council to ensure the borough is prepared for any poor weather conditions, including snow, this winter?

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

How far have plans progressed to secure heritage lottery funding for Burgess Park?

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

Considering the 2008 Transport Research Laboratories research "The effectiveness of speed indicator devices on reducing speeds in London" found that speed indication devices on average reduce traffic speeds by 1.4mph and their 2000 report "the effects of drivers' speed on the frequency of road accidents" concluded that 1mph reduction in average speed reduced crashes by 5.6%, why have officers banned speed indication devices, blocking their deployment?

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

Please provide a detailed breakdown of the council's capital and revenue spending on cycling in each of the last three financial years (2011/12; 2012/13 and 2013/14 to date)?

32. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR NICK STANTON

How many streetlights are currently broken in Southwark? How many of these have been broken for more than 3 months? What is the average time to fix a broken street light?

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

Now that the Barbara Hepworth replacement sculpture has been awarded for Dulwich Park, please provide a price comparison of all four artworks shortlisted for

the project. How much insurance money remains left over from the previous statue, and what will this money be used for?

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

When will the signage be amended on Kipling Street? Will the cabinet member consider not issuing any more fines until the signage has been amended and will he consider annulling the fines already issued?

35. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR ANDY SIMMONS

Can the cabinet member give an update on the progress of the new annual tenancy checks?

36. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR RENATA HAMVAS

Can the cabinet member outline the detail of the new lettings policy?

37. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR CHRIS BROWN

Can the cabinet member list the new measures introduced to assist leaseholders?

38. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR KEVIN AHERN

Can the cabinet member inform the assembly of how many illegal sub-lets have been identified and recovered?

39. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR PODDY CLARK

What is the council's policy on repairs to council homes affected by leaks from neighbouring leasehold properties? As the landlord, what specific steps does the council take to hold the leaseholder responsible for damages to its properties? Will the cabinet member commit to repair all ceilings damaged by leaks from neighbouring leasehold properties?

40. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR DENISE CAPSTICK

How many applications have been made for arbitration in each of the last three years (2011/12; 2012/13 and 2013/14)? Of those cases heard by arbitration, what number of cases failed to receive a written judgement within 30 days of the hearing? What is the longest length of time a case has remained open before arbitration in each of the last three years?

41. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR WILMA NELSON

Of the 7,330 leaseholders who were asked to pay additional service charges in the latest rebalancing, what was the largest amount invoiced? Of the 4,815 leaseholders who received a credit note, what was the largest amount refunded? What was the largest difference between the estimated service charge and final service charge?

42. QUESTION TO THE CABINET MEMBER FOR FINANCE, RESOURCES AND COMMUNITY SAFETY FROM COUNCILLOR MICHAEL BUKOLA

What incidents of data loss or other data breaches has the council reported to the Information Commissioner's Office in the past two years? For each case, please give a description of the data affected including how many records were affected.

43. QUESTION TO THE CABINET MEMBER FOR FINANCE, RESOURCES AND COMMUNITY SAFETY FROM COUNCILLOR TIM MCNALLY

How many a) formal disciplinary notices and b) dismissals have been issued to council staff in the past 12 months for misuse of social media and internet and for what reason in each case?

44. QUESTION TO THE CABINET MEMBER FOR FINANCE, RESOURCES AND COMMUNITY SAFETY FROM COUNCILLOR JONATHAN MITCHELL

How much has the council spent on bailiffs in each of the last three financial years (2011/12; 2012/13 and 2013/14 to date)? How many times have bailiffs been used in each of these years (broken down by reason for intervention)?

45. QUESTION TO THE CABINET MEMBER FOR FINANCE, RESOURCES AND COMMUNITY SAFETY FROM COUNCILLOR LINDA MANCHESTER

Of the total, what number of freedom of information (FOI) requests does the council issue a final response to within the statutory time limit of 20 working days? For what percentage of responses was an extension period requested? How many complaints has the council received about its handling of FOI requests in each of the last three years?

46. QUESTION TO THE CABINET MEMBER FOR CULTURE, LEISURE, SPORT AND VOLUNTEERING FROM COUNCILLOR NICK DOLEZAL

Following the success of the recent awards presentation at Canada Water library for the Olympic programmes, what are the council's plans for 2014 to ensure we sustain our Olympic legacy?

47. QUESTION TO THE CHAIR OF PLANNING COMMITTEE FROM COUNCILLOR COLUMBO BLANGO

How many planning applications have been a) approved and b) refused by the council's three planning committees since 1 January 2012, broken down by ward and type of application?

Item No. 5.2	Classification: Open	Date: 27 November 2013	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 THE RIGHT REVEREND EMMANUEL OYEWOLE (Seconded by Councillor Claire Hickson)

Bermondsey business improvement district

Council assembly:

1. Congratulates the Bermondsey Business Association on the work they have done on supporting local businesses in Bermondsey and improving the local economy.
2. Supports the Bermondsey Business Association in their bid to create a business improvement district (BID) in Bermondsey.
3. Welcomes the council's £30,000 investment in Bermondsey through the community restoration fund which allowed the Bermondsey Business Association to start a full BID proposal and the council's continuing support to help make sure the BID becomes a reality.
4. Recognises the economic benefits that the creation of a BID will bring to the area, including marketing The Blue as a new and alternative shopping destination, partnering with existing and successful business districts such as Bankside and Borough Market, promoting the interests of The Blue and exploring opportunities for managing retail units as well as other initiatives to increase footfall, attract new businesses and further revitalise the town centre.
5. Calls on the cabinet member for communities and economic development to continue to work with the Bermondsey Business Association to ensure that Bermondsey businesses have the support they need to thrive.

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

2. MOTION FROM COUNCILLOR PODDY CLARK (Seconded by Councillor Tim McNally)

Whitworth House

Council assembly notes the failure of the major works at Whitworth House, Falmouth Road on the Rockingham Estate and calls on the cabinet to:

- ensure all residents are visited to individually assess the outstanding issues relating to damp, repairs and door and window replacement
- agree with each resident a plan and timetable for resolving each issue
- arrange for close supervision of the replacement contractor to ensure completion of the outstanding issues
- provide compensation to the residents for the missed appointments and disruption
- review the management and oversight of major works given the repeated failures of delivery across the borough since 2010.

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

3. **MOTION FROM COUNCILLOR MICHAEL SITU** (Seconded by Councillor Nick Dolezal)

Pop up shops on Canada Water Plaza

Council assembly:

1. Notes that several of the units for let on Canada Water Plaza, which are part of the new development, are currently empty.
2. Notes the success of temporary 'pop up shops' in vacant retail units in East Street and Nunhead and considers this a good use of otherwise empty units to promote local business, develop the local economy and improve our high streets.
3. Calls on cabinet to:
 - Explore the possibility of the council taking a one year lease for the empty units on Canada Water Plaza
 - Work with the owners of the shops on Canada Water Plaza to use these empty units as 'pop up shops', similar to those in East Street and Nunhead.

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

4. **MOTION FROM COUNCILLOR DAVID NOAKES** (Seconded by Councillor Poddy Clark)

Ending council investment in tobacco and arms

Council assembly

- Believes it is incompatible with Southwark Council's vision, responsibilities and policies for it to be investing in tobacco firms and arms manufacturers.
- Welcomes the recent announcement by the current administration that these investments will be reviewed following a successful campaign by Liberal Democrat councillors, and that staff in the pension fund will be balloted on whether such investments should continue.
- Calls on the leader of the council and the cabinet member for finance, resources and community safety to ensure this ballot is fair and meaningful, and undertaken as soon as possible so that the council's policy on ethical investment can be put in place by the end of the current financial year.

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

5. **MOTION FROM COUNCILLOR ANDY SIMMONS** (Seconded by Councillor Helen Hayes)

Fairtrade

1. Southwark Council achieved Fairtrade borough status in July 2007 with cross-party support. Council assembly recognises the work of the whole community in achieving this.
2. Given the council's proactive role in supporting Fairtrade, council assembly reconfirms its commitment to Fairtrade and expresses its support for the use, expansion and promotion of the range of Fairtrade products in the council's office and other establishments.
3. Council assembly calls on cabinet to continue to work with its catering contractors, staff, residents, visitors, businesses, the public and the voluntary sector to increase the availability and take up of 'Fairtrade' marked food, drink and clothing options.

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

6. **MOTION FROM COUNCILLOR JEFF HOOK** (Seconded by Councillor Eliza Mann)

Stop the delay on Southwark Park athletics track

Council assembly

1. Notes with sadness the state of disrepair into which Southwark Park athletics track has fallen, and welcomes the allocation of £1.09 million from various funding streams to redevelop the facility.
2. Further notes with concern that the £1.09 million will only be sufficient to fund work on the track and field, but that a total of £2.8 million is required to realise plans for a full redevelopment of the site, including remodelling of the building and changing facilities.
3. Calls on the cabinet to end its delay and allocate the shortfall from its capital funds as soon as possible, so the facility can be reopened for local people to enjoy.

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

7. **MOTION FROM COUNCILLOR IAN WINGFIELD** (Seconded by Councillor Dan Garfield)

Support for the British Nuclear Test Veterans' Association (BNTVA)

Council assembly:

1. Notes that its commitment to the Armed Forces Community Covenant ensures the need of those residents of Southwark who serve, of have served, the country are recognised and supported at a local level.

2. Further notes that many other residents have, through a range of professions, served the country in equally significant measure, such as in national security and defence – including those who participated in the testing of Britain’s nuclear weapons in the 1950s and 1960s.
3. Welcomes that, following a Ministry of Defence commissioned Health Needs Analysis in 2011 of British nuclear test veterans, the NHS have introduced a number of practical measures to support them.
4. Believes that other parts of the public and voluntary sector should seek to introduce similar measures to support nuclear test veterans – and that the council should lead this at a local level by extending the provisions of the Armed Forces Community Covenant to those veterans who live in Southwark.
5. Urges the government to support the campaign of the British Nuclear Test Veterans Association by:
 - officially recognising the unique service of these veterans and acknowledge the nation’s continuing debt to them; and
 - supporting the intention to establish a benevolent fund of £25 million to provide assistance for those veterans and their descendants in need.
6. Calls on Southwark’s Members of Parliament to back this campaign and join the council in urging the government to support the requests outlined in this motion.

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	Lesley John, Constitutional Officer
Version	Final
Dated	12 November 2013

Item No. 6.1	Classification: Open	Date: 27 November 2013	Meeting Name: Council Assembly
Report title:		Publication/submission draft Revised Canada Water Area Action Plan (AAP)	
Ward(s) or groups affected:		Surrey Docks, Rotherhithe, Livesey	
From:		Cabinet	

RECOMMENDATIONS

That council assembly:

1. Considers the publication/submission draft Revised Canada Water Area Action Plan (RCWAAP) (Appendix A), proposed changes to the adopted policies map (Appendix B), the sustainability appraisal (Appendix C), the equalities analysis (Appendix D), the consultation plan (Appendix E), the consultation report (Appendix F) and the Appropriate Assessment (Appendix G).
2. Approves the publication/submission draft RCWAAP for publication and submission to the Secretary of State, provided no substantive changes are necessary following consultation, and
3. Delegates the approval of any minor non-substantive amendments resulting from its meeting or consultation on the publication/submission draft RCWAAP to the director of planning in consultation with the cabinet member for regeneration and corporate strategy prior to its submission to the Secretary of State.

BACKGROUND INFORMATION

4. In March 2012, the council adopted the Canada Water Area Action Plan ("AAP"). The purpose of the AAP is to help shape the regeneration of Canada Water. Like the Core Strategy (2011) it is a spatial plan which provides a vision, objectives and policies designed to help manage development and growth at Canada Water. It is a development plan and alongside the Core Strategy and saved Southwark Plan policies, it is used as the basis for determining planning applications in the area. As part of the development plan, the AAP must be consistent with the Core Strategy and in general conformity with the London Plan (2011).
5. Work on the AAP commenced in 2007 and its adoption followed four rounds of public consultation, as well as an examination-in-public (EIP) in which members of the public, developers and other stakeholders were able to set out their views to an independent planning inspector. The inspector found the AAP to be "sound", subject to a number of amendments.
6. In August 2011, the Daily Mail which occupies the Harmsworth Quays printworks confirmed that it would be relocating its printing operations to a site in Essex. Because the Daily Mail had previously indicated that it would be staying at Harmsworth Quays, the adopted AAP is predicated on the printworks remaining in situ. However, the availability of Harmsworth Quays generates a number of

opportunities. It is a strategic site in the core of the action area and its availability opens a significant opportunity for redevelopment. It also helps unlock development opportunities on adjacent sites, particularly the Surrey Quays Leisure Park, Site E on Surrey Quays Road and the Mulberry Business Park. At the EIP the council committed to undertaking a review of the AAP to put in place policy to guide a redevelopment of Harmsworth Quays and the adjacent sites. The inspector agreed with the council, that any review of the AAP could take place within the scope of the vision and objectives set out in the adopted AAP. However, amendments to the plan would need to address the land uses and quantum of development, the infrastructure required to support additional development, pedestrian and cycle connectivity and urban design, including the building heights strategy.

7. The current amendment to the adopted AAP by way of the draft RCWAAP is being carried out in several stages, comprising of the following:
 - i. Stage 1 - consultation on a sustainability appraisal scoping report carried out over five weeks from 31 October 2012;
 - ii. Stage 2 - informal consultation on the revisions to the AAP which took place over quarter three and quarter four 2012/13;
 - iii. Stage 3 - consultation on a draft RCWAAP
 - iv. Stage 4 – consideration of comments on the draft RCWAAP and preparation of the final revised plan for publication in the autumn
 - v. Stage 5 (the current stage) – Invitation of representations on the final plan and subsequent submission to the Secretary of State for an examination-in-public
 - vi. Stage 6 - Adoption of the final RCWAAP as part of Southwark’s local plan in late 2014.

8. The council is currently at stage 5 in this process. Consultation on the draft RCWAAP took place between May and July 2013. All the comments made in respect of this document have now been assessed and appropriate modifications made to the publication/submission version of the document in the light of these comments. The recommendations which are the subject of this report were reported to cabinet on 22 October 2013 and cabinet agreed to recommend them to council assembly. Subject to the agreement of council assembly, the publication/submission draft RCWAAP will be published for public consultation and subsequently submitted to the Secretary of State for an examination-in-public, held by an independent planning inspector. It is expected that the latter would take place in summer 2014 with adoption by the end of the year.

9. The publication/submission draft RCWAAP has been subject to a sustainability appraisal (SA) (Appendix C), an equalities analysis (Appendix D) and an appropriate assessment to screen any impacts on EU protected wildlife habitats (Appendix G). It is also accompanied by detailed OS based maps documenting changes to be made to Southwark’s adopted policies map (Appendix B).

CONSULTATION

10. Consultation on the RCWAAP has been carried out in accordance with the requirements of the Planning and Compulsory Purchase Act 2004 (amended 2008) and the council’s Statement of Community Involvement (SCI). The council consulted extensively in preparing the adopted Canada Water AAP. Formal consultation was undertaken on an issues and options report, a preferred options report, the publication AAP and further alterations to the publication AAP.

11. As a significant amount of consultation has already taken place and because the vision and objectives of the AAP are already established, the council did not consider it necessary to reconsult on an issues and options report in revising the AAP. Instead, the council carried out informal consultation which informed the draft RCWAAP. A public consultation event was held in November 2012, in Alfred Salter primary school, which aimed to provide a forum in which the public and other stakeholders could have their say on the future of Harmsworth Quays and the adjacent sites. In addition to this event, letters were sent to all the TRAs in the area, inviting people to submit their views on the future of Harmsworth Quays and indicating that officers would be happy to attend meetings to discuss, if requested.
12. The council consulted on the draft RCWAAP over a period of 12 weeks from 7 May until 30 July 2013, including a formal period of consultation of 6 weeks ending on 30 July.
13. The plan was published on the council's website and made available at Canada Water library and at the Abbeyfield Road housing services office. An advert publicising the AAP was put in the press, the council sent written notification to around 1000 contactees on the Planning Policy mailing list and a flyer advertising the RCWAAP was sent to every address in the AAP area. Officers gave presentations on the RCWAAP at Bermondsey and Rotherhithe Community council, the area housing forum and at the Canada Water consultative forum. Exhibitions were held at Canada Water library and Surrey Quays shopping centre and 6 drop-in sessions were arranged on different days and times at these venues. In addition, officers had a stall with the exhibition and activities at Bermondsey Carnival and Rotherhithe Festival.
14. In all 70 responses were received from a range of individuals, landowners, developers and other stakeholders. These included 46 responses to a questionnaire. These responses have been broken down into 340 individual comments on the RCWAAP. The comments made and questionnaire responses are summarised below.

Questionnaire responses (46 respondents)

Question	Agree (%)	Disagree (%)	Unsure/not filled in (%)
Do you agree that we should prioritise non-residential uses on Harmsworth Quays and the adjacent sites?	78	9	13
Do you agree that the design and layout of Harmsworth Quays should make it easy for pedestrians and cyclists to move around?	89	2	9
Do you agree with the changes to leisure facilities and schools in the AAP?	61	24	15
Do you agree that we should use some tall buildings to help create more public space and make developments easy to walk and cycle around?	50	46	4

Question	Agree (%)	Disagree (%)	Unsure/not filled in (%)
Do you agree with our proposals to protect additional open spaces?	85	2	13

Summary of comments made

Local residents/amenity groups

- The proposed site allocation for Harmsworth Quays and the adjacent sites which seeks to maximise the amount of non-residential space was supported. In particular there was support for more cafes and restaurants, a new university campus and more accommodation which provides space for local businesses and which generates jobs.
- There was support for promoting walking and cycling and extending the cycle hire scheme to Canada Water. Some respondents considered that improvements could be made to cycle facilities, including segregated routes and more clearly signposted routes. There was support for continuing the strategy to simplify the Lower Road gyratory, although some respondents considered it to be unnecessary.
- There was support for the proposed protection of open spaces. Some respondents considered that more open space is needed. An additional space adjacent to the St Olavs City Business Park should be protected.
- Housing policies: A number of respondents stated that more social housing is required.
- Some respondents stated that more community facilities are needed, including facilities for children and young people, health facilities and space for churches.
- The strategic cultural area should be extended to the south to cover the Scandinavian churches on Albion Street.
- Views on the changes to the tall buildings policy were mixed (as suggested by the questionnaire responses). Some respondents supported them and others considered them inappropriate. Many responses emphasised that the tall buildings need to be of the highest quality and should not create overshadowing. Those respondents who objected to tall buildings did so on many grounds, including impacts on wildlife, local character, water bodies including the Canada Water basin and Albion channel, views and overshadowing; loss of light; density; lack of community; false choice between tall buildings and public space; and the policy should be more prescriptive.
- There were mixed views on leisure facilities. Some considered that 7 Islands should be refurbished urgently and others considered it to be in the wrong place and not capable of providing modern leisure facilities and therefore a new site should be found.
- Schools: Irrespective of the proposal for a new school in Bermondsey, some respondents considered that the council should continue to press for a new school in Rotherhithe. There were a number of objections to the Bermondsey proposal on the grounds that people did not support the principle of free schools.

Developers/landowners

- The promotion of a business cluster in the core area on the sites identified is supported.
- It is unhelpful to refer to a specific quantum of development on Harmsworth Quays as proposals should be assessed on a case by case basis.

- Residential use should be a “required” use on Harmsworth Quays and not just an “acceptable” use. As a minimum residential uses should be seen as being equally important in both place making terms and in ensuring that the AAP vision is deliverable.
- King’s College’s masterplan includes sports facilities and King’s would intend to deliver these in association with a wider campus development. It is envisaged that these facilities would also be available for public use and therefore this aspect should be considered as part of the council’s long term options and strategy for the area.
- The RCWAAP should not make it a requirement that proposals for large student housing schemes should also provide other university campus facilities.
- The council should set out the limit of the number of student homes it would consider acceptable.
- The town centre boundary should be redrawn to include the entirety of Harmsworth Quays, Mulberry Business Park and the Surrey Quays Leisure Park.
- The proposed changes to policy 17, Building heights, are supported; tall buildings should be allowed both in the town centre and outside where there is justification; here is no justification for a change of approach on the shopping centre site; the plan should state that a tall building will be allowed on the Surrey Quays Leisure Park site.
- The wording of the affordable housing policy should place stronger emphasis on the need to ensure the viability and deliverability of development.
- The allocation for the old Surrey Docks stadium should be updated to reflect Fairview’s proposal to refurbish the sports facilities at the nearby St Pauls Sports Ground and convert the MOL land on Salter Road into a park. The residential capacity estimate should be changed back to 100 homes.

Surrey Docks ward councillors

- On page 39 there is a reference to closing the southern end of Surrey Quays Road at its junction with Redriff Road. What is the reasoning behind this?
- Additional tall buildings beyond Ontario Point and a 10-15 storey building on the shopping centre were never envisaged. What is the rationale behind the change to the building heights policy?
- In para. 4.5.28 the reference to considering more detailed proposals for St Paul's Field has gone. Whilst there is no suggestion in the document that it would remain anything other than open land, a more detailed proposal could have been included to aid future implementation.
- The suggestion that the Compass school will solve all the present and future local secondary school provision shortfall appears very complacent and references to possibly expanding other secondary school places does not provide a solution.
- The timescale for the implementation of improvements to Lower Road (2016-2020) is unacceptable. The right turn into Surrey Quays can be separated from the project and implemented independently.
- Para 4.7.21 is very woolly on providing increased NHS facilities and when they would be provided. The proposal seems predicated on getting more housing into the area first, which does not make sense.
- Unless King's College are going to provide a new leisure centre, the idea of a refurbishment which extends the life of 7 Islands by up to 10 years should be dropped and a proper job done. There is not going to be another site in the town centre.

GLA

- Policy 22 of the RCWAAP should explicitly identify affordable rent as a type of affordable housing. As currently proposed, the RCWAAP would not be in general conformity with the London Plan.
- The Mayor welcomes the council's new tall building strategy and its approach to building heights in the core area; the amended Policy 26 on 'Schools' is supported as well as the identification of a new primary school site (para 4.7.7a); the proposed amendment to the town centre boundary to include Harmsworth Quays and Site E and to enable the town centre to expand to the east is welcomed.

Transport for London

- TfL considers that the document is in general conformity with the transport policies of the London Plan.

English Heritage

- Further clarification should be given on what constitutes a special building (Policy 17: Building heights). There could be greater clarity in respect of the Canada Water basin and public spaces around it. It would be useful to see the underlying evidence that supports this suggested change in focus for tall buildings in this location.

Environment Agency

- No objections.

Sport England

- Sport England objects to the proposed loss of sports facilities and car parking ancillary to the Surrey Docks Stadium and recommends that this site is removed from the schedule of proposals sites.

Port of London Authority

- There is no target or indicator in the document for monitoring river transport usage and the document needs to be updated to reflect the target in the River Action Plan to increase passenger journeys on the River Thames to 12 million a year by 2020 and maximise its potential for river travel

Thames Water

- No objections.
15. The consultation report (Appendix F) provides a detailed analysis of the consultation undertaken on the draft RCWAAP. Council officers have reviewed all the representations made and made an individual response to each (see the consultation report). The comments made have been taken into account in preparing the publication/submission draft RCWAAP.
 16. The council will invite the public and other stakeholders to make representations on the publication/submission draft RCWAAP in accordance Regulation 19 and

the council's Statement of Community Involvement. Subject to the approval of council assembly, the publication/submission draft will be published for a period of 6 weeks between 3 December 2013 and 14 January 2014. The publication/submission draft will be made available on the website, in local libraries and council offices. An advertisement will be put into the press and the council will write to contacts on the Planning Policy database to advise of the consultation. A plan for publicising the publication/submission draft is included in Appendix E.

KEY ISSUES FOR CONSIDERATION

17. The availability for Harmsworth Quays for development generates a number of opportunities both on that site and on the adjacent sites. These opportunities relate to land uses, supporting infrastructure, pedestrian and cycle connectivity and urban design.
18. Land uses: The RCWAAP vision seeks to consolidate Canada Water as a major town centre in the borough's town centre hierarchy through intensification of town centre uses, such as shops, offices, cafes, restaurants, civic and leisure uses. The availability of Harmsworth Quays for development would enable the town centre to expand to the eastern side of Surrey Quays Road. Because of the need to ensure that development across Harmsworth Quays, Site E, Mulberry Business Park and Surrey Quays Leisure Park is coordinated to achieve the right combination of land uses, a network of routes and a coherent urban design, we have drawn these sites together into a single land use allocation, proposals site CW AAP 24 in Appendix 5 of the AAP.
19. Site allocation CW AAP 24 requires development proposals to maximise employment generation and the contribution to the regeneration of the town centre. A range of criteria would be used to assess this policy, including demand for space and financial viability. Non-residential uses could include retail, business space, leisure facilities (including the retention of the existing leisure space on the Surrey Quays Leisure Park) and education, including higher education. King's College London, which currently has an option to acquire Mulberry Business Park and recently received a resolution to grant planning consent, is exploring options to expand its portfolio to meet its need for a range of spaces which include teaching and research space, offices and supporting infrastructure. New academic and research facilities could make a strong contribution to the mix of activities in the town centre. Such facilities would generate jobs, strengthen the day-time economy and support other town centre uses such as shops and offices. Relocating a faculty or providing a significant amount of academic space could also help boost the town centre's profile.
20. CW AAP 24 and its promotion of non-residential uses was broadly supported during consultation. There was particularly strong support for provision of more cafes and restaurants and developments which brings jobs. In the light of the support for non-residential space and the benefits of diversifying the economic base of the town centre, a minor change has been made to the AAP vision which articulates this support.
21. Residential homes and student homes will be appropriate uses on site CW AAP 24, providing that the maximum employment generation is secured. The council received an objection stating that residential use should be a required use on the site. However, officers consider that position taken in the draft RCWAAP is justifiable in the light of the AAP vision which seeks to consolidate Canada Water

as a town centre.

22. Few changes were proposed to the housing policies in the adopted AAP because these largely rely on and must be consistent with the Core Strategy policies. However, the GLA has stated that the failure to update the AAP policy to explicitly acknowledge affordable rent would undermine the strategy in the London Plan and is therefore not in general conformity. Following the recent examination-in-public into the Peckham and Nunhead AAP, the inspector has recommended that the council delete references to the split between social rented homes and intermediate homes. A similar course of action is recommended in the RCWAAP. It is important to note that the affordable housing policies in the Core Strategy would continue to apply at Canada Water i.e. the council would continue to seek 35% affordable housing in new developments and a 70%/30% split between social rented and intermediate provision. The issue of affordable rent would be considered at a borough-wide level, through the review of the local plan. This is considered to be a more appropriate way of addressing the issue than through ad-hoc amendments to area-based planning documents such as AAPs. In the meantime, the council's policy position on affordable housing at Canada Water is not weakened.
23. Student homes can contribute to widening the mix and choice of homes in the area. However, the RCWAAP states that the appropriate level of student housing will depend on the accompanying mix of uses. This is emphasized in CW AAP 24 and policy 29a on higher education and student housing. The council received an objection stating that the link between student accommodation and other on-site university facilities is not needed; developments for student accommodation should be acceptable, irrespective of size provided that they have a satisfactory management plan and have convenient access to campus facilities elsewhere. However, officers do not consider that the principle expressed in the policy should be altered. Provision of a large student housing development on its own would not bring the range of regeneration benefits that would be generated by provision of teaching space and other facilities and would not deliver the council's aspiration to maximise non-residential use.
24. Supporting infrastructure: The adopted AAP recognises that improvements to the surface transport network are required in order to accommodate growth at Canada Water. The AAP provides a strategy to reintroduce two way traffic movement on Lower Road as part a wider set of improvements to the Lower Road gyratory. With regard to timing, 2016-2020 is the timescale set out in the adopted AAP and was based broadly on when the council expects development to occur and trigger the need to carry out improvements and when sufficient funding may be available. The council and TfL are currently undertaking a more detailed feasibility study for this project which is due to report in the autumn. This study is looking at a number of options, including delivery in 2015 in order to meet TfL's deadline for the implementation of the cycle superhighway on Lower Road.
25. With regard to schools, in policy 26 the RCWAAP notes that the council will keep the need to expand existing primary schools under review. There may also be the potential to accommodate new primary schools, including on Harmsworth Quays, depending on the quantum of non-residential uses provided on that site. Anticipated demand for secondary school places would be met by provision of a new school in Bermondsey, approved to open in September 2013 and exploring the possibility of expanding existing secondary schools.

26. Funding for improvements to the Seven Islands Leisure Centre is committed in the council's capital programme for the years 2014/2015 and 2015/2016. The RCWAAP policy 12 suggests that this could be used to extend the life of the Seven Islands by up to 10 years. In the long term however, there is an opportunity to provide a new leisure centre in the town centre. The representations contained a mix of view of leisure facilities: some stated that refurbishment should be carried out as a matter of urgency and others considered that a new site should be found. King's College has proposed a new leisure centre as part of their proposals for a new campus and the council is keen to explore this further with King's College and British Land.
27. The area around St Mary's Rotherhithe has a number of arts, culture and tourism uses including, St Mary's Church itself, the Brunel Museum, the Mayflower Inn and Sands Film Studios is designated as a strategic cultural area (SCA). The council received a representation suggesting that the SCA be extended to the south to include St Olav's church and the Finnish church, both of which are important centres for the Scandinavian community in London. The current boundary was designated during the preparation of the Southwark Plan following a recommendation by the Southwark Plan (2007) Inspector. The SCA includes the concentration of cultural and tourism uses around St Mary's Church. The two churches on Albion Street are relatively isolated from the SCA and there are a lot of residential streets between the SCA and Albion Street. On balance it is not considered that there is justification to extend the boundary.
28. Pedestrian and cycle connectivity: A key aspiration of the AAP is to ensure that the town centre is well connected to the rest of Rotherhithe through a network of pedestrian and cycle routes. The new site allocation for Harmsworth Quays and the adjacent sites provides indicative routes.
29. Urban design: The site allocation for Harmsworth Quays emphasises the desirability of creating a network of streets and spaces that have a town centre and urban feel and which are not dominated by cars. At the EIP, the council recognised that the tall building strategy should be reviewed and the inspector concurred with this in his recommendation. The RCWAAP maintains the guidance in the adopted AAP that building heights in the core area should generally be between 4 and 8 storeys. While these general heights should be maintained, officers recommended that the approach to tall buildings be revised.
30. The availability of Harmsworth Quays for development, the scope expand the centre eastwards and bring in new land uses, such as business and higher education, provide an opportunity to rethink the approach to town centre development. Currently the footprint of the existing large sheds in the centre makes it difficult to move around the area. With the exception of the plaza outside the library the public realm is uninspiring and offers little to residents, visitors or shoppers. A key advantage of tall buildings is that they can utilise much smaller footprints, enabling the creation of more public realm and making it easier for pedestrians to move around. The design policies in the adopted AAP have been revised to make provision of new public realm a crucial element of new development.
31. The key to a vibrant and successful town centre is a range of shops, leisure opportunities and businesses which create a destination. Tall buildings can provide a range of uses to help animate the base of the building and contribute to the vibrancy of the centre. They are an important source of capacity and will help deliver the range of non-residential uses which are sought by the adopted AAP

vision.

32. Policy 17 in the RCWAAP states that buildings will be appropriate in important locations in the town centre, where they reinforce the character and function of the centre. In particular, they will help to define the importance of the Canada Water basin and surrounding public spaces as the focal point within the town centre. The policy requires tall buildings which are significantly higher than existing tall buildings in the area (20-25 storeys) to make an exceptional contribution to the regeneration of the area and where feasible, contain a facility accessible to the public which takes advantage of spectacular views from upper floors.
33. The summary of consultation responses above suggests that views on the potential for tall buildings are mixed. Those representations which supported provision of tall buildings in principle emphasised the need for high quality of design and careful analysis to ensure that impacts on wind and overshadowing are avoided. Officers consider that the criteria which are proposed in policy 17 are robust and should serve to secure well designed buildings and an attractive and comfortable public realm. English Heritage suggested that the concept of "special buildings" should be more clearly defined and amendments are proposed to the publication/submission draft in this respect.
34. Since adopting the AAP in March 2012, the council has also adopted its Open Space Strategy (2013). This recommended that three additional spaces be protected as "other open space": Cumberland Wharf, Neptune Street Park and Surrey Docks Adventure Playground. In addition to this, it is also proposed that the former nursery is designated as metropolitan open land. Together with Southwark Park, the former nursery is part of a clearly distinguishable break in the built environment which would justify extending the MOL designation over the site. Protection of these spaces was broadly supported during consultation. During consultation, protection of an additional space (the space between St Olav's Court and Blick House on Lower Road) was also suggested. However, it is considered that it is late in the AAP revision process to introduce a new designation which has not been the subject of any consultation. There will be opportunities to review the site in the future, including through the New Southwark Plan.
35. Sport England have recommended that the site allocation for the former Surrey docks stadium be deleted. However, this allocation was included in the adopted AAP and has already been subject to an examination-in-public. The site has been acquired by Fairview New Homes who plan to compensate for the loss of the existing sports pitch by refurbishing the St Paul's playing field, enabling future use by Fisher Athletic and other users.
36. In his report on the adopted AAP, the Inspector noted the lack of allotments and food growing spaces in the area. The adopted open spaces policy has been amended to state that new development will be expected to provide opportunities for food growing. It is not envisaged that a significant new open space would be provided on Harmsworth Quays, given the proximity of Russia Dock Woodland and Southwark Park. However, some provision would be made to provide play facilities, informal recreation, food growing, etc. The guidance states that a green link connecting Canada Water basin and Russia Dock Woodland should be incorporated.
37. Factual updates: A number of minor amendments have also been made to the

adopted AAP to reflect factual changes, changes in policy (eg. the fact that CIL can be used to fund infrastructure required to support growth, rather than s106 planning obligations) and progress in developments which have been completed, are under construction or are the subject of new planning applications.

38. Subject to the approval of council assembly, the council will invite representations on the publication/submission draft RCWAAP over a 6 week period. The council will consider all representations made and if appropriate suggest minor changes to the RCWAAP to address these. It is anticipated that the RCWAAP would then be submitted to the Planning Inspectorate for an examination in public.

Community Impact Statement

Equalities Analysis

39. In preparing the adopted AAP (2012), the council completed equalities impact assessment (EqIA) report. This highlighted the AAP would have a number of beneficial impacts for all members of the community, including new job opportunities, more homes, improved community facilities and more opportunities for walking, cycling and using public transport. The EqIA has been updated to reflect the policies in the publication/submission draft RCWAAP. Site allocation CW AAP 24 would have a broadly positive impact on people with protected characteristics as it would encourage new uses on the site which would provide jobs and increase the activity in the town centre as well as providing opportunities for new public spaces and routes through the area which would make it more accessible to all. It also has the potential to provide more new homes, potentially including some student homes.

Sustainability Appraisal

40. The adopted Canada Water AAP was accompanied by a detailed sustainability appraisal that informed the development of the final strategy and policies. The AAP had an overall positive impact on all the sustainability indicators, although some issues were identified around the possibility of new development increasing the risk of climate change, waste and flooding. The SA has been updated to take the changes to the AAP (including changes in the publication/submission draft) into account and assess their impact. Overall, the preferred option for CW AAP 24 and the other policies which have been changed as a result of this site coming forward for redevelopment, have a positive effect on the sustainability indicators. In particular, SDO 1. To tackle poverty and encourage wealth creation and SDO 5 To promote social inclusion, equality, diversity and community cohesion scored very well overall. This is due to the positive impacts of providing more new homes, attracting new business and investment which will increase the number of jobs in the area as well as providing an improved landscape and townscape. The sustainability of the plan is strengthened in the publication/submission version by the addition of a policy which explicitly states that there is a presumption in favour of sustainable development.

Financial Implications

41. There are no immediate financial implications arising from consultation on the publication/submission draft RCWAAP and submission to the Planning Inspectorate.
42. Any potential additional costs from any specific proposals emerging from the preparation and adoption of the plan or any queries thereof will be submitted as separate reports for consideration in line with the appropriate protocols.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services (RMK)

43. The recommendation of the report requests that council assembly considers the publication/submission of the RCWAAP, the proposed amendments to the Adopted Policies Map, the Sustainability Appraisal, the Equalities Analysis, the Consultation Plan, the Consultation Report and the appropriate Assessment set out at (Appendices A - G), agrees the publication/submission of draft RCWAAP for publication and submission to the Secretary of State for an Examination-In-Public, subject to any substantive changes following consultation, and delegates the approval of any minor non-substantive amendments resulting from the respective consultation to the director of planning, in consultation with the cabinet member for regeneration and corporate strategy, prior to its submission to the Secretary of State
44. The adoption of the draft RCWAAP, will involve several stages of consultation, identified as Stages 1-6 at paragraph 7 of the report. Paragraph 7 advises that the draft RCWAAP is currently at the publication and submission stage of the development plan process, headed 'Stage 5'.
45. Subject to the approval of council assembly to the recommendation of the report, the draft RCWAAP will be consulted upon prior to its submission to the Secretary of State. As the RCWAAP is a Development Plan Document, the proposed draft revisions to the RCWAAP will be subject to Independent Examination (EiP) by an Inspector appointed by the Secretary of State, pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) ('the Act') and the requirements of the Town and Country Planning (Local Planning)(England) Regulations 2012 ('the Regulations'). This will take place following the closure of proposed round of consultation and review of any further representations received in response to the consultation. Council assembly is advised that it is expected that the revised draft RCWAAP will be adopted as part of the Southwark Local Plan in 2014 (Stage 6).
46. The report confirms that the council consulted extensively upon on the adopted AAP, including formal consultation on an Issues and Options report, a Preferred Options report, the Publication AAP and further alterations to the publication AAP. Further, consultation on the draft revised RCWAAP took place between May and July 2013. All the representations received in response have been fully assessed and taken into account by the council in preparing the publication/submission draft (Appendix F). Due to the extent of the consultation previously undertaken upon the Issues and Options as part of the adopted AAP the council did not consider it necessary to re-consult on this issue as part of the revised draft RCWAAP.

47. Council assembly will note that this stage of consultation is a statutory requirement and has been carried out in accordance with the requirements of the Act and Regulations. Regulation 18 sets out the criteria for the preparation of a local plan and provides that a local planning authority must notify specific consultation bodies, that have an interest in the subject of a local plan, and such general consultation bodies and members of the public as the Local Planning Authority consider appropriate. The Regulation further provides that the Local Planning Authority should invite such consultees to make representations about what the respective local plan should contain. In preparing the local plan the Local Planning Authority has a statutory duty to take into account any representation made to them in this respect. The council has satisfied this requirement.
48. Regulation 19 sets out the criteria for the publication of a local plan. It provides that prior to submitting a local plan to the Secretary of State under section 20 of the Act, the local planning authority must (a) make a copy of each of the proposed submission documents and a statement of the representations procedure available in accordance with regulation 35, and (b) ensure that a statement of the representations procedure and a statement of the fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected, is sent to each of the general consultation bodies and each of the specific consultation bodies invited to make representations under regulation 18(1). Subject to council assembly's approval of the recommendation, the council will invite the public and other stakeholders to make representations on the publication/submission draft in accordance with Regulation 19 and the council's Statement of Community Involvement for a period of 6 weeks. Following this consultation period, and the making of any necessary non-material amendments by the director of planning, the draft plan will be submitted to the Secretary of State for an Examination in Public (EiP).
49. Paragraph 10, Part 3A: council assembly of the Southwark Constitution 2012/13 reserves the agreeing the policy framework including Development Plan Documents (which form part of the development plan framework) to council assembly. The report requests that council assembly to agree the publication/submission of the draft RCWAAP to the Planning Inspectorate, provided that no substantive consequential changes are required, following the receipt of the consultation responses in accordance with Regulation 22. The Secretary of State will then undertake an Examination In Public ('EiP') into the plan.
50. The purpose of the EiP, independent examination, is set out in section 20(5) of the Act. This is required to determine whether the submitted Development Plan Document ("DPDs") is sound and has been prepared in accordance with:
- Certain statutory requirements under s19 (as to preparation) & s24(1) (as to conformity with regional / London Plan policies) of the 2004 Act and
 - The associated Regulations (*The Town and Country Planning (Local Development) (England) Regulations 2004; SI.2004 No. 2204*);
51. As advised at paragraph 4 of the report, the AAP was adopted by council assembly on 28 March 2012 to shape the regeneration of Canada Water and the surrounding area. The AAP focuses on implementation of planning policy, by providing an important mechanism for safeguarding development of an appropriate scale, mix and quality for the Canada Water area. This followed an ("EiP"), conducted by an Inspector appointed by the Secretary of State, who

found the plan to be 'sound'. During the plan making process the Harmsworth Quays Print Works ("CWAAP12"), a strategic site within the core of the Action Area, announced its proposal to vacate and relocate its business from its current location. In view of the advanced stage that the AAP had reached at this juncture, the CWAAP was submitted for EiP and subsequently adopted without the addressing the implications that this would have in planning policy terms for the area.

52. The Inspector acknowledgement of the advanced stage of the plan and the fact that the fundamental vision and objectives of the plan were unlikely to be altered by the intended vacation of the site. He therefore held that any future review of the AAP, to deal with this site, could take place within the scope of the vision and objectives set out in the adopted AAP. The Inspector further held, that amendments to the plan should address the land uses and quantum of development, the infrastructure required to support additional development, pedestrian and cycle connectivity and urban design, including the building heights strategy.
53. In response to this, the council has prepared a draft RCWAAP to address the site allocation for the Harmsworth Quays Print Works site, parts of the adopted AAP that are affected by the site becoming vacant have also been revised and updated. These amendments seek to address the land uses, quantum of development, the infrastructure required to support development, pedestrian and cycle connectivity, urban design, including a building heights strategy for the new proposal site CWAAP24. As part of this process, the publication/submission draft RCWAAP has been subject to a Sustainability Appraisal (Appendix C), the Equalities Analysis (Appendix D), and Appropriate Assessment to screen any impacts on EU protected wildlife (Appendix G).
54. In preparing the final draft RCWAAP the council must have regard to:
 - a) National Policies and Guidance.
 - b) The London Plan.
 - c) The Community Strategy.
 - d) Any other DPDs adopted by the council.
 - e) The resources likely to be available in implementing the proposals in the draft RCWAAP.

General Conformity

55. Section 24(1)(b) of the Act requires that Local Development Documents ("LDDs") issued by the council, such as the RCWAAP, must be in general conformity with the spatial development strategy, namely the London Plan (consolidated with alterations since 2004). On submission of the final draft of the RCWAAP to the Secretary of State for independent examination, the council will be required to simultaneously seek the Mayor's opinion in writing as to whether the final draft RCWAAP is in general conformity (Regulation 30). The purpose of the independent examination is to ensure legal compliance with the legislative framework, including consultation and soundness of the AAP (Section 20(5)(b) of the Act). General conformity must be determined as a matter of law and policy practice.
56. Paragraph 22 of the report advises that the Greater London Assembly have advised that the council's failure to update the draft RCWAAP to explicitly acknowledge the tenure of affordable rent would undermine the strategy set out

in the London Plan and is therefore not in general conformity. The council recently received a decision from the Secretary of State in regards to the EiP into the Peckham and Nunhead AAP, which also dealt with this particular issue. The Inspector has suggested that the council should not seek to define any particular tenures of affordable housing as part of its policy requirement to provide 35% affordable housing in new developments. The council will now be seeking to adopt a similar approach in regards to the draft RCWAAP. The council will be addressing the issue of Affordable Rent tenures at a borough-wide level, through the review of the Local Plan, and it's therefore considered that the provision of affordable housing at Canada Water is not jeopardised by this issue.

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

Sustainability Appraisal

59. Section 19(5) of the Act requires Sustainability Appraisal ("SA") of the economic, social and environmental sustainability of plans in DPDs. Accordingly, a SA has been prepared to ensure the wider impacts of the draft RCWAAP policies are addressed. The SA focuses on those areas of the plan which have been amended. While this has been the focus, to ensure that the plan remains coherent, all policies have been reassessed in full. The sustainability appraisal provides a sound evidence base for the plan and forms an integrated part of the plan preparation process.

Equalities

60. 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").

61. 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).
62. 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”.
63. 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”
64. The adopted CWAAP was subject to a full Equalities Impact Assessment (“EqIA”) which assessed the equalities impacts at each stage of drafting and consultation. The Equalities Assessment appended at Appendix D of this report represents an updated analysis that builds on the previous EqIA and reassesses the draft revised CWAAP and its revisions in light of the 2010 Equality Act.

Human Rights Considerations

65. The draft RCWAAP 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 draft RCWAAP, a number of rights may be engaged: -
- **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 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 property / homes. It could be engaged, for instance, if the delivery of any plan necessitates CPOs or results in blight or loss of businesses/homes;
 - **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 is a relevant consideration in terms of strategies in the plan which impact on education provision.
66. It is important to note that few rights are absolute in the sense that they cannot

be interfered with under any circumstances. ‘Qualified’ rights, including the Article 6, Article 8 and Protocol 1 rights, can be interfered with or limited in certain circumstances. The extent of legitimate interference is subject to the principle of proportionality whereby a balance must be struck between the legitimate aims to be achieved by 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.

67. This approach has been endorsed by Lough v First Secretary of State [2004] 1 WLR 2557. The case emphasised that human rights considerations are material considerations in the planning arena which must be given proper consideration and weight. However, 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.
68. Public bodies have a wide margin of appreciation in striking a fair balance between competing rights in making these decisions. The approach and balance between individual and community rights set out in the publication/submission is within justifiable margins of appreciation.
69. The council has undertaken robust public participation, iterative sustainability and equalities assessments throughout the production of the adopted AAP and draft RCWAAP as well as engaging with the issue of human rights at each decision making process. Therefore the draft RCWAAP is not deemed to interfere with any human rights which may be engaged and strikes the appropriate balance between making strategic policies for its communities against any potential interference. In approving the draft RCWAAP for consultation, council assembly is reminded to have regard to human rights considerations and strive to strike a fair balance between the legitimate aims of making development plans for the benefit of the community against potential interference with individual rights.

Adoption Process – Procedural Requirements

70. Members’ are advised that should the draft RCWAAP be adopted by council assembly, a number of statutory requirements will need to be complied with by the council. These requirements are set out in Regulations 35 and 36 and must be complied with as soon as reasonably practicable after the date of adoption.
71. In summary, Regulation 35(1) requires that the council complies with section 20(8) of the Act to publish the Inspector’s recommendations and reasons as follows :
 - (a) That the recommendations of the Inspector’s report be deposited for the purposes of public inspection at the same venue that the pre-submission proposal documents were deposited;
 - (i) That Inspector’s recommendations be published upon the council’s web-site; and
 - (ii) That notification of publication be provided to those persons who requested to be notified of the recommendations publications.
72. Regulation 36 further provides that the council make available for inspection the following documents at the same place where the pre-submission documents were deposited:

- a) The draft final RCWAAP;
- b) An Adoption Statement, and
- c) The Sustainability Appraisal report
- d) Publish the Adoption Statement on the council's web-site;
- e) Give notice by local advertisement of the Adoption Statement and details of where it can be inspected
- f) Send the Adoption Statement to any person who has asked to be notified of the adoption of the RCWAAP; and
- g) Send the RCWAAP and Adoption Statement to the Secretary of State.

Application to the High Court

73. If the draft RCWAAP is ultimately adopted the final version will establish the strategic planning policy framework for Southwark. Under Section 113 of the Act, any party aggrieved by the adoption of the draft RCWAAP may make an application to the High Court within 6 weeks of the publication of the adoption statement. Such applications may only be made on limited grounds namely that:

- a) the document is not within the appropriate power; and / or
- b) that a procedural requirement has not been complied with.

Strategic Director of Finance and Corporate Services (FC13/067)

74. The strategic director of finance and corporate services notes that this report contains no new financial implications and that any additional costs arising from specific schemes will be submitted in separate reports.

BACKGROUND DOCUMENTS

Background paper	Held at	Contact
Canada Water area action plan (2012) (available on the website: http://www.southwark.gov.uk/download/7125/adopted_canada_water_aap)	160 Tooley Street	Sandra Warren 0207 525 5471
Core strategy (2011) (available on the website: http://www.southwark.gov.uk/download/5823/adopted_core_strategy)	160 Tooley Street	Sandra Warren 0207 525 5471

APPENDICES

No.	Title
Appendix A	Publication/submission draft Canada Water area action plan (circulated separately to members)
Appendix B	Proposed changes to the adopted policies map (available on the website) http://modern.gov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=4551&Ver=4
Appendix C	Sustainability appraisal (available on the website) http://modern.gov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=4551&Ver=4
Appendix D	Equalities Analysis (available on the website) http://modern.gov.southwark.gov.uk/ieListDocuments.aspx?CId=30

No.	Title
	2&MId=4551&Ver=4
Appendix E	Consultation Plan (available on the website) http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=4551&Ver=4
Appendix F	Consultation Report (available on the website) http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=4551&Ver=4
Appendix G	Appropriate assessment (available on the website) http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=4551&Ver=4

AUDIT TRAIL

Lead Officer	Eleanor Kelly, Chief Executive	
Report Author	Tim Cutts, Team Leader, Planning Policy	
Version	Final	
Dated	14 November 2013	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		14 November 2013

Item No: 7.1	Classification: Open	Date: 27 November 2013	Meeting Name: Council Assembly
Report title:		Treasury Management – Mid-year update 2013/14	
Wards or Groups affected:		All	
From:		Strategic Director of Finance and Corporate Services	

RECOMMENDATION

1. That council assembly notes this 2013/14 mid-year treasury management update.

BACKGROUND INFORMATION

2. This item is one of an annual cycle of reports on the council's debt and investments. Other reports to council assembly on treasury include a strategy report at the start of each financial year and an out-turn report following the end of the year. The cabinet also receive quarterly updates and the audit and governance committee reviews treasury strategy annually.
3. Treasury activity is supported by a series of prudential indicators (estimates and limits on capital finance, debt and investments), which are agreed by council assembly each year and under financial delegation all executive, managerial and operational decisions are the responsibility of the strategic director of finance and corporate services. This area of finance falls under the Local Government Act 2003 and is supplemented by investment guidance issued by the government and codes of practice issued by the Chartered Institute of Public Finance and Accountancy (CIPFA).

KEY ISSUES FOR CONSIDERATION

Investment Management Activity and Position

4. The council's cash is invested in accordance with its investment strategy, which is agreed annually by council assembly. The investment objectives are to preserve capital, ensure liquidity and secure a reasonable return.
5. Over the first half of 2013/14 the balance in investments averaged £242m and at 30 September 2013 stood at £231m (£176m at 31/3/2013). The change over the period reflects cash flow from day to day management of the council's financial affairs.
6. Investments were diversified across major high rated banks/building societies. Cash is also placed in the UK government or supranational bodies (such as the European Investment Bank and the International Bank for Reconstruction and Development, both backed by governments across the world).
7. Bank exposure is in the form of money market funds, call accounts, time deposits or certificates of deposits (CD), maturing within 12 months. The UK government exposure is in bonds or treasury bills, and the supranational is in bonds alone. The CD, treasury bill and bond portfolios are managed by two fund managers (AllianceBernstein and Aberdeen Investment Managers). Each

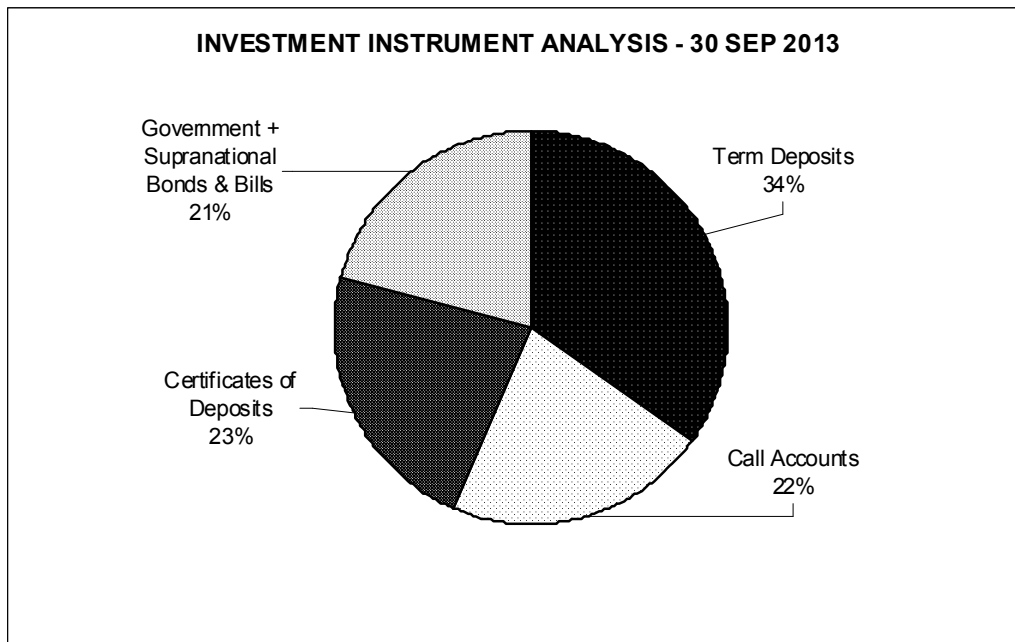
manager holds £50m and sums are placed in bonds longer than one year where prudent within a risk controlled framework, prioritising security and liquidity. The remainder of the funds are managed in-house, and the focus is on investing cash safely to meet day to day spending.

8. The half-year return to 30 September 2013 was 0.28%, reflecting the prolonged period of very low UK base rates (0.50%, equivalent to 0.25% over the half-year) and the stimulatory monetary policies which central banks here and abroad still have in place. Here the Bank of England has pledged, barring unforeseen circumstances, to keep base rates low until unemployment falls to 7% and no rate increase is expected until 2015.
9. The sum held across investment counterparties as at 30 September 2013, together with the rating and maturity profile is set out in the tables and chart below.

INVESTMENT COUNTERPARTY AND RATINGS - 30 SEP 2013									
Exposure £m	FUND				Fitch Ratings				
	Aberdeen	Alliance Bernstein	In-House	£m	Long	Short	Sup- port	Sovereign	Sovereign Rating
COUNTERPARTY									
NORDEA BANK FINLAND	5.7			5.7	AA-	F1+	1	FINLAND	AAA
CREDIT INDUST ET COMRCL	3.5			3.5	A+	F1	1	FRANCE	AA+
SOCGEN		1.0		1.0	A	F1	1	FRANCE	AA+
BANQUE NATIONAL DE PARIS		1.0	10.0	11.0	A+	F1	1	FRANCE	AA+
LANDESBANK BADEN WERTMBG		1.0		1.0	A+	F1+	1	GERMANY	AAA
DEUTSCHE BANK		2.0		2.0	A+	F1+	1	GERMANY	AAA
RABOBANK		1.0		1.0	AA	F1+	1	NETHERLANDS	AAA
ING BANK	3.4	1.0	15.0	19.4	A+	F1+	1	NETHERLANDS	AAA
ABN AMRO BANK	3.5	1.0		4.5	A+	F1+	1	NETHERLANDS	AAA
DNB BANK	3.5			3.5	A+	F1	1	NORWAY	AAA
EUROPEAN INV BANK	7.0	6.5		13.5	AAA	F1+		SUPRANATIONAL	AAA
INT BANK RECONST DEVT	3.5	6.8		10.3	AAA	F1+		SUPRANATIONAL	AAA
SVENSKA	3.3		15.0	18.3	AA-	F1+	1	SWEDEN	AAA
SKANDINAVISKA	3.5	1.0		4.5	A+	F1	1	SWEDEN	AAA
CREDIT SUISSE	3.5	1.1		4.6	A	F1	1	SWITZERLAND	AAA
UBS	1.6			1.6	A	F1	1	SWITZERLAND	AAA
NATIONWIDE BSOC	3.3	1.0	10.0	14.3	A	F1	1	UK	AA+
RBS/NATWEST			50.1	50.1	A	F1	1	UK	AA+
UK TREASURY		24.6		24.6	AA+	F1+		UK	AA+
BARCLAYS BANK	5.1	1.0	15.1	21.2	A	F1	1	UK	AA+
LLOYDS BANK			15.1	15.1	A	F1	1	UK	AA+
BNY MELLON	0.1	0.3		0.4	AA-	F1+	1	US	AAA
Total £m	50.5	50.3	130.3	231.1					

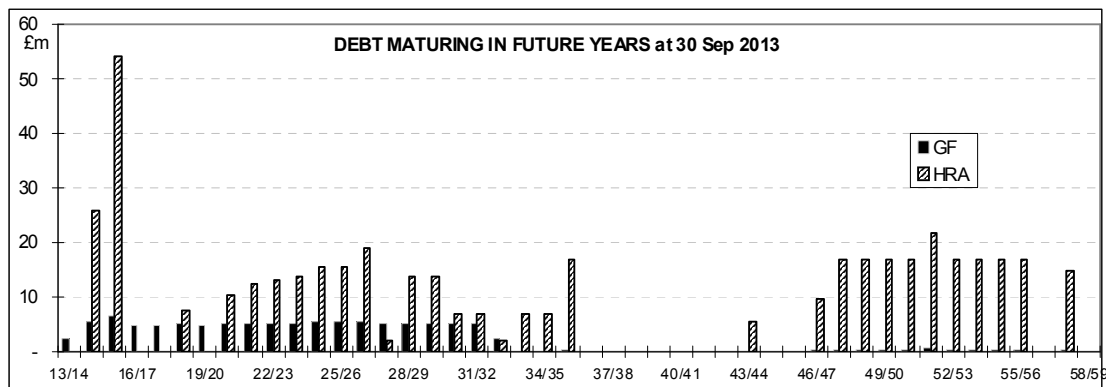
INVESTMENT MATURITY PROFILE AND LONG TERM RATING - 30 SEP 2013				
Yr Band	A+ to A	AA+ to AA-	AAA	Grand Total
Up to 1 Yr	162.3	37.2	2.9	202.4
1-2 Yrs			12.1	12.1
2-5 Yrs		7.8	8.8	16.6
Grand Total £m	162.3	45.0	23.8	231.1

Fitch Ratings	Definition
AAA	Highest credit quality
AA+,AA, AA-	Very high credit quality
A+, A	High credit quality
F1	Highest short term credit quality; strongest capacity for timely payment (+donates exceptionally strong credit feature)
1	Extremely high probability of support



Debt Management Activity and Position

10. The balance outstanding on loans taken to fund past capital expenditure was £560m at 31/3/2013. All loans are from the Public Works Loans Board (PWLB) and are divided between the HRA (£451m) and the general fund (£109m). No new loans were taken in the six months to September 2013, but £2.5m in general fund debt fell due for repayment and was paid off. The sums falling as maturities in the future are shown in the chart below.

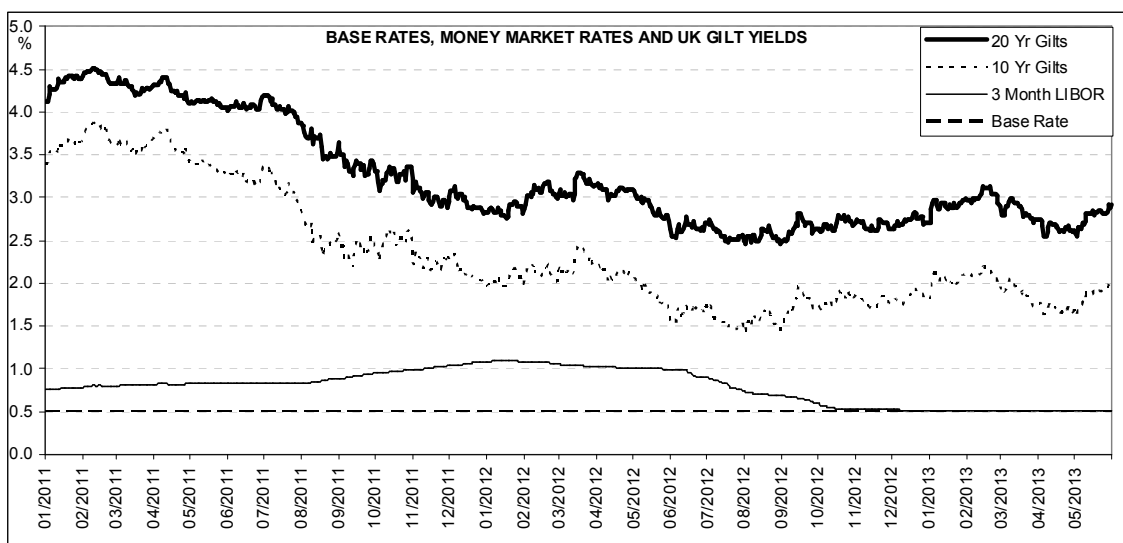


11. All loans are at fixed rates and the average rate of interest payable on HRA debt is 6.55% and for the general fund is 3.57%. The general fund rate reflects the low coupon loans taken in April 2012. The HRA has some £80m maturing between 2014/15 and 2015/16 at an average rate of 9.3%. Options are being considered for the future financing of this debt. The table below shows the movement in debt since 2005/6 and its impact on revenue in terms of interest payable.

Year	Closing debt	Annual interest payable	Average interest rate
	£m	£m	%
2006/07	693.7	60.9	8.8%
2007/08	738.3	54.6	7.6%
2008/09	770.7	52.0	7.0%
2009/10	761.7	52.8	6.9%
2010/11	761.7	52.8	6.9%
2011/12*	462.5	55.6	6.9%
2012/13	560.0	33.2	6.0%
2013/14	555.0	33.4	6.0%

* Under HRA self-financing reforms, the debt was reduced by £199.2 million in March 2012 and from 2012/13, councils became responsible for servicing the remaining debt out of rents and other HRA income.

12. Currently rates on new long term loans are low, although they have come under pressure since June 2013, when the outlook for growth in the United States began to improve and the central bank there indicated that monetary expansion would begin to slow if economic prospects continued to improve as expected. This led to higher sovereign bond yields not only in the US, but across all developed economies. Here in the UK, government bond yields (gilts) closed the half-year to September 2013 higher than they opened it at. Despite the increase, yields remain close to historical low; refer chart below. Since then however, yields have fallen a little as the US has delayed tapering monetary stimulus for the time being.



13. Gilt yields determine the rates at which the PWLB can lend to local authorities. A margin is added to gilts, but it remains a competitive source of long term funds.
14. The rates at which the council can replace its maturing debt will depend on rates prevailing at the time the loans are due for payment. In the case of the HRA the earliest the debt falls out is 2014/15 (when some £25m is due), with a further £55m due the year after. And although rates have already moved higher in anticipation of better economic prospects and tapering of monetary stimulus, the risk is that, despite a small fall recently, they go higher still, should prospects for growth continue to improve. Therefore, rather than wait for loans to mature before replacing them, they may be replaced sooner, subject to

refinancing costs, to protect the council from significant unexpected upward shift in long term rates.

15. The requirement for the general fund to replace maturing debt is negligible as revenue provisions are set-aside each year for debt repayment. At the moment, as no money is being set-aside for HRA debt repayment, maturing loans would have to be replaced. However, should the HRA set-aside sums in the future, it would, as with the general fund, reduce future refinancing requirements, exposure to interest rate risk and annual interest rate liability.
16. The general fund is also carrying some £190m as internal borrowing, mostly following the acquisition of its headquarters at 160 Tooley Street. This sum is also being pared down annually by the minimum revenue provision. Internal borrowing is currently cheaper than borrowing externally from the PWLB, however it may in the future become attractive to replace some of these internal funds with external ones.
17. Recently, the Local Government Association has made it one of its objectives to re-establish a municipal bond market. By doing so, they hope to offer competitive borrowing rates, and more flexibly structured loans with less restriction on early redemption. At best, the municipal bond agency would hope to be able to lend to councils similar to PWLB rates (between 0.70% and 0.80% above gilts). Against this background, the success of the agency remains uncertain, but officers are keeping this development under review

Prudential Indicators

18. Local authority borrowing, investment and capital finance activity is supported by the Prudential Code for Capital Finance and the Treasury Management in the Public Services Code of Practice and Guidance published by the Chartered institute of Public Finance and Accountancy and backed by the Local Government Act 2003. The codes introduced a series of prudential indicators, estimates and limits which authorities determine annually. Here the indicators were last determined by the council assembly in February 2013. The indicators have no impact on existing budgets. Borrowing and investment activities have remained within limits and the latest estimate and position against each indicator is set out below.

PRUDENTIAL INDICATORS – 2013/14 MID-YEAR UPDATE
--

(A) INDICATORS ON AFFORDABILITY AND PRUDENCE

		Ratio of Financing Cost to Net Revenue Stream
2012/13 Actual	2013/14 Estimate	- a measure of the cost of debt and PFI liability, net of interest income, as a percentage of revenue.
15%	15%	HRA
6%	7%	General Fund
		Incremental Impact of Capital Spend
2012/13 Actual	2013/14 Estimate	- a measure of the effect of capital spend proposals on council tax and rents. Actual council tax and rents are however determined by the council assembly taking account of all the resources of the council.

nil	Nil	Weekly rents
nil	Nil	Council tax – band D
		Capital Financing Requirements (CFR) and Gross Debt
		- the CFR is a measure of past capital expenditure financed through borrowing and long term liabilities (e.g. PFI). The level of debt should normally not exceed the CFR except over a short period.
2012/13 Actual	2013/14 Estimate	Actual debt remained below the CFR throughout the first half of 2013/14, on account of cash balances, internal borrowing and PFI transactions.
£848m	£840m	CFR
£562m	£560m	Maximum Debt, first half of 2013/14

(B) INDICATORS ON CAPITAL FINANCE

		Capital Expenditure Estimate
2012/13 Actual	2013/14 Estimate	- the estimated spend has been updated to reflect latest spend profile and includes PFI spend.
£86m	£133m	HRA
£262m	£80m	General Fund
£348m	£213m	Total
		Estimated Capital Financing Requirement
		- past capital expenditure financed through borrowing and long term liabilities.
		The HRA includes the PFI facility to deliver heating to housing units in Southwark coming into operation this year. And the general fund includes provisions to reduce future CFR liabilities from revenue. No such provisions are made in respect of the HRA at the moment.
2012/13 Actual	2013/14 Estimate	
£451m	£456m	HRA
£397m	£384m	GF
£848m	£840m	Total
		HRA Indebtedness Limit
2012/13 Actual	2013/14 Estimate	- a limit on capital finance met by debt and long term liabilities determined by the government.
£577m	£577m	Limit
£451m	£456m	HRA CFR

(C) INDICATORS ON TREASURY MANAGEMENT

			Operational Boundary on Debt and Authorised Limits for External Debt
2012/13 Actual Maximum	2013/14 Limit	2013/14 Max. to Sept. '13	- limits the council determine to accommodate debt, internal borrowing and long term liabilities. The lower limit is the operational boundary and takes account of existing positions and ordinary activity and the higher limit is the authorised limit and enables additional debt to be taken for very short periods within a risk controlled framework, should it be prudent.
			<i>Operational Boundary</i>
£562m	£815m	£560m	Borrowing
£107m	£115m	£98m	Other Long Term Liabilities
£669m	£930m	£658m	Total

			<i>Authorised Limit</i>
£562m	£850m	£560m	Borrowing
£107m	£120m	£98m	Other Long Term Liabilities
£669m	£970m	£658m	Total
			Gross and Net Debt
2012/13 Actual	2013/14 Limit	2013/14 Max. to Sept. '13	-an upper limit on net debt as a percentage of gross debt. The net has remained below gross on account of investments held to meet spend.
68%	100%	68%	Upper Limit
			Fixed and Variable Rate Upper Limits
2012/13 Actual	2013/14 Limit	2013/14 Max. to Sept. '13	- limits recognising existing positions, with flexibility to vary exposure within a risk controlled framework should it be prudent.
£562m	£850m	£560m	Upper limit on fixed rate debt
£0m	£215m	£0m	Upper limit on variable rate debt
			Maturity Structure of Fixed Rate Debt
2013/14 Lower Limit	2013/14 Upper Limit	2013/14 Position at start of year	- limits accommodating existing positions, with flexibility to vary exposure within a risk controlled framework should it be prudent.
0%	30%	1%	Under 1 year
0%	30%	6%	1 year and within 2 years
0%	60%	13%	2 years and within 5 years
0%	80%	12%	5 years and within 10 years
0%	100%	28%	10 years and within 20 years
0%	100%	6%	20 years and within 30 years
0%	100%	22%	30 years and within 40 years
0%	100%	12%	40 years and within 50 years

2013/14 Actual	2013/14 Limit	2013/14 Max. to Sept. '13	<i>Limit on Investments of one year or more</i> - caps maximum exposure to longer investments, while recognising that it helps secure additional yield within a risk controlled framework. Exposure over the last six months has remained cautious in view of market volatility.
15%	50%	15%	Percentage in one year or longer
7 Mnths	3 Yrs	7 Mnths	Overall maximum average maturity
5 Yrs	10 Yrs	5 Yrs	Longest investment
<i>Adoption of the CIPFA code of Practice on Treasury Management</i>			
- the code and its principles were adopted by the council assembly in 2010.			

SUPPLEMENTAL ADVICE FROM OTHER OFFICERS

Director of Legal Services

19. The constitution determines that agreeing the treasury management strategy is a function of the council assembly and that review and scrutiny of strategies and policies is the responsibility of the audit and governance committee.
20. Financial standing orders require the strategic director of finance and corporate services to set out the treasury management strategy for consideration and decision by council assembly, and report on activity on a quarterly basis to cabinet and at mid and year-end to council assembly. Furthermore all executive and operational decisions are delegated to the strategic director of finance and corporate services.
21. The Local Government Act 2003 and supporting regulations require local authorities to determine annual borrowing limits and have regard to the Prudential Code for Capital Finance, and the Treasury Management in the Public Services Code of Practice and Guidance, published by the Chartered Institute of Public Finance and Accountancy, when considering borrowing and investment strategies, determining or changing borrowing limits or prudential indicators.
22. Section 15(1) of the 2003 Act requires a local authority "to have regard (a) to such guidance as the Secretary of State may issue". This guidance is found in the Department of Communities and Local Government Guidance on Local Authority Investments updated March 2010 and there is statutory guidance on the Minimum Revenue Provision (MRP) produced under amendments made to section 21(1A) of the 2003 Act by section 238(2) of the Local Government and the Public Involvement in Health Act 2007.
23. Section 12 of the 2003 Act grants local authorities the powers to invest for any purpose relevant to its functions or for the purposes of the prudent management of its financial affairs.

BACKGROUND DOCUMENTS

Background Papers	Held at	Contact
None		

APPENDICES

No.	Title
None	

AUDIT TRAIL

Lead Officer	Duncan Whitfield, Strategic Director of Finance and Corporate Services	
Report Author	Jennifer Seeley, Deputy Finance Director	
Version	Final	
Version Date	13 November 2013	
Key Decision	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	N/A	N/A
Cabinet Member	Yes	Yes
Final Report Sent to Constitutional Team	14 November 2013	

Item No. 7.2	Classification: Open	Date: 27 November 2013	Meeting Name: Council Assembly
Report title:		Constitutional Review 2013/14 – planning sub-committees and community councils	
Ward(s) or groups affected:		All	
From:		Constitutional Steering Panel	

RECOMMENDATIONS

PART 3F - PLANNING COMMITTEE AND PLANNING SUB-COMMITTEES

1. That the constitutional steering panel recommends that the following constitutional change be adopted by council assembly:

Part 3F - Matters Reserved for Decision by a Planning Sub-Committee

- Delete category (c) from the list of categories of major applications in paragraph 10 that may be referred to the planning sub-committee.
- Insert a new paragraph 14 as follows:

‘To consider applications requested by two councillors to be determined by elected members, subject to the request being agreed by the chair of the planning committee in consultation with the appropriate chief officer.’

PART 3H – COMMUNITY COUNCILS

2. That it be noted that the leader of the council has varied the executive scheme of delegation in respect of disabled parking bays and delegate part of the function to the strategic director of environment and leisure.

CONSEQUENTIAL CHANGES

3. As a result of the changes suggested within this report officers will be required to update the constitution. Therefore council assembly is requested to authorise officers to undertake any necessary consequential changes.

BACKGROUND INFORMATION

Part 3F - Matters Reserved for Decision by a Planning Sub-Committee

4. An issue relating to ambiguity in the council’s constitution has been identified following questions and complaints about decision making procedure.
5. All constitutional changes are considered by constitutional steering panel, which then recommends changes to council assembly. Changes to the constitution are generally agreed by council assembly, unless another body or individual is authorised to do so – see Article 1.15.

6. On 6 November 2013 the constitutional steering panel considered a report on Part 3F of the constitution in respect of the planning sub-committee decision making process and agreed the constitutional change outlined in paragraph 1.

Part 3H – Community Councils

7. Council assembly at its meeting on Wednesday 10 July 2013 agreed a motion on community councils' consideration of disabled parking bay installations and referred it to the constitutional steering panel for consideration.
8. On 4 September 2013 the constitutional steering panel considered the motion and advice from officers and agreed that further information be sought from the strategic director of environment and leisure on implementing a scheme whereby officers determined 'individual' disabled parking bays and 'destination' parking bay continued to be considered by community councils. The panel also requested information on how an officer model of determination of individual disabled parking bays would work and how ward councillors would be notified of the application and final decision.
9. On 6 November 2013 the constitutional steering panel considered officers advice and agreed to request the leader to vary the executive scheme of delegation so that the decision to approve progression to statutory consultation for origin disabled bays could be delegated to officers. The variation would allow for ward members to be notified as part of the statutory process and allows them the opportunity to comment or object. The decision to determine any statutory objections made to a proposed origin disabled bays would remain with the community council and the decision to progress to statutory consultation or determine any statutory objections for destination bays remain with the community council.
10. On 14 November 2013 the leader agreed to vary the executive scheme of delegation as requested by the constitutional steering panel. Therefore, in accordance with council assembly procedure rule 2.10 (6), this report sets out the outcome of the constitutional steering panel's consideration of the motion referred to it by 10 July 2013 council assembly. The following constitutional amendment will be made to Part 3H of the council's constitution (see deletion and new insertion in italics).

Part 3H: Community Councils

Traffic management functions (executive function)

Decision making

16. Determination of the following local non-strategic matters:
 - the introduction of single traffic signs
 - the introduction of short lengths of waiting and loading restrictions
 - the introduction of road markings
 - ~~the introduction of disabled parking bays~~
 - the setting of consultation boundaries for consultation on traffic schemes
 - *the introduction of destination disabled parking bays*
 - *statutory objections to origin disabled parking bays.*

KEY ISSUES FOR CONSIDERATION

Part 3F - Matters Reserved for Decision by a Planning Sub-Committee

11. The council receives approximately 4,000 planning applications each year. The vast majority of these are decided by officers under delegated powers. The planning committee and the two planning sub-committees consider a very small number of applications selected usually because of their major significance.
12. The planning sub-committees are intended to deal with applications which exceed the nationally recognised threshold of what constitutes a 'major' planning application which includes housing developments of 10 or more dwelling units. There is an upper limit of 49 dwelling units as developments of 50 or more dwelling units are considered generally to be of strategic importance and are referred to the planning committee. This is set out in paragraph 10 of section 3F of the Constitution.
13. The constitution does not require all such major applications to be referred to the planning sub-committee but refers to specific categories of major applications that will be referred as follows:
 - b) those which are significantly contrary to the provisions of the local development framework approved by the council for the purpose of development control, and which are recommended for approval
 - c) those which are controversial, i.e. subject to 5 or more relevant objections (a "relevant objection" is defined as any objection except an objection which clearly does not raise any material planning considerations) except:
 - i) where in the opinion of the appropriate chief officer the objection can be overcome by the imposition of an appropriate condition, or
 - ii) where the application clearly complies with the relevant planning policies, in which case the decision may be taken by officers, or
 - iii) where the application is a straightforward refusal.
 - d) those requested by two councillors to be determined by elected members, subject to the request being agreed by the chair of the planning committee in consultation with the appropriate chief officer.
 - e) applications for the council's own developments which are controversial, i.e. subject to 5 or more relevant objections (a "relevant objection" is defined as any objection except an objection which clearly does not raise any material planning considerations)
 - f) those involving legal agreements, other than those in accordance with policy requirements, e.g. affordable housing, highway improvements, environmental work and other works required as part of a development proposal.
14. It should also be possible for applications in category (c) to be considered by the planning sub-committee when they are not 'major' applications.

Proposed Changes to the Constitution

Part 3F - Matters reserved for Decision by a Planning Sub-Committee

15. Proposed substantive changes to section 3F of the constitution are set out below

- Delete category (c) from the list of categories of major applications in paragraph 10 that may be referred to the planning sub-committee
- Insert a new paragraph 14 page 46 of the constitution as follows:

‘To consider applications requested by two councillors to be determined by elected members, subject to the request being agreed by the chair of the planning committee in consultation with the appropriate chief officer.’

Community impact statement

16. There will be no direct impact on local people from adoption of these changes to the council’s constitution. The constitution will enable people, including the local community where relevant, to understand the role that they can play in the decision making of the council and how the council will safeguard high standards of conduct amongst members and officers. Any specific issues relevant to each constitutional change are set out in the relevant section below.

OTHER CONSIDERATIONS

Resource implications

17. There are no resource implications associated with the changes outlined above.

18. Any legal issues are outlined in the body of the report.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Constitution http://www.southwark.gov.uk/info/10058/about_southwark_council/375/councils_constitution	160 Tooley Street, London SE1 2QH	Constitutional Team constitutional.team@southwark.gov.uk 020 7525 7228

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager	
Report Author	Simon Bevan, Director of Planning Lesley John, Constitutional Officer	
Version	Final	
Dated	15 November 2013	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Legal Services	Yes	Incorporated in the report
Strategic Director of Finance and Corporate Strategy	No	No
Strategic Director of Environment and Leisure	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	15 November 2013	

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

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		Sonia Sutton	1
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Romi Bowen	1	Sue Plain, Unison	1
Duncan Whitfield	1	Tony O'Brien, UCATT	1
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		James Lewis, NASUWT	1
		Pat Reeves, ATL	1
		Miss Sylvia Morris, NAHT	1
		Irene Bishop, ASCL	1
		Local M.P.	1
		Simon Hughes M.P.	
		Others	2
		Ann-Marie Connolly	1
		Elizabeth Olive, Audit Commission, Ground Floor, Tooley Street	1
		Total:	113