

OVERVIEW & SCRUTINY COMMITTEE

MINUTES of the Overview & Scrutiny Committee held on Monday 20 October 2014 at 7.00 pm at 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Gavin Edwards (Chair) Councillor Rosie Shimell (Vice-Chair) Councillor Anood Al-Samerai Councillor Catherine Dale Councillor Karl Eastham Councillor Tom Flynn Councillor Rebecca Lury Councillor Claire Maugham Councillor Adele Morris Councillor Martin Seaton (Reserve) Councillor Johnson Situ
OTHER MEMBERS PRESENT:	Councillor Mark Williams, Cabinet Member for Regeneration, Planning & Transport
ALSO PRESENT:	John Corey, Bermondsey Neighbourhood Forum Amy Carruthers, Bermondsey Village Action Group Russell Gray, Bermondsey Village Action Group
OFFICER SUPPORT:	Simon Bevan, Director of Planning Fran Biggs, Head of Electoral Services Deborah Collins, Strategic Director, Environment & Leisure Norman Coombe, Legal Services Juliet Seymour, Planning Policy Manager Peter Roberts, Scrutiny Project Manager

1. APOLOGIES

- 1.1 Apologies for absence were received from Councillor Jasmine Ali. Councillor Martin Seaton attended as a reserve.

2. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

2.1 There were no urgent items of business.

3. DISCLOSURE OF INTERESTS AND DISPENSATIONS

3.1 Councillor Catherine Dale reported that she was employed by Guy's and St Thomas', which fell within the neighbourhood area. Councillor Martin Seaton reported that he was Chair of Borough & Bankside Community Council.

4. MINUTES

4.1 Councillor Karl Eastham asked that paragraph 6.7 be amended to show that he was encouraged that a new school would improve the situation in East Dulwich.

RESOLVED:

That, subject to the above amendment, the minutes of the meeting held on 8 September 2014 be agreed as a correct record.

5. CALL-IN: NEIGHBOURHOOD PLANNING - DESIGNATION OF A NEIGHBOURHOOD AREA IN BERMONDSEY

5.1 The Vice-Chair, Councillor Rosie Shimell, explained the reasons behind the call-in request. She had received representations from Ward Councillors expressing concern that two separate community groups had put forward proposals but both had been turned down in favour of a third alternative. There was concern that some of the criteria on the basis of which the decision had been taken were subjective and a question whether the decision was in the spirit of the legislation as it was a council decision as opposed to a community decision. Councillor Adele Morris added that the legislation promoted a bottom-up, community approach and that she was not fully happy with the council's reasoning and its refusal of both groups. The outcome was an area which was artificially created and had not been put forward by any residents.

5.2 The Director of Planning, Simon Bevan, explained that the new legislation in the Localism Act introduced the Neighbourhood Plan, to be prepared by a Parish Council or Neighbourhood Forum. The Director of Planning clarified the process for a Neighbourhood Forum to prepare a Neighbourhood Plan, culminating in a referendum. It had to be considered whether an area was completely or predominantly a business area. If it were considered to be predominantly a business area, there would have to be two referendums, one for local businesses and one for local residents. Southwark had been asked to consider the process before the Act had been passed in order to test the principles of neighbourhood planning, particularly to see how it might work in a dense central London area.

- 5.3 The Director of Planning explained that the specific process in question had initially involved the Bermondsey Neighbourhood Forum (BNF) in discussions about the area to be included and how to involve people. Subsequently, another group had emerged and eventually two applications had been put forward. The two areas proposed were overlapping and the area proposed by the Bermondsey Village Action Group (BVAG) also overlapped the area designated as the Bankside Neighbourhood Plan area. The legislation was very clear that areas could not overlap. The Director of Planning explained that a long period of discussion had followed, including exploration of the idea that the two different groups might combine, and also that consultation had identified other groups around the area with views on the proposals. The council was proposing Area A as an appropriate area, containing elements of both applications and based on an assessment of the character of the area as very much a residential one (not including a strategic employment area).
- 5.4 Councillor Morris queried the decision to remove strategic employment areas from Area A, pointing out that the neighbouring Bankside Neighbourhood Plan area had a range of uses mixed in. The Director of Planning agreed that the areas were similar in some ways, both being in the central London part of Southwark. The difference in terms of Bankside was that the area had been presented as predominantly a business area with some residential. From the beginning it had been very much led by the Better Bankside Business Improvement District (BID) although working closely with residential and community groups. The Director of Planning clarified that the area under consideration tonight included a substantial population in a clearly residential area. Beyond the proposed boundary was an area where there was a concentration of businesses with very few residents.
- 5.5 Councillor Anood Al-Samerai stressed that two community groups had put forward proposals and that it seemed as if both had been ignored. She was concerned that the council's decision was in part based on Area A being easier, in terms of it not requiring a business referendum. Councillor Al-Samerai also stressed the amount of good will and enthusiasm that had been present in the community at the start of the process but that delays over the past three years had caused problems. She was concerned that neither group had been told when the decision had been taken by the cabinet member and that details of all consultation responses had not been included in the report. The Director of Planning stressed that it was difficult to justify a business led neighbourhood plan and referendum in this area. He also explained that apparent delays had been the result of talks with the groups, the requirement to advertise applications and other groups coming forward with their views. This had been followed by a period of meetings, including community council meetings, to try and resolve differences. The Director of Planning clarified that it had been the officers' intention to notify the groups of the cabinet member's decision but that this had not happened due to an oversight. At the same time it was not a requirement of legislation to do this. He also confirmed that the cabinet member had received a summary of the views which had arisen out of the consultation. Councillor Al-Samerai asked whether the groups had received an apology for this oversight and Juliet Seymour, Planning Policy Manager, confirmed that they had.
- 5.6 John Corey of the BNF addressed the committee. He explained that the original area that the Forum had proposed was quite small but that it grew as it was

important to include a particular estate and businesses. There were now eleven thousand residential units and nine thousand businesses in the proposed area. A key idea was to improve the flow between the station and the rest of the proposed area.

- 5.7 Councillor Martin Seaton asked whether members of the forum had discussed the council's proposal. John Corey responded that the forum did not understand why the area was limited to the residential element below Long Lane . The proposed area would be supported by some groups but not by others, for instance Leathermarket JMB would withdraw. He added that the council proposal also excluded the people who worked at the hospital. Councillor Morris commented that a lot of businesses saw advantages in neighbourhood planning and asked whether the forum had discussed its proposals with, for instance, More London. John Corey stated that the forum had begun as a residential group but had involved businesses in a lot of different conversations. Councillor Al-Samerai wondered how flexible the forum had been in terms of boundaries. John Corey felt that the forum had tried to work with boundaries in order not to overlap with the Bankside area or create holes. Councillor Karl Eastham asked how much work had been done with BVAG to achieve commonly agreed boundaries. In John Corey's view there was disagreement between the two groups about what localism provided and he believed that the groups had different agendas.
- 5.8 The chair, Councillor Gavin Edwards, asked for information about the forum's decision making structure and how it made itself accessible to the whole community. John Corey explained that a working group had drawn up the forum's constitution and had met a number of times including open meetings. A steering group had also been set up which was supposed to be interim but was still in place. The group included representatives from different groups in the community, including churches, charities and businesses. He commented that initially the forum had been part of the government's 'front runner' programme but following the passing of the legislation it had needed to make a formal application. John Corey also emphasised that the council's decision had served to take the wind out of the sails of the many volunteers who had worked so hard on the forum's application.
- 5.9 Russell Gray and Amy Carruthers of BVAG addressed the committee. Russell Gray pointed out that the officer report did not specifically refer to the St Thomas Street Plan. He also outlined the history of the Action Group which had been formed in response to a draft supplementary planning document published in 2010 when he felt that the council had not adequately consulted on a proposed high-rise zone. Following this, the Localism Act had provided the opportunity for local people to have more say in local planning policy and had sowed the seeds of the St Thomas Street Plan. Russell Gray was of the view that the council wanted a neighbourhood forum that would endorse existing council policy. He felt that, because BVAG had been at loggerheads with the council over policy in the past, the council was now less than enthusiastic in supporting BVAG's application. Russell Gray also challenged the council's designation of Area A, stating that his understanding of case law was that a forum could not be designated without an area or an area be designated without a related forum.

- 5.10 Councillor Tom Flynn asked for the rationale behind the area proposed by BVAG. Russell Gray stressed that there was a cohesive group supporting this area, made up of people who had consistently worked together and holding regular meetings to which everyone was invited. In response to a question from Councillor Catherine Dale, he emphasised that St Thomas Street was the area where there was a fundamental clash in preferred policy. He stated that the council was trying to drive high-rise developments down St Thomas Street.
- 5.11 Councillor Johnson Situ asked the make-up of BVAG and for details of its constitution. Russell Gray explained that all meetings were open and that the group resisted holding private meetings. Decisions were made on a collective basis. Amy Carruthers added that meetings were publicised via an extensive mailing list. Councillor Situ asked for an explanation of the difference between BVAG and BNF. Russell Gray stated that BNF was entirely an off-shoot of BVAG. When an application was made by one individual on behalf of BNF, BVAG called a joint meeting but only one or two representatives from BNF came. The meeting had resolved how the groups should proceed, given the conflict over the proposed areas, but then BNF had done something different.
- 5.12 Councillor Eastham wondered whether St Thomas Street not being included in Area A presented an obstacle. Russell Gray felt that this took the heart out of BVAG's plan to the point of making a lot of its initiatives pointless. Councillor Morris emphasised that one objective of a neighbourhood plan was to identify new sites for development and another was to designate and protect heritage assets and open and green spaces. She asked whether BVAG, as well as wanting to restrict development, was also attempting to forge partnerships in order to focus on heritage. Russell Gray replied that developers did not need help to identify new sites. The legislation empowered local communities to create planning policy. One of BVAG's aims was to manage an area of high-rise development, including the Shard, with the Bermondsey Street conservation area.
- 5.13 Amy Carruthers stressed her view that BVAG had been closed out of the St Thomas Street area by the proposal in the new Southwark Plan for high-rise development in that area. She felt that the council was trying to prevent local people from having a say about development, that the council was happy to talk to business but not to residents who knew what their neighbourhood was and should be allowed to have a say in how it was designated. Amy Carruthers argued that BVAG was not just concerned about high-rise development but about people and homes. She stated that the central issue was that the council could only come up with Area A as it had the larger area proposed by the BNF to start from. It needed this alternative proposal in order to turn down BVAG's proposal but this was reliant on the BNF being a democratically operating group and Amy Carruthers felt that this was not the case as BNF did not have a decision making body and its application was not supported by the steering group. Russell Gray added again that the recent Daws Hill case suggested that neighbourhood areas and forums needed to be designated at the same time and that the council could not expand areas.
- 5.14 Councillor Mark Williams, Cabinet Member for Regeneration, Planning & Transport, addressed the committee. Neighbourhood planning was a complex process, especially in a central London location. It was an opportunity to bring

people together to inform planning and to bring sites forward for development. Councillor Williams acknowledged and apologised that the two groups had not been formally informed of his decision. In terms of the Daws Hill case he felt that it was important to recognise that in that instance there was one group and one area whereas the situation here was one of two groups and two different areas. He stood by his decision and the council's proposal of Area A. The council was now inviting bids for the designated area and he welcomed and encouraged the two groups and any other individuals or groups to come forward. Councillor Williams stated that this was the best way forward in a very complicated area.

- 5.15 The chair asked for further explanation in respect of the BNF proposed area not forming a coherent neighbourhood appropriate for neighbourhood planning (paragraph 23 of the report). Councillor Williams explained that this was due to the very different character of the two areas, residential and commercial, making it very unwieldy as a neighbourhood planning area. Councillor Al-Samerai remained concerned that the council had not genuinely listened to residents, especially as it had excluded a big area over which both groups were in agreement. Councillor Williams responded that there was a lot of local opinion. Two groups had come forward with clear differences. The council had to work with and take into account all views in order to arrive at an appropriate boundary for the neighbourhood planning area. The council's role was to designate an area and a forum. Councillor Williams hoped that a group would come forward to apply to be the forum for Area A. He also stressed the amount of work officers had undertaken in order to speak to the local community and that ultimately the new Southwark Plan would take precedence over neighbourhood plans.
- 5.16 Councillor Tom Flynn highlighted the major disappointment that the Leathermarket JMB was unhappy with Area A. He hoped that one or more groups would come forward. Councillor Morris asked what would happen if no group came forward. Councillor Williams replied that this would be a huge shame as the result would be that there was no forum or plan. Councillor Morris pointed out that a bigger area would have included business and that this would have had the advantage that the Community Infrastructure Levy (CIL) could have been spread throughout the whole area of the neighbourhood plan. Councillor Williams responded that the exact mechanism for distribution of CIL was not set but a mixture of Cabinet Member and Community Council decisions. The vice-chair, Councillor Rosie Shimell suggested that there would be real benefits to the residential and business communities being treated as one and wondered if there was scope for re-thinking Area A to include some businesses. She also asked whether the council would be proactively engaging with BNF and BVAG and others in respect of Area A. Councillor Williams stressed his view that here was a clear difference in the two areas, in terms of commercial and residential, which would be problematic if the area was amended. He confirmed that the council would be getting in touch with groups and individuals and would help to support whoever came forward.
- 5.17 In response to questions from Councillors Eastham and Seaton, Councillor Williams gave further clarification on the boundaries and the exclusion of some streets from Area A. He explained that the area in which the Tooley Street offices sat was covered by Team London Bridge. The redevelopment of London Bridge Station and the increasing number of passenger journeys could pull greater numbers of commuters into the borough. This did not necessarily need to be

addressed through a neighbourhood plan.

- 5.18 Councillor Damian O'Brien, a member for Grange ward, emphasised that a large group of people had invested a lot of time in putting forward applications to be designated as neighbourhood forums. He was concerned that another group would not appear out of nowhere and encouraged the council to come up with an area that a group would be happy to work with.
- 5.19 The chair summarised his view of the issues. The council had been presented with a complicated situation where it had believed that the two bids could not deliver its wide objectives in terms of jobs and home building. The council clearly had discretion to take the decision that it had and had clearly put a lot of effort into consultation. It was crucial that something constructive came out of the proposal of Area A and that the council put resources into engaging groups in order to achieve this aim. The chair stressed that homes and economic development were essential for Southwark and, this being the case, the cabinet member's decision was the best that could be made in difficult circumstances. Councillor Seaton agreed, particularly with the critical importance of employment opportunities. There had been two or three years' discussion over boundaries and he expressed his respect for the two groups. Councillor Situ was confident that the right decision had been taken. Councillor Flynn stressed the importance of the council trying to reconcile all housing estates in the area to how Area A could benefit them.
- 5.20 Councillor Al-Samerai remained of the view that Area A had not been properly consulted on, especially as there were areas in the two applications over which both groups were in agreement. She proposed that the cabinet member be asked to extend the boundary of Area A northwards and to work with one or both groups. Councillor Morris added that residents did not see Area A as a cohesive area. Councillor Shimell shared these concerns, stating her view that it was not in the spirit of the legislation for the council to throw out plans that local residents had put together and believed to be cohesive. It was a shame that the decision excluded the business district to the North of Area A and schools to the South.
- 5.21 Following further discussion it was

RESOLVED:

1. That the cabinet member's decision not be referred back.
2. That the cabinet member and officers be urged to engage with the two existing groups and the wider community, including housing estates, in respect of the designated Neighbourhood Area (referred to in the report as Area A).

6. ELECTION UPDATE

- 6.1 The Strategic Director, Environment & Leisure, Deborah Collins, introduced the report.
- 6.2 Councillor Tom Flynn highlighted recommendation 65 in respect of establishing Tooley Street as the primary venue of choice for all future elections. He was

concerned that, due to a lack of space, a lot of people and including young people, had been unable to come to the count. He felt that this was a problem in terms of the need to engage people in local democracy. The Strategic Director commented that the available space in 2010 had also been very cramped and that in comparison Tooley Street provided more space. There were not many possible venues in the borough although the Castle Leisure Centre might provide an answer in the future. The Strategic Director also explained that the count was not a public event, and there were rules as to who was entitled to attend. At the same time, the Strategic Director stated that more people had been expected to attend than did on the day and that therefore there was significant spare capacity. At future counts it was planned to try to get earlier information about how many people were attending.

6.3 Councillor Johnson Situ asked the strategic director's opinion on the use of social media. The Strategic Director replied that use of Twitter had worked well and that she was always looking for ways to expand and improve communication. Councillor Anood Al-Samerai raised a concern that data from the electoral register had been sold accidentally. The Strategic Director explained that data had not been sold, but that she was obliged to make versions of the electoral register available to certain bodies if people had not opted out of that. She had been forced by threatened legal action from some data companies to remove the pre-ticked opt out from the form so that as a result the opt-out now had to be entered by electors every time they registered and followed up in the data entry within the team. In the transition process an error had been made in generating the reports, but the issue had been picked up very quickly and the bodies contacted before they used the information so that no data had been used wrongly. Although this meant that there was no practical impact on electors it had been decided for transparency's sake to notify everyone whose data had been included in the first report and explain what had been done to protect them. The Head of Electoral Services, Fran Biggs, added that the error had come to light before data companies had uploaded the information in question. She also clarified an issue relating to ballot paper numbers appearing on a marked postal voters' register. Again no material breach had occurred, as the recipients had all been asked to delete the incorrect report and confirmed that they had done so. The likelihood of actual breach was negligible as the ballot papers themselves were in secure storage, which meant that there was no possibility of any match between the elector and the ballot paper itself.

6.4 Councillor Claire Maugham commented that, because of connectivity problems, it had been difficult to Tweet from the count. She also asked how Southwark could increase the election turnout. The Strategic Director responded that adverts had been placed in newspapers two and three weeks before the election. In addition, the "Southwark decides" hash tag had been used to encourage registration and then to let people know that the election was coming. By Southwark standards, the turnout was high for a local government election. The Strategic Director acknowledged that it was disappointing that more people were not voting and now the council was making a big push to get electors registered. Southwark made use of community and other groups to publicise this and also made use of Electoral Commission guidelines and templates. In response to a further question from the vice-chair, Councillor Rosie Shimell, the Strategic Director reported that the registration rate was around 92%. The Head of Electoral Services added that 79%

of electors were passported onto the register. For those people who did not match central and local data it was necessary for canvassers to visit door to door and confirm details.

7. CORPORATE PROCUREMENT STRATEGY

- 7.1 The chair reported that, due to time constraints that evening, he would be meeting separately with representatives from Community Action Southwark. He also informed the committee that he would be interviewing procurement officers and that John Tizzard would be attending the November meeting.
- 7.2 Members highlighted areas for possible inclusion in the final report:
- evaluation of cost of use of consultants
 - LGA best practice
 - establishment of councillor champion for procurement and cabinet member with responsibility for procurement
 - monitoring and management of contracts (for instance appropriate serving of default notices)
 - any strategy must be scenario tested
 - incorporation of social value criteria
 - qualitative as well as quantitative measures to be included in contracts
 - transparency of data (on contractors and sub-contractors)

The meeting ended at 10.10 pm