

Cabinet

Tuesday 12 March 2019

4.00 pm

Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

Membership

Councillor Peter John OBE (Chair)
Councillor Rebecca Lury

Councillor Jasmine Ali
Councillor Evelyn Akoto
Councillor Stephanie Cryan
Councillor Richard Livingstone

Councillor Victoria Mills
Councillor Leo Pollak

Councillor Johnson Situ
Councillor Kieron Williams

Portfolio

Leader of the Council
Deputy Leader and Cabinet Member for
Culture, Leisure, Equalities and Communities
Children, Schools and Adult Care
Community Safety and Public Health
Housing Management and Modernisation
Environment, Transport Management and Air
Quality
Finance, Performance and Brexit
Social Regeneration, Great Estates and New
Council Homes
Growth, Development and Planning
Jobs, Skills and Innovation

INFORMATION FOR MEMBERS OF THE PUBLIC

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Contact

Paula Thornton 020 7525 4395 or email: paula.thornton@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Councillor Peter John

Leader of the Council

Date: 4 March 2019



Cabinet

Tuesday 12 March 2019
4.00 pm

Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
	MOBILE PHONES	
	Mobile phones should be turned off or put on silent during the course of the meeting.	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear working days of the meeting.	
3.	NOTICE OF INTENTION TO CONDUCT BUSINESS IN A CLOSED MEETING, AND ANY REPRESENTATIONS RECEIVED	1
	To note the items specified which will be considered in a closed meeting.	
4.	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.	

Item No.	Title	Page No.
5.	PUBLIC QUESTION TIME (15 MINUTES)	
	To receive any questions from members of the public which have been submitted in advance of the meeting in accordance with the cabinet procedure rules. The deadline for the receipt of a public question is midnight Wednesday 6 March 2019.	
6.	MINUTES	2 - 6
	To approve as a correct record the minutes of the open section of the meeting held on 5 February 2019.	
7.	DEPUTATION REQUESTS	
	To consider any deputation requests. The deadline for the receipt of a deputation request is midnight Wednesday 6 March 2019.	
8.	SOUTHWARK GREAT ESTATES PROGRAMME PAPER TWO - ESTATE IMPROVEMENT PLANS	7 - 17
	To agree the principles of the Great Estates Programme - Estate Improvement Plans.	
9.	AYLESBURY REGENERATION PROGRAMME MOVING FORWARD	18 - 28
	To note the significant progress on implementing the Aylesbury regeneration programme and to agree the sub-phasing of Phase 4 and related recommendations.	
10.	FAITH STRATEGY	29 - 41
	To adopt the vision for the council's future relationships with faith organisations working in the borough.	
11.	FREE PRIMARY SCHOOL VISITS TO THE THEATRE PROGRAMME	42 - 65
	To agree the proposed approach for developing a targeted programme to deliver the council plan target to "ensure primary child gets a free visit to the theatre each year."	
12.	INTRODUCE WATER FOUNTAINS THROUGHOUT SOUTHWARK	66 - 73
	To approve the target to increase the number of water fountains within Southwark.	

Item No.	Title	Page No.
13.	GATEWAY 1 - PROCUREMENT STRATEGY APPROVAL MAIN CONTRACTOR PROCUREMENT: ALBION NEW HOMES	74 - 96
	To approve the procurement strategy for a two stage design and build contract through the Notting Hill Genesis (NHG) framework for the construction of the Albion new homes schemes.	
14.	GATEWAY 1 - PROCUREMENT STRATEGY APPROVAL MAIN CONTRACTOR PROCUREMENT: CATOR STREET 2	97 - 114
	To approve the procurement strategy for a two stage design and build contractor for the construction of Cator Street 2.	
15.	WALWORTH TOWN HALL INVESTMENT PROPOSAL	115 - 138
	To approve the preferred bidder for the Walworth Town Hall complex investment project.	
16.	585 - 589 OLD KENT ROAD - ACQUISITION OF SITE TO DELIVER NEW COUNCIL HOUSING	139 - 146
	To authorise pursuant to s120 of the Local Government Act 1972 and s9 of the Housing Act 1985 that the council acquires the freehold interest of 585-589 Old Kent Road to deliver new council housing.	
17.	LAND ADJOINING THE HOLLINGTON CLUB AT 56-60 COMBER GROVE SE5	147 - 163
	To confirm that the land is no longer required for those purposes which they are currently held and to approve the appropriation of the land to planning purposes.	
	OTHER REPORTS	
	The following item is also scheduled for consideration at this meeting:	
18.	IMPACT OF BREXIT ON SOUTHWARK - PROGRESS REPORT	
	To provide a progress report on implementation of actions following adoption by cabinet in January 2019 of the recommendations from the Southwark Brexit Panel and work related to mitigating the impact of Brexit on council services and residents.	
	DISCUSSION OF ANY OTHER OPEN ITEMS AS NOTIFIED AT THE START OF THE MEETING	

EXCLUSION OF PRESS AND PUBLIC

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

“That 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 paragraphs 1-7, Access to Information Procedure Rules of the Constitution.”

PART B - CLOSED BUSINESS

- 19. WALWORTH TOWN HALL INVESTMENT PROPOSAL**
- 20. 585 - 589 OLD KENT ROAD - ACQUISITION OF SITE TO DELIVER NEW COUNCIL HOUSING**
- 21. LAND ADJOINING THE HOLLINGTON CLUB AT 56-60 COMBER GROVE SE5**

DISCUSSION OF ANY OTHER CLOSED ITEMS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT

Date: 4 March 2019



Notice of Intention to conduct business in a closed meeting, and any representations received

Cabinet 12 March 2019

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require that the council give a 28 notice period for items to be considered in private/closed session. This has been implemented through the publication of the council's forward plan.

The council is also required under these arrangements to give a further five days notice of its intention to hold the meeting or part of the meeting in private/closed session and give details of any representations received in respect of the private meeting.

This notice issued in accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 is to confirm that the cabinet meeting to be held on 12 March 2019 at 4.00pm, Council offices, 160 Tooley Street, London SE1 2QH will be held partly in closed session for consideration of the following items listed on the agenda:

- Item 19:** Walworth Town Hall Investment Proposal
- Item 20:** 585 - 589 Old Kent Road - Acquisition of Site to Deliver New Council Housing
- Item 21:** Land adjoining the Hollington Club at 56-60 Comber Grove SE5

The proper officer has decided that the agenda papers should not be made available to the press and public on the grounds that they involve the likely disclosure of confidential or exempt information as specified in categories 1 - 7, of the Access to Information Procedure Rules of the Constitution. The reason for both reports is that they contain information falling within category 3: information relating to the financial affairs of any particular person (including the authority holding that information).

In most cases an open version of a closed report is produced and included on the agenda.

No representations have been received in respect of the items listed for consideration in closed session. Any representations received after the issuing of this notice will be reported at the meeting.

Paula Thornton
For Proper Constitutional Officer

Dated: 4 March 2019



Cabinet

MINUTES of the OPEN section of the Cabinet held on Tuesday 5 February 2019 at 4.00 pm at the Council Offices, 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Peter John OBE (Chair)
Councillor Rebecca Lury
Councillor Jasmine Ali
Councillor Stephanie Cryan
Councillor Richard Livingstone
Councillor Victoria Mills
Councillor Leo Pollak
Councillor Johnson Situ
Councillor Kieron Williams

1. APOLOGIES

Apologies for absence were received from Councillor Evelyn Akoto.

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

The chair gave notice of the following late item:

Item 11: Policy and Resources Strategy 2019-20

Reasons for urgency and lateness will be specified in the relevant minute.

3. NOTICE OF INTENTION TO CONDUCT BUSINESS IN A CLOSED MEETING, AND ANY REPRESENTATIONS RECEIVED

There were no closed items considered at this meeting.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Councillor Peter John declared a non-pecuniary interest in respect of item 9: Policy and resources strategy – capital monitoring report, including capital programme update 2018-

19 as chair of governors at Riverside primary school and confirmed his intention to withdraw from the meeting while this item was being discussed.

5. PUBLIC QUESTION TIME (15 MINUTES)

There were no public questions.

6. MINUTES

RESOLVED:

That the minutes of the meeting held on 22 January 2019 be approved as a correct record and signed by the chair.

7. DEPUTATION REQUESTS

There were none.

8. GATEWAY 0 - STRATEGIC OPTIONS ASSESSMENT FOR 2020 - PARKING AND TRAFFIC ENFORCEMENT AND RELATED SERVICES OPTIONS AND CONTRACT PROCUREMENT STRATEGY

RESOLVED:

1. That it be noted that the current parking enforcement and associated services contract ends on 31 March 2020 providing the council with an opportunity to review the way in which those services are delivered.
2. That the recommended strategic delivery option (paragraphs 22 to 32 of the report) to bring essential services such as school crossing patrols, correspondence, early appeals decision making and permit services under the direct control of the council's parking services team be approved.
3. That it be noted that a gateway 1 report will be prepared for the purpose of obtaining approval of the procurement strategy for the remaining out-sourced works and services based on the cabinet's decision.

9. POLICY AND RESOURCES STRATEGY: CAPITAL MONITORING REPORT, INCLUDING CAPITAL PROGRAMME UPDATE 2018-19

Councillor Peter John, having declared a non-pecuniary interest in this item, withdrew from the meeting while this item was being discussed and a decision made. Councillor Rebecca Lury, deputy leader and cabinet member for culture, leisure, equalities and communities chaired the meeting for this item.

RESOLVED:

1. That the general fund capital programme for the period 2018-19 to 2027-28 as at

Month 8, as detailed in Appendices A and D of the report and the forecast financing required (i.e. borrowing) of £134.3m for 2018-19 be noted.

2. That the housing investment programme for the period 2018-19 to 2027-28 as at Month 8, as detailed in Appendix B of the report be noted. Financing of the anticipated spend of £122.6m for 2018-19 has been identified.
3. That the virements and variations to the general fund and housing investment programme (HIP) as detailed in Appendix C of the report be approved.
4. That the inclusion in the programme of the new capital bids set out in Appendix E of the report be approved.
5. That the projected expenditure and resources for 2018-19 and future years for both the general fund and housing investment programmes as detailed in Appendices A, B and D of the report be noted, as this position continues to outturn when more up to date information will be available.
6. That officers review the levels of capital set out in the programme for highway works related to Fairer Future Priorities prior to the report being considered by council assembly on 27 February 2019.
7. That the Leader delegates authority to the cabinet member for finance, performance and Brexit, in discussion with the cabinet member for environment, transport management and air quality, to amend the report prior to the 27 February 2019 council assembly meeting to ensure that appropriate resources are available for those highways commitments set out in the Council's Fairer Future promises.

10. POLICY AND RESOURCES STRATEGY: REVENUE MONITORING REPORT, INCLUDING TREASURY MANAGEMENT 2018-19

RESOLVED:

1. That the following be noted:
 - the general fund outturn forecast for 2018-19 of £0.354m under spend, before application of the Dedicated Schools Grant (DSG) deficit (Table 1 of the report)
 - the continuing pressures on the Dedicated Schools Grant (DSG), £7.0m in 2018-19 (paragraphs 21 to 22 of the report)
 - cost pressures in housing and modernisation, largely relating to temporary accommodation (£3.5m) and No Recourse to Public Funds (£0.6m) (paragraph 25 to 32 of the report)
 - the £4m contingency is utilised in full to mitigate the impact of cost pressures within temporary accommodation and No Recourse to Public Funds (paragraph 40 of the report)
 - the general fund outturn forecast indicates a net increase in reserves of £7.0m (paragraphs 51 to 55 and Table 3 of the report), excluding DSG reserve (paragraphs 21 to 22 of the report), arising principally as a result of the creation of the London Devolution Deal Reserve (paragraphs 56 – 57 of the report)
 - the housing revenue account forecast set out in Table 2 of the report (paragraphs 42 to 50 of the report)

- the treasury management activity to date in 2018-19 (paragraphs 58 to 60 of the report).
2. That the general fund budget movements that exceed £250,000, as shown in Appendix A of the report be approved.
 3. That it be noted that allocations from the London Devolution Deal Reserve were presented within the policy and resources budget report 2019-20, considered by cabinet on 22 January 2019.

11. POLICY AND RESOURCES STRATEGY 2019-20

The report had not been circulated five clear days in advance of the meeting. The chair agreed to accept the report as urgent as cabinet were required to prepare a budget proposal for submission to council assembly. This was the last cabinet meeting before council assembly on 27 February 2019. The council were required to set a lawful budget by 11 March 2019.

Councillor Bill Williams, chair of the overview and scrutiny committee attended the meeting to present the committee's recommendations.

RESOLVED:

1. That the recommendations considered at cabinet on 22 January 2019 be noted, and that it be noted that this report has been amended accordingly.
2. That it be noted that the 22 January 2019 report was considered by overview and scrutiny committee on 28 January 2019, and that the response to the recommendations arising be agreed (paragraphs 102 – 104 of the report).
3. That it be noted that the final local government finance settlement published on 29 January 2019 was unchanged from the provisional settlement published in December (paragraph 24 of the report).
4. That the additional grant of £0.105m in 2018-19 and 2019-20 to support preparations for Brexit (paragraph 28 of the report) be noted.
5. That it be noted that this report presents the final balanced general fund budget proposals for 2019-20 including:
 - Efficiencies and improved use of resources savings of £13.905m (Appendix C of the report)
 - Income generation proposals of £4.810m (Appendix D of the report)
 - Savings impacting on services of £0.900m (Appendix E of the report)
 - Commitments and growth of £16.206m (Appendix F of the report)
 - Pay Award and contractual inflation of £8.450m; and
 - Debt financing costs of £3.809m.
6. That this balanced one-year 2019-20 budget be submitted to council assembly for approval.

7. That the fees and charges as set out in Appendix G of the report (paragraphs 92 – 94 of the report) be agreed.
8. That it be noted that in the summer 2019 cabinet will receive a refreshed outlook of the financial position and specifically an update on local government financing in 2020-21 and beyond.

NOTE: In accordance with overview and scrutiny procedure rule 16.2 (a) (budget and policy framework) decisions 1- 6 are not subject to call-in.

EXCLUSION OF THE PRESS AND PUBLIC

That the press and 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 category 3 of paragraph 10.4 of the access to information procedure rules of the Southwark Constitution.

The following is a summary of the decisions taken in the closed part of the meeting.

12. MINUTES

RESOLVED:

That the minutes of the closed section of the meeting held on 22 January 2019 be approved as a correct record and signed by the chair.

The meeting ended at 4.50 pm.

CHAIR:

DATED:

DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 17 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, WEDNESDAY 13 FEBRUARY 2019.

THE ABOVE DECISIONS WILL NOT BE IMPLEMENTABLE UNTIL AFTER THAT DATE. SHOULD A DECISION OF THE CABINET BE CALLED-IN FOR SCRUTINY, THEN THE RELEVANT DECISION WILL BE HELD IN ABEYANCE PENDING THE OUTCOME OF SCRUTINY CONSIDERATION.

Item No. 8.	Classification: Open	Date: 12 March 2019	Meeting Name: Cabinet
Report title:		Southwark Great Estates Programme Paper Two – Estate Improvement Plans	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Leo Pollak, Social Regeneration, Great Estates and New Council Homes	

FOREWORD - COUNCILLOR LEO POLLAK, CABINET MEMBER FOR SOCIAL REGENERATION, GREAT ESTATES AND NEW COUNCIL HOMES

Last December's opening cabinet paper of our 'Great Estates' programme set out the council's fundamental approach to the long-term future of our council estates - to 'expand and enrich' our estates by a) identifying appropriate sites on our estates for building new council homes, and b) finding new ways of working with residents to improve the look, feel and lived experience of our estates.

The 'Estate Improvement Plans' cabinet report focuses on the 'enrich' part of the programme, setting out three principal routes towards improving the shared living experience of our estates, creating new opportunities for residents to come together, and to begin a process of upholding our estates as properly privileged parts of the city.

Firstly, as detailed in the 30 October 2018 New Homes Delivery Model Review cabinet report, we have reoriented how we approach the often challenging task of building new council homes on existing estates, by framing it as part of a wider 'estate improvement plan' approach. This means in practice that resident project groups and architects have a brief beyond the red line of the development plot, to think about how new homes can sit comfortably as part of the existing estate as well as how the process of development can capture wider visible improvements throughout the estate. It also seeks to align the repairs cycle wherever possible to new homes development activity to ensure existing homes are being refurbished and upgraded, and that everyone, not just residents of the new homes, sees an uplift in their living environment. We are already starting to see some of the early fruits of this approach with residents better welcoming development proposals that offer a more tangible account of what's in it for them.

Secondly, a new strategic policy in the latest adjustments to the New Southwark Plan (SP2: Regeneration that works for all) explicitly commits us to working towards a tenure blind borough, where principles of tenure equality and tenure integration are applied where new private development comes forward adjacent to council estates. This will work by linking private development to proposed estate improvement projects on neighbouring estates, captured through s106, CIL and additional social regeneration commitments.

Thirdly, this report initiates a series of Estate Improvement Plan pilot projects over the coming year, covering all parts of the borough, older and younger estates and estates with or without active resident associations. Via workshops, drop-ins, wish list ballots and other methods of engaging and involving residents, the opening year's pilots will

trial different ways of devising and delivering improvement works on a range blocks and estates with residents at the centre of the process, and a license for creativity and risk-taking. The projects will also seek to maximise resources available by drawing on external funding and partnership opportunities, with a new advisory group helping to frame the process to ensure they have the greatest possible impact.

We also launch the first draft of a new Great Estates Guide - a showcase of innovative and inspiring initiatives led by estate residents, housing officers and community partners that have in a multitude of different ways helped bring people together and make our estates great places to live. These cover initiatives ranging from gardening and food-growing, new painting and lighting interventions, signage and wayfinding, cleanliness strategies, public art projects, urban farms, projects promoting biodiversity and much else. The Guide will work as a live document that accumulates case studies and highlights opportunities, a point of reference for estate communities involved in devising estate improvement plan projects, demonstrating the art of the possible.

While the estate improvement plan pilots will experiment with different ways of bringing a wide range of perspectives to the task of shaping a shared living environment of an estate, I'm conscious too that it will always be secondary to fundamentals of housing management and management. The final cabinet report, due this Summer – the Great Estates Guarantee – will address these standards, setting new baseline expectations to ensure our homes are properly and consistently warm, dry, safe, clean and cared for. Before that point though, I am hugely excited to see what ideas and interventions will come forward from this opening set of estate improvement plans.

RECOMMENDATIONS

Recommendations for the Cabinet

1. That Cabinet agree the principles of the Great Estates Programme - Estate Improvement Plans
2. That Cabinet agrees to pilot the Estate Improvement Plans in the north, south and centre of the borough.
3. To agree that council leaseholders will not be charged for any Great Estate pilot work (as set out in paragraph 20).
4. To instruct officers to bring back an evaluation of the pilots to Cabinet approximately 12 months after their commencement.

Recommendations for the Leader of the Council

5. That the Leader delegates authority to agree the final selection of pilot estates to the cabinet member for social regeneration, great estates and new council homes in consultation with the strategic director of housing and modernisation.

BACKGROUND INFORMATION

6. Southwark Council is landlord of a housing stock of 55,000 dwellings, of which 37,000 are let on council tenancies and the remainder were sold under right to buy leases. These properties are mainly flats on 240 estates.

7. Southwark's housing strategy to 2043 pledges to use every tool at the council's disposal to increase the supply of all kinds of homes across the borough. Quality matters as much as quantity. The council wants to build homes with high standards of design that are both environmentally and energy efficient and ensure existing council homes keep residents warm, dry and safe. The strategy sets out how Southwark will be a place where you will not know whether you are visiting homes in private, housing association or council ownership. Housing in Southwark is about more than just bricks and mortar. It is about where our residents live and the communities in which we come together. The strategy puts rights and responsibilities at the centre and sets out plans to support and encourage all residents to take pride and responsibility in their homes and local area.
8. The Council Plan 2018-2022 includes the following commitments:
 - To launch a Great Estates guarantee so that every estate is clean, safe and cared for
 - To give residents the tools to garden and improve their estate - In this commitment tools refers not just to physical tools, but also the Estate Improvement Plans framework for agreeing the improvements needed.
9. The Great Estates Programme is formed of three components:
 - **The vision and approach** - As set out in the December 2018 Cabinet Report and summarised below.
 - **The Great Estates Guarantee and Commitments** – The Guarantee and Commitments will help ensure that the council and our residents are working effectively together to make our estates clean, safe and cared for. This guarantee and commitments will be set out another Great Estates Programme Cabinet Report later in the year.
 - **The Estate Improvement Plans** - These will form part of the tools to enable residents to make improvements to their estates (as explained in this Cabinet Paper)
10. In December 2018 Cabinet agreed the vision and approach for the Great Estates Programme (as set out in Appendix 1 of that report).
<http://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?AllId=51760>
11. The Southwark Great Estates vision is to:
 - **Celebrate our council estates** – We will celebrate our estates and be ambitious about their future. We will always be honest about the challenges, and challenge ourselves to make Southwark estates the best they can be.
 - **Encourage integration** – Our estates are part of the bedrock of Southwark. Mixed communities playing their part in the borough's economy and life are integral to the future of the borough. We want to expand and enrich our estates, with redevelopment always a last resort.
 - **Respect where we live** – Working with residents every estate should be

clean, safe and cared for. Communities should have ownership over their estate and a shared stake in its future. High standards of repair and maintenance will mean Southwark's estates are great places to live.

12. December 2018 Cabinet also agreed the 'estate improvement plan approach' to developing new council homes on existing estates, with a wider remit of estate improvement works and greater alignment of repairs works to existing homes.

KEY ISSUES FOR CONSIDERATION

13. This paper seeks agreement from Cabinet to the principles of the Estate Improvement Plans, one of the key components of the Great Estates Programme. The council will work with residents to identify new ways of improving the look, feel and lived experience of our estates, caring for the physical fabric of our estates with a view to upholding Southwark Council estates as properly privileged parts of the city and great places to live.

Estate Improvement Plans

14. The Estate Improvement Plans will be resident led where communities come together to agree a plan for an estate improvement which will help contribute to improving the feel of the estate. The Estate Improvement Plans will provide a way for residents to directly have a say in the use of internal and external resources to improve the communal areas of their estates. For example this could include new landscaping, bin stores, pram sheds, lighting, painting, estate signage, gardening and food-growing opportunities etc.
15. Estate Improvement Plans would need to draw on the best ideas that the community and council can come up with, and be based on three key principles:
 - Residents as equal or principal partners (intensive, genuine co-design with residents, through surveys, workshops, door-to-door, drop-in spaces, and open-ended briefs to be shaped by residents)
 - Transparency of costings (so that the immediate-term funding envelope and longer-term aspiration is well understood)
 - Maximising resident involvement
16. The following types of estate would be prioritised for Estate Improvement Plans
 - **Estates on which new council homes are being built** – This will ensure local residents benefit from the changes to their estate.
 - **Estates adjacent to wider regeneration and development opportunities** – This will ensure both existing estate residents and new residents to the wider area benefit from the changes (working with the developers).
 - **Estates where residents have identified improvements related to anti social behavior** – In response to recent serious and sometimes fatal incidents in and around our estate the council has a stronger focus on tackling anti-social behaviours, gang violence and establishing more credible and attractive 'diversionary' activities for young people. Estate Improvement Plan pilot funding will support proposals with an estate focus from the Positive Futures

Fund workshops over the upcoming weeks and months.

The Great Estates Guide

17. There are already many excellent examples of where residents and staff have come together to develop improvement projects to their estates. Recent notable estate-wide and block-specific plans include projects at East Dulwich Estate, Sceaux Gardens and Peverill House, and Bricklayers Arms. The council has produced and will be updating a Great Estates Guide which will contain case studies of initiatives that raise the shared living environment of our estates and bring communities together. This covers categories such as gardening and food-growing projects, cultural events, new signage and wayfinding, lighting strategies, and so on. This Guide will provide examples of what is possible, to stimulate new ideas for estates. This guide will be a living document regularly updated to include the latest projects; an early draft is attached at Appendix 1 for information.

Estate Improvement Plan pilots, selection and funding

18. Cabinet is asked to agree to pilot the Estate Improvement Plans, in the north, south and centre of the borough. A limited number of estates will be selected for pilots. Plans or projects on blocks or estates will be identified following an open 'call for projects' and expressions of interest as part of the consultation on the Great Estates Programme. The council is consulting with residents on the Great Estates Programme through an online survey and at community councils. More detail on the consultation is included in paragraph 49. This consultation will include an opportunity to propose ideas for Estate Improvement Plan pilots for their estates.
19. The council has identified £970k to help fund the pilots in 2019/20. These pilots will test out the range of funding opportunities in the following section so additional sources of funding may be identified.
20. As these are experimental pilots to test the approach Cabinet is requested to agree that council leaseholders will not be charged for Great Estate pilot work. Leaseholders may be charged for works that are carried in Great Estates, in accordance with the terms of their lease, where the works fall under existing schemes or plans and have not come about solely due to the pilots.
21. The Great Estates Advisory Group will have a strong role to play in advising on the most direct route to delivery to maximise the impact of an estate improvement as well as advising on possible sources of external funding and support which could be drawn upon.
22. The selection criteria for the pilots will ensure that we have a balanced mix of estates by geography, building type, estate issues, and investment need. The selected pilot projects will strike a balance between estates in the north, centre and south of the borough; east and west; older and younger estates; larger and smaller projects; estates with and without active resident associations. Priority will also be given to projects which supports the councils renewed focus on tackling anti-social behaviours, gang violence and establishing more credible and attractive 'diversionary' activities for young people. This will include activities identified through the Positive Future Funds workshops.
23. There will be close coordination across the council to ensure that any proposals for

Estate Improvement plans are linked in to plans for major works and new homes. This will help to avoid issues where estate improvements could potentially be damaged by later works.

24. The Leader is requested to delegate authority to agree the final selection of pilot estates to the cabinet member for social regeneration, great estates and new council homes in consultation with the strategic director of housing and modernisation.
25. The pilots will commence by the summer 2019. The first stage of this will be consultation with residents on those estates. The council will work closely with residents on those estates to guide them through the Estate Improvement Plan process.
26. Each pilot will be reviewed after one year, and the next two subsequent years to consider the impact on the estate and to gather feedback on the Estate Improvement Plan process. Cabinet is requested to instruct officers to bring back an evaluation of the pilots to cabinet approximately 12 months after their commencement.
27. The Great Estates Guide will be regularly updated using information gathered through the Estate Improvement Plan Pilots.

Funding opportunities for Estate Improvement Plans

28. The council is currently considering funding options for the Estate Improvement Plans in the longer term. The ambition is to maximise the use of all sources of possible funding to deliver the Great Estates Programme. There are a number of opportunities through delivering new homes and wider regeneration, ensuring everybody can benefit from this social regeneration. There is also the potential to bid for funding from external and council grant programmes. The following section includes more information on these potential sources of funding.

A. Estate improvement plans for estates being used to deliver new council homes

29. The council has an interim target to deliver 2,500 new council homes by the end of 2022 as part of the commitment to deliver 11,000 council homes by 2043. Part of this will involve building more council homes on our existing council estates. The council will look to provide a more rounded approach to make sure it is delivering more than just new homes working with the 'Great Estates' agenda and utilising social regeneration indicators linked to council plan objectives.
30. The council is committed to ensuring new council homes projects better draw out the wider benefits to neighbouring residents, both in terms of the communal living environment and (where possible) aligning with repairs to existing homes. With a planned pipeline the council can plan the new build programme around the wider asset management plan ensuring that the efforts are coordinated and opportunities maximised. This can mean delivering community benefits alongside the new build programme and contributing to a wider uplift in living conditions of all residents. This will encourage residents affected by council homes developments near their home to support these proposals as they will clearly see the benefits for their estate.

31. Where the council has planned major investment to existing homes aligned with a development schedule for new homes, wider proposals to include the surrounding spaces will be developed for in the proposals for the scheme. This will realise benefits to the whole community. These will be synchronised so that they do not cause any significant delay to the existing refurbishment plans, such as delivering the kitchens and bathrooms guarantee.

B. Estate improvement plans for estates neighbouring regeneration projects

32. There are a large number of regeneration projects currently underway or planned in Southwark. These range from large scale regeneration projects covering broad areas such as Canada Water and Old Kent Road, to new developments on smaller plots of land. The Council is committed to ensuring both the existing residents in the surrounding area and the new residents both benefit from this social regeneration. For the council social regeneration is about “Regeneration that works for all” along with new social regeneration indicators which will allow the council to consider and measure the impact of new schemes on a range of issues that affect residents, including life expectancy, physical and mental health, social mobility, education and employment rates, access to culture and housing quality.
33. The emergence of private or high-end development adjacent to council blocks or estates can sometimes be alienating for estate residents. It can have the effect of highlighting unfavourable differences in the built fabric and quality of living environment between old and new areas. Estate Improvement Plans can create an explicit link in an area plan or masterplan to focus any planning gain towards upholding our council estates as privileged parts of the borough, and that development/design expertise be utilised to ensure an accompanying improvement in the look, feel and lived experience of the neighbouring block.
34. The council is developing a new set of documents to ensure residents can input in to and be aware of the full benefits of regeneration in there area. The New Southwark Plan will continue to provide the overarching framework for Planning and Regeneration on the borough. Under these there will be Social Regeneration Charters for specific areas which outline the policy context, vision and priorities for these areas. Sitting under this there will be Social Regeneration Place Plans which provide much more detail for each area. So any Estate Improvement Plan will be closely linked in with these Social Regeneration Place Plans. The Council’s social regeneration framework was updated by Cabinet in January 2019.
<http://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?AllId=52125>
35. The council is planning positively for mixed communities and social cohesion in our neighbourhoods by encouraging greater tenure integration and equality in our neighbourhoods through the planning process. The council wants to avoid the situation where there are clear lines between new developments and existing estates. It is important to enable opportunities for residents living in different tenures of housing to mix within and between developments, to ensure equity of esteem from street level, and to mitigate against stark visible differences and a sense of tenure segregation. There are opportunities to link this to the Great Estates Estate Improvement Plans to improve the wider living environment.

C. Bidding for grants and other external funding opportunities

36. The Estate Improvement Plan process is about helping communities to come

together to plan an estate improvement they know will make a notable improvement to that estate, using their local knowledge. But the process should also help communities to understand how to bid for funding for projects and provide some support for this.

37. While the council has identified £970,000 to help fund the pilots, the pilots will also seek to test out drawing on resources from external providers. There are number of external charities and agencies which may be able to offer grants to support Estate Improvement Plan ideas. The Great Estates Advisory Group will have a role in helping to identify possible sources of funding. Possible examples include:

- Big Lottery funding
- Arts council funding
- GLA Grants
- United St Saviours Grants
- Crowd funding options.

38. The council also has a number of its own grant programmes which could supplement Estate Improvement Plan ideas. These include:

- Cleaner Greener Safer Grants
- The Neighbourhoods Fund
- Tenants & Residents Social Improvements Grant (TRSIG), formerly Joint Security Initiative (JSI)

Policy implications

39. At this stage Cabinet is being requested to agree the principles of the Great Estates Programme - Estate Improvement Plans and to agree for the pilots to test this approach. Paragraph 34 has explained how these Estate Improvement Plans will be included as part of the Social Regeneration Area Place Plans where the estate sits in this the wider area.
40. As this paper is limited to the principles and pilots there are no further policy implications at this stage.

Community impact statement

41. The purpose of the Estate Improvement Plans are to improve the local area for the whole community who live there. There will be need for some monitoring of membership of any forums which discuss the Estate Improvement Plans to ensure these genuinely represent the full range of diverse communities that make up that estate area. Any planned estate improvement should be to the benefit of all communities rather than for any particular group.

Resource implications

42. Officers working on the Great Estates Programme have identified the need for a dedicated project manager to support this project, as this will create a significant amount of new work streams. This post will be funded from the £970,000 which has been identified to support the pilots.

Legal implications

43. In this report Cabinet is being requested to agree the principles of the Great Estates Programme - Estate Improvement Plans and to agree for the pilots to test this approach. Therefore there are no legal implications at this stage. Legal advice on the consultation and the delegation of decision making powers is included in paragraph 53.

Financial implications

44. At this stage Cabinet is being requested to agree the principles of the Great Estates Programme - Estate Improvement Plans and to agree for the pilots to test this approach. Therefore the financial implications are limited to designing the Great Estate Improvement Plans and making these improvements on these Pilots only. £970k has been identified to help fund the pilots in 2019-20.
45. The aim is to also use estates which are already in a position to receive funding, such as from being an estate on which new council homes will be built, or adjacent to a regeneration proposal.
46. Any future further roll out of the Great Estate Improvement Plans will require a separate official council decision and the financial implications will be considered at that time.
47. Any decision to award funding to any particular Estate would be agreed through Individual Decision Making by the Cabinet Member for Social Regeneration, Great Estates and New Council Homes.

Consultation

48. In developing proposals for the emerging Great Estates programme the council has drawn from the feedback from the Southwark Conversation which completed in early 2018 which provided an excellent starting point for this project.
49. The council is consulting with residents on the Great Estates Programme through an online survey which will be on the council's consultation hub. Hardcopies of the survey will also be provided at Community Council meetings. Residents were consulted at the Bermondsey and Rotherhithe Community Council on the 29 January 2019 and the consultation will go to the other community councils over the next few months. Details of the consultation will also be included in the Southwark Housing News, and included on various social media (Facebook pages, twitter etc). This consultation will include an opportunity to propose ideas for Estate Improvement Plans pilots for their estates.
50. The item has also been discussed at Tenant Council and the Futures Steering Board. Resident representatives will sit on the Great Estates Advisory Group.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

51. When considering the recommendations in this report, cabinet must have due regard to the continuing public sector equality duty contained within section 149 of the Equality Act 2010. That is the need, to eliminate discrimination,

harassment, victimisation or other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and those who do not, and, foster good relations between those who share a relevant characteristic and those that do not share it. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The equality duty is a continuing one and should be considered and reviewed as plans develop.

52. Cabinet members are reminded that when consultation is carried out, it must comply with legal requirements. In particular consultation should be carried out when the proposals are still at a formative stage; include sufficient reasons for the proposals to allow any interested party the opportunity to consider the proposal and formulate a response; allow adequate time for interested parties to consider the proposal and formulate their response, and, must be conscientiously take all the results from interested parties into account when a decision is taken.
53. Under Part 3 of the council's constitution, the Leader may delegate a decision to an individual cabinet member.

Strategic Director of Finance and Governance - (H&M 18/103)

54. The strategic director of finance and governance notes the recommendations contained in the report. Budget provision of £970,000 has been specifically made available for the pilots in 2019-20 and will be allocated to the individual schemes once the sites and the nature of the works programme have been fully determined. The purpose of the exploratory pilots is to inform the approach to be adopted for the Great Estates initiative going forward and leaseholder charging will not apply in this instance. Beyond the pilot phase, normal leaseholder cost recovery arrangements should apply in accordance with the terms of their lease.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The Council Plan 2018-2022	Chief Executives Office 160 Tooley Street London SE4 2QH	Stephen Gaskell 020 7525 500
Link: http://www.southwark.gov.uk/council-and-democracy/fairer-future/council-plan		
Southwark Great Estates Programme - Paper 1 - Agreeing the Vision and Approach	Chief Executives Office 160 Tooley Street London SE4 2QH	Robert Weallans 020 7525 500
Link: http://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6665		

APPENDICES

No.	Title
Appendix 1	Great Estates Guide - Case Studies to inform Estate Improvement Plans (circulated separately)

AUDIT TRAIL

Cabinet Member	Councillor Leo Pollak, Social Regeneration, Great Estates and New Council Homes	
Lead Officer	Paul Langford, Director of Resident Services	
Report Author	Robert Weallans, Housing Strategy Manager	
Version	Final	
Dated	1 March 2019	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	1 March 2019	

Item No. 9.	Classification: Open	Date: 12 March 2019	Meeting Name: Cabinet
Report title:		Aylesbury Regeneration Programme Moving Forward	
Ward(s) or groups affected:		Faraday, North Walworth	
Cabinet Member:		Councillor Johnson Situ, Growth, Development and Planning	

FOREWORD - COUNCILLOR JOHNSON SITU, CABINET MEMBER FOR GROWTH, DEVELOPMENT AND PLANNING

Our commitment to the transformation of the Aylesbury estate will create new quality homes; dramatically improve living conditions of existing residents, with new community facilities and an increase in the amount of genuinely affordable homes.

In partnership with Notting Hill Genesis (NHG), work has begun in delivering on this commitment with construction work already started on the approved premises facility. Plans for the first development site are well underway with the build contract for the first phase of the development scheduled to be let by Notting Hill Genesis at the end of this month and exciting plans for the community facilities on plot 18 due to begin later this year.

As we look ahead, and with work underway on a number of sites, this is an important point to renew our commitment to the Aylesbury and this report highlights changes to phases which will mean residents in Phase 4 will be pre-allocated homes in the coming years as the First Development Site and Plot 18 are completed, allowing residents to exercise the right to remain.

This report also signals an important shift in our ambition for the Aylesbury, working with NHG our ambition is to see a replacement of the number of social homes on the footprint of the estate. We expect over the coming phases to deliver additional social homes and the report details additional social homes proposed for phase two.

RECOMMENDATIONS

Recommendations for the Cabinet

1. To note the significant progress on implementing the Aylesbury regeneration programme.
2. That the sub-phasing of Phase 4 be agreed.
3. That Phase 4a be activated for pre-allocation to new social rented homes on the first development site.
4. That Phase 4 be activated for pre-allocation to the new social rented over 55s housing on Plot 18.

5. That local lettings policies be drafted for the social rented over 55s housing on Plot 18 and the social rented housing on the first development site.
6. To note the proposed additional delivery of social rented homes in phase 2 which will accelerate the rehousing of secure tenants on the rest of the estate.
7. To note that the resident consultation and equalities impact assessments will be undertaken at the earliest opportunity.

BACKGROUND INFORMATION

Construction progress

8. The construction of the approved premises facility (see Appendix 1) started on site in September 2018. It is currently anticipated that the building works will complete in June 2020 which will allow the current facility at Ellison House to be vacated.
9. The first development site (FDS) (see Appendix 1) is being developed for 287 social rent (managed by Notting Hill Genesis), 54 extra care social rent, 7 Learning Difficulties social rent, 211 intermediate and 283 for sale homes. Arklow, Bradenham and Chartridge (blocks 1-68, 77-105, 69-76 and 104-119) have been demolished. A Section 73 variation to the planning consent was agreed at Planning Committee 6 November 2018. The build contract for the first phase of the development of this site is scheduled to be let by Notting Hill Genesis at the end of March 2019.
10. The development at Plot 18 (see Appendix 1) has planning permission for 17 social rent (over 55s managed by NHG), 6 shared ownership, 99 for sale, library, early years centre, health centre and GP facility. Demolition on the site is complete. The build contract is out to tender. Notting Hill Genesis is scheduled to appoint in July 2019. The building works are scheduled to complete in 2021/2.

Vacant possession

11. The Compulsory Purchase Order (CPO) for the FDS was confirmed on 14 November 2018. The intention is to secure vacant possession of remaining blocks (Chiltern and 120-149 Chartridge) by end March 2019. There are 3 leaseholders remaining. Arrangements are in place for 2 of the 3 leaseholders to move to nearby alternative premises by mid March.
12. The CPO process for Northchurch and Foxcote has commenced. The Statement of Reasons will be issued later this month. It is anticipated that an Inquiry will take place in Autumn 2019. There is currently 1 leaseholder and 1 freeholder (awaiting completion) within the CPO area for Foxcote and 140 Albany Road, whilst there are 3 leaseholders within the CPO area for 57-76 Northchurch.
13. In Phase 2 there are currently 84 secure tenants, 300 units let as temporary accommodation and 53 leaseholders. A report will be brought to a future Cabinet to start the CPO process for Phase 2.
14. In Phase 3 there are currently 149 secure tenants, 70 units let as temporary accommodation and 20 leaseholders. As set out in the Cabinet report of 12 December 2017, it is assumed that the majority of tenants in Phase 3 will move

to new homes in Walworth and other council housing stock. A report will be brought to a future Cabinet to start the CPO process for Phase 3.

Social regeneration

15. Creation Trust has been funded by the council and Notting Hill Genesis for the last ten years. Creation has been very successful at delivering a range of social and economic outputs. Discussions have taken place with the Creation Board about the future of the organisation given that the current funding ends in 2019-20. The current position is that the council has confirmed that in principle it will find funding for an independent body to provide advice and support to council and temporary accommodation tenants on Aylesbury for the remainder of the rehousing programme. The balance of the Creation programme such as training and youth support is under discussion with Notting Hill Genesis and local organisations to assess how any gaps in provision will be met. A further report will be presented to Cabinet setting out funding arrangements later this year.
16. The council has formed an informal grouping of Creation, Notting Hill Genesis, Pembroke House, Cambridge House and Inspire to discuss the shape of a community vehicle for the area. This body has met three times so far. There is agreement that the body should be focused on Walworth rather than just the boundaries of Aylesbury Estate and that a community development trust may be an appropriate vehicle. This grouping will now be expanded to include other local organisations to take this activity forward.
17. These activities form the backbone of the draft social regeneration framework for Walworth.

Great Estates Programme

18. Although the regeneration programme for the Aylesbury Estate was formulated a number of years ago, it does follow the key principles of the Great Estates Programme through the planning positively for mixed communities and social cohesion in neighbourhoods by encouraging greater tenure integration and equality through the planning process. The design of the developments is tenure blind and enables opportunities for residents living in different tenures of housing to mix within and between developments.

KEY ISSUES FOR CONSIDERATION

19. As part of the rehousing offer for secure tenants from the FDS, 78 households moved to the new homes built by L&Q as part of Phase 1A of the Aylesbury regeneration programme. It is proposed to write to the former secure tenants from the FDS who chose not to move to Phase 1A in order to inquire whether they would like to express an option to return to the new social rent homes on the FDS. Those who want to express an option to return would be considered for pre-allocation to the new social rent homes on the FDS.
20. As set out in the Cabinet report of 12 December 2017, secure tenants in Phase 3 are able to express an interest in moving to the FDS. It is anticipated that the majority of secure tenants will however move to new social rent homes being completed before the homes on the FDS are completed.

21. The Area Action Plan of January 2010 shows Phase 4 as 966 properties. It is now proposed to break Phase 4 into three discrete phases (see Appendix 2) which relate to new build supply on estate being available as follows:

Phase 4a

	Secure Tenants	Leaseholders
1-75, 76-255 & 256-299 Missenden	250	31
Lees House	11	0
Darvell House	6	1
Inville Road	4	1
Chadwell House	7	1
Soane House	21	7
Total	299	41

Phase 4b

	Secure Tenants	Leaseholders
Michael Faraday House	76	21
Latimer	99	30
Danesfield	25	5
Emberton	29	6
198-202a Albany Road	3	0
Total	232	62

Phase 4c

	Secure Tenants	Leaseholders
Calverton	26	5
Gaitskell House	42	18
Gayhurst	138	12
Hambledon	17	1
Total	223	36

On the basis of stock condition, Phase 4a would be the priority for decant activation. It is anticipated that despite the position of the former FDS secure tenants opting to return and Phase 3 secure tenants, there will be enough new social rent homes on the FDS to enable all council secure tenants in phase 4a to move to social rent homes on the FDS. The remainder of Phase 4 has been split into two logical phases. The balance of new social rented homes on FDS could be pre-allocated to secure tenants in Phase 4b. It is proposed that secure tenants in Phase 4a who want to be rehoused in council stock or a home elsewhere will need to wait until 2021 to be activated for decant. The pre-allocation of these properties at this early stage would enable future residents to be involved in detailed design work and help to re-establish the community in the new neighbourhood. The timescale for these phases is anticipated as follows:

Phase 4a

Pre-allocations to FDS and Plot 18	2019
Moves to completed homes in FDS and Plot 18	2021/2
Leaseholders move	2021/2
CPO confirmed	2022
Demolish	2022
New build start	2029/30

Phase 4b	
Pre-allocations to FDS and Plot 18	2019
Moves to FDS and Plot 18	2021/2
Pre-allocations to Phase 2	2025
Moves to completed homes in Phase 2	2027/30
CPO confirmed	2029
Demolish	2030
New build start	2031

Phase 4c	
Pre-allocations to Plot 18	2019
Moves to completed homes in Plot 18	2021/2
Pre-allocations to Phase 2	2025
Pre-allocations to Phase 3	2029
Moves to completed homes in Phase 2	2027/30
Moves to completed homes in Phase 3	2031
CPO confirmed	2029
Demolish	2030
New build start	2031

22. In Phase 4a 165 households are already registered on the Homesearch bidding scheme. The remainder of the Phase will need to be registered shortly. The registration process will verify occupancy and household composition and identify any rehousing medical needs such as floor level requirement or any adaptations required.
23. During the construction of the new developments at FDS and Plot 18 the new homes for sale and intermediate tenure will be actively marketed by Notting Hill Genesis. The leaseholders in Phase 4 will be targeted by Notting Hill Genesis to assess interest in the for sale, shared ownership and shared equity homes being developed. Under the early buy back scheme, all leaseholders in Phase 4 are already able to negotiate sale to the council.
24. In Plot 18, there are 17 over 55 social rented homes to be managed by Notting Hill Genesis. There is a need to develop a local lettings plan. Given the specialist nature of the accommodation and the consultation with residents to date, it is proposed that the whole of Phase 4 is activated for this pre-allocation.
25. In order to develop a local lettings policy for the FDS and Plot 18 the following will need to be completed
 - Community engagement plan
 - Consultation with relevant stakeholders
 - An Equalities Impact Assessment.

These documents will inform an IDM which will consider the final local lettings plans.

26. Phase 2 is anticipated (subject to CPO) to be vacant in 2021. The agreed masterplan shows 859 homes comprised of 287 social rent homes, 72

intermediate and 500 homes for sale being built on this site. Subject to planning and grant from GLA, there is capacity to increase the number of homes on this site to about 1250 homes. This increase in density is in accordance with the draft New Southwark Plan and other recent housing developments in the Borough. Any revised scheme would respect the provisions of the outline planning consent for the current scheme which is that cumulatively 50% of all homes (by habitable room) are affordable. This increase in social rent would enable the majority of the secure tenants in Phase 4b and 4c to move to new homes on Phase 2 by 2028. A small number of the remaining secure tenants may need to move to Phase 3 by 2031.

Policy implications

27. If approved, the recommendations of this report will require local lettings plans to be produced.

Community impact statement

28. The recommendations set out in this report will have a positive impact on the Aylesbury community by giving existing secure tenants the opportunity to opt to move to a social rent home in their neighbourhood. The pre-allocation of properties two years prior to completion will also enable Notting Hill Genesis and the council to target activities at this group of future residents.
29. As set out in paragraph 10 above, the development of Plot 18 will provide valuable community infrastructure.
30. The proposed pre-allocation of social rented properties on the FDS and Plot 18 does not create a disadvantage to secure tenants in Phases 2 and 3. Secure tenants in Phase 2 can opt to return to the new social rent homes being developed in Phase 2. As set out in the Cabinet report of 12 December 2017, secure tenants in Phase 3 can opt to move to the new social rent homes on FDS.
31. Equalities impact assessments will be produced for both of the proposed local lettings policies. The equalities impact assessments will consider the potential disproportionate impact upon the residents as a result of the local lettings policies due to their protected characteristics and will examine the range of mitigating measures put in place by the council to mitigate the potential disproportionate impacts.

Resource implications

32. There are no direct resource implications arising from this report. The detailed assessment of housing need and the pre-allocation of new homes will be managed within existing resources.

Legal implications

33. The legal implications are set out in the concurrent of the director of law and democracy.

Financial implications

34. There are no direct financial implications arising from this report.
35. The revised programme for redevelopment of the estate will be used to inform the asset management plan for the estate.

Consultation

36. The contents of this report have been discussed with Faraday and North Walworth ward members, Creation Board and the organisations set out in paragraph 16 above.
37. To date there has not been any consultation with residents of Phase 4 on these proposals as the proposals for phasing and pre-allocations need to be formally approved by Cabinet. If approved, residents of Phase 4a will be contacted to start discussions about pre-allocations to the FDS and residents of Phase 4 will be contacted to start discussions about the over 55s housing in Plot 18. Former secure tenants from the FDS who did not take up the option of moving to Phase 1A will be contacted to inquire about interest in the option to return to the new social rent homes on the FDS. The findings of this consultation will inform the equalities impact assessments.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

38. The Equality Act 2010 requires the council in the exercise of its functions to have due regard to the need to:
 - a) eliminate discrimination
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
39. Relevant protected characteristics for the purposes of the Equality Act are:
 - age
 - disability
 - gender reassignment
 - pregnancy and maternity
 - race
 - religion or belief
 - sex, sexual orientation.

The duty also applies to marriage and civil partnership, but only in relation to the need to eliminate discrimination, harassment, victimisation or other prohibited conduct.

40. When considering the recommendations Members should have due regard to the need to identify any potential disproportionate effects on groups sharing protected characteristics so that these can be considered, and any appropriate mitigation that might be required can be put in place for the council to meet its

public sector equality duty. The report confirms that an equalities impact assessment will be carried out as part of the pre-allocation process for secure tenants, The results of this assessment will enable the council to have due regard to the possible effects of the process on any groups sharing a protected characteristic in order to discharge its public sector equality duty. Where any disproportionate effects are anticipated, the council will seek to mitigate these wherever possible.

41. The law requires that consultation must be undertaken when proposals are still at a formative stage, must include sufficient reasons for the proposals to allow interested parties the opportunity to consider the proposal and formulate a response, must allow adequate time for interested parties to consider proposals and formulate their response and the outcome of it must be conscientiously taken into account when the ultimate decision is taken. These are the central requirements for fair and proper consultation and should be applied at all stages of the consultation process. Members should satisfy themselves as to consultation and take this into account when making decisions on the recommendations.

Strategic Director of Finance and Governance

42. The strategic director of finance and governance notes the progress made on implementing the Aylesbury regeneration programme and the recommendations made in the report, which have no direct financial implications. However, the phasing of the programme will potentially have an impact on the council's ability to utilise vacant units on the estate for temporary accommodation in order to mitigate the high cost of provision in the general fund.

Strategic Director of Housing and Modernisation

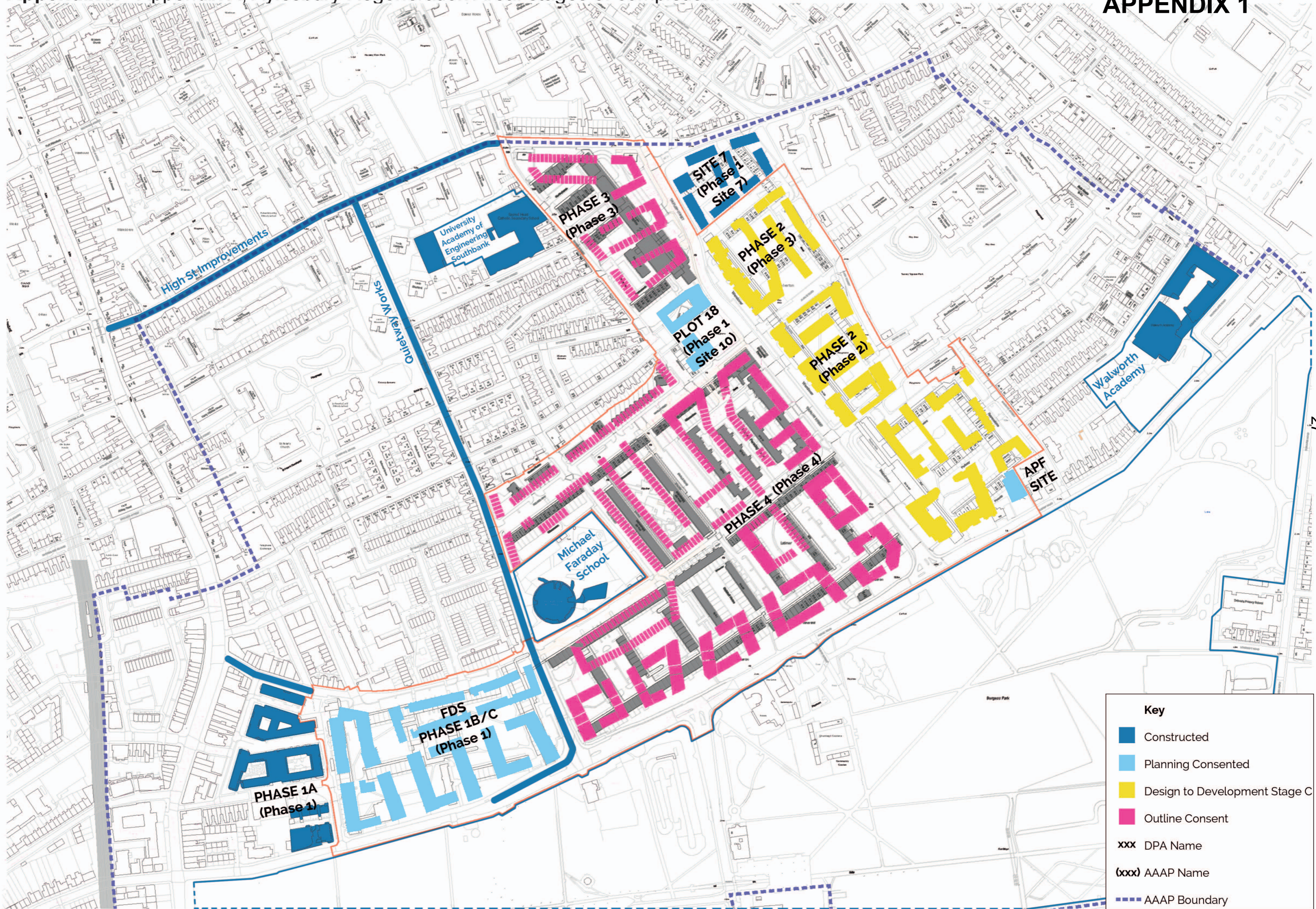
43. The recommendations within this report have been produced in consultation with the housing solutions service who will co ordinate the pre allocation of properties to the tenants located within phase 4a. Effective planning and partnership work with Resident services will enable full engagement with tenants to ensure the successful lettings of the properties. This must be maintained throughout the development process to ensure the needs of each individual household is met.
44. The pre allocation of properties will follow the guidelines within the existing allocations scheme, including bedroom entitlement and medical recommendations.
45. The pre allocation process will alleviate the requirement for tenants of phase 4a to engage weekly with the bidding process. Providing a straightforward and stress free process.

APPENDICES

No.	Title
Appendix 1	Plan of development sites
Appendix 2	Phase 4 Aylesbury Regeneration

AUDIT TRAIL

Cabinet Member	Councillor Johnson Situ, Growth, Development and Planning	
Lead Officer	Eleanor Kelly, Chief Executive	
Report Author	Neil Kirby, Head of Regeneration South	
Version	Final	
Dated	1 March 2019	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Strategic Director of Housing and Modernisation	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	1 March 2019	



Key

- Constructed
- Planning Consented
- Design to Development Stage C
- Outline Consent
- xxx DPA Name
- (xxx) AAAP Name
- AAAP Boundary

Item No. 10.	Classification: Open	Date: 12 March 2019	Meeting Name: Cabinet
Report title:		Faith Strategy	
Ward(s) or groups affected:		All wards	
Cabinet Member:		Councillor Rebecca Lury, Deputy Leader and Cabinet Member for Culture, Leisure, Equalities and Communities	

FOREWORD - COUNCILLOR REBECCA LURY, DEPUTY LEADER AND CABINET MEMBER FOR CULTURE, LEISURE, EQUALITIES AND COMMUNITIES

Our faith communities play an increasing important role in creating strong and resilient communities through Southwark.

We know that faith is very important to many of the people who live here and faith organisations are playing a significant role in supporting some of the most vulnerable members of our community.

But it is the case that at the moment we are not making the most of the relationships that exist across and within the Borough.

In re-setting the relationship with our faith communities, we wanted to create a collaborative approach between the council and our faith communities that helps us all to best come up with solutions to some of the problems we face as a Borough.

We believe that our faith communities can help us to reach people we often don't and support residents in ways that we can't, and that by working together we can harness the skills and expertise we all bring to an issue to improve the wellbeing of Southwark residents and improve the support we provide each other to carry out this work.

This strategy therefore sets out a new way of working; making the most of the relationships that exist in our Borough for the benefit of all of our residents.

RECOMMENDATIONS

1. The cabinet notes that many of the values and ethos that underpin our Faith organisations are shared with Southwark's values such as treating every resident as if they are a member of your own family, and working for everyone to realise their own potential. This shared ethos offers a positive foundation for working closely together on the issues that matter most to both the council and Faith organisations.
2. Cabinet also notes the important role that many faith organisations play in shaping our neighbourhoods, promoting good community relations and supporting our residents. In particular, Pecan provides a borough wide food bank, Robes project supports the homeless and Copplestone Centre which hosts the Day Centre for Asylum Seekers. In addition there are many smaller projects offering help and support to families, young people, and older people and quietly but steadily and consistently in times when many services have been forced to reduce

the support they offer. We are thankful for the investment and commitment the variety of faith organisations make in our communities and the ways they already work together through a range of self supporting networks to achieve more.

3. Cabinet adopts the following vision for our future relationship with faith organisations working in the borough:

We see Southwark as a place where the involvement of faith groups in the delivery of services and social action on an equal basis with other groups is welcomed, encouraged and supported. The voice, participation and solutions that faith communities bring are important, and our engagement with faith communities should enable them to deliver these benefits for everyone in the borough. We will achieve this through:

- *Building relationships and trust with faith groups*
- *Ensuring that our faith communities and organisations are targeted in our engagement activities and that the experiences of faith group members and the challenges they face are considered in the development of services and policy*
- *Encouraging faith groups and their members to be involved in the reshaping and redesign of local services and places*
- *Developing partnership working to deliver key policies and delivery of improved outcomes for residents*
- *Supporting faith organisations to play an active role in the civic life of the borough through improved communication, and access to opportunities*
- *Sharing training and learning opportunities between faith communities and the council*
- *Providing equal treatment with non faith community and voluntary sector organisations in access to funding opportunities offered by the council.*

4. Improved communication is a key facilitator of breaking down the barriers to engagement and relationship building, accessing services for congregation members and supporting faith organisations to develop their social action projects. To address this the cabinet agrees that the council hosts two conferences a year bringing together council staff, faith groups and community sector organisations to act together to deliver the vision.
5. The cabinet agrees that the council will work in ways that are respectful, patient, transparent, empathetic and open so we are able to foster better understanding. Ways of working should facilitate networking and relationship building and as equal partners. We will develop and work on shared agendas and continue to talk and to grow the breadth and depth of our relationships with communities of faith so we continue to involve a wider network of faith organisations and diversity of faith groups.
6. The cabinet agrees that the focus of our relationship with faith communities will be to work together to:

- Celebrate faith and diversity of faith organisations in the borough
- Support Faith organizations and their approaches to supporting individuals who are a part of their congregations
- Improve the lives of Southwark residents,
- Support the council in delivery of key pieces of work,
- Improve the way in which the council is able to reach significant numbers of its residents,
- Ensure that the council is aware of the challenges that their worshippers face
- Support social integration and community cohesion in our neighbourhoods.

BACKGROUND INFORMATION

7. The vision, next steps and work streams outlined in this report is an example of how the council will work with others to deliver an asset based approach to community engagement outlined in the Cabinet report in September 2018 that launched our review of the council wide approach to Community Engagement.
8. This will sit alongside a suite of documents that sets out ways of working with residents and different communities and provide architecture for engagement to deliver the ambitions for a modern and efficient council: working with the community, listening to residents and open to people living, working and studying in the borough.
9. Already we have in place Common Purpose, Common Cause. Over the next six months we will refresh our ways of working with people living in council homes, access to local democracy through changes to community councils and our statement of community involvement. These will describe how we will deliver our new approach to community engagement for council residents, neighbourhoods and in our planning decisions.
10. Southwark is home to over 400¹ faith organisations and many of these groups play an active role in their communities, providing services and support to individuals in their day to day lives, and in particular refugee and new migrant communities are supported through their places of worship.
11. Southwark has a tradition of supporting and working with its faith organisations through work such as commissioning, with the Anglican diocese, the 'being built together' report 2013; supporting Southwark Multi Faith Forum and Southwark Muslim Forum; hosting a faith conference in 2016, focusing on the social action that faith communities deliver which ranges from older people's lunch clubs, mental health wellbeing activities, children's and young people's support services, food banks and support for the homeless; and publishing the faith directory in 2017.
12. Through this work it emerged that there was an appetite to review the way in which the council, community organisations and the faith community work together to:
 - Celebrate faith and diversity of faith organisations in the borough
 - Support Faith organizations and their approaches to supporting individuals who are a part of their congregations
 - improve the lives of Southwark residents

¹ The number of faith organisations in the Borough can only be speculative as there is no licensing of faith groups, and smaller and newer congregations do not always have permanent or obvious premises and may be visible only to their own followers and networks.

- support the council in delivery of key pieces of work
 - improve the way in which the council is able to reach significant numbers of its residents
 - ensure that the council is aware of some of the challenges that their worshippers face
 - support social integration and community cohesion in our neighbourhoods.
13. This work has been co-produced with faith organisations and overseen by a steering group that included faith leaders, Community Southwark and the council.
 14. In March 2018 we launched a listening exercise with Faith organisations to understand more about how they were already networked; their size and composition; the nature of their work in communities; the barriers they faced working with others; the challenges for their worshippers; and ideas about how they would like to work together.
 15. This was followed by three workshops in December and January that explored in more detail
 - the issues that faith organisations faced in working with the council
 - what are the shared agendas
 - how we could best work together.
 16. The workshops were designed to promote networking and relationship building as well as to understand in more detail the issues and think about solutions.
 17. This work also ran alongside joint work between faith organisations, public health and Community Southwark which has formed an action learning model for future work with faith communities.
 18. In addition the council has begun working with faith leaders on Serious Youth Violence with a workshop planned for mid February.

KEY ISSUES FOR CONSIDERATION

19. Faith organisations play a significant part in place shaping, social integration and improving the health and wellbeing of the communities they serve. This role is strengthened by working more closely with others and partnering with other faith organisations, the community and voluntary sector, NHS, and the council.
20. The council in collaboration with faith leaders and Community Southwark should work in ways that fosters the relationships and connectivity that will support improved outcomes for the people living in Southwark.
21. Each of the partners faces considerable but different resource challenges which is why closer working presents an opportunity to improve the lives of Southwark residents. However each are working in very different environments with different drivers and values that can cause tension and misunderstanding. It is important for all the partners to be respectful, patient, transparent, empathetic and open to foster better understanding. The focus should be to develop and work on shared agendas and continue to talk and to grow the breadth and depth of relationships.
22. The role of the community engagement division will be to facilitate relationship building across the council by making connections with individual business units

who will lead on joint working on programmes of activity or promoting services and who will continue to foster that network and the relationships necessary to deliver individual projects. Unfortunately it is not possible to resource a dedicated faith officer.

23. Ways of working should facilitate networking and relationship building.
24. There was an appetite expressed for regular contact and we are proposing to facilitate two conferences a year that brings together a wide range of faith groups, community organisations and council services. The purpose of these sessions would be to network, find out information, identify areas of need and feed back progress on previously agreed work streams.
25. It is proposed to establish a steering group that will oversee the organisation of the conferences, and development of an action plan that reflects the key areas that emerged from the work so far. Membership of the steering group should be agreed at the first conference. For the first conference we will work with the steering group that has overseen this work to date.
26. Running parallel to this, work has already begun on some of the areas of interest identified during the workshops including:
 - Safeguarding
 - Health Improvement
 - Mental health
 - Food Poverty
 - Serious Youth Violence.
27. The first conference will receive feed back on progress on these areas, identify other work streams and agree the role of the steering group and conference. Some key themes that have already emerged from the work so far and could form the basis of future action plans are:
 - Communication and digital networking
 - Review of the premises guide
 - Resource sharing.
28. Next steps will be to:
 - Host the first conference towards the end of June early July.
 - Develop an improvement plan working with council departments using the feed back from the first session and presenting an action plan to the first conference
 - Work with the steering group and other partners to produce an action plan based on the evidence produced at the workshops and working groups on themes of safeguarding, health and serious youth violence.

Method and Results

29. Through an online survey² we asked a series of questions to develop a better understanding of the local faith community, their issues and challenges. The survey was targeted at faith leaders and was promoted through telephone

² Appendix 1 is a copy of the survey

contact, face to face activity, various faith networks and by steering group members.

30. 97 people responded³ representing 90 different organisations. This represented about 22% of our estimated number of faith groups in the borough. 86% of responses came from faith group leaders and 13% of the respondents came from faith group members. The responses reflected the composition of the faith community in comparison with census 2011 data. The geographical distribution of responses seemed to reflect the density of faith organisations in the borough with almost 30% from Peckham and Nunhead and 15 – 20% from the other four community council areas.
31. The information provided by the respondents indicated the more established faith groups have more diverse congregations. This diversity is seen across all faiths, with the exception of the Sikh temple, and newer churches tend to meet the needs of particular ethnic groups in the borough. In Borough, Bankside, and Walworth, Peckham and Nunhead and Dulwich the diversity of congregations reflects the local diversity. In Camberwell and Bermondsey and Rotherhithe the congregations are more likely to be BME than the local populations based on 2011 census data.
32. Average size of congregations was reported as between 50 and 200 weekly.
33. Faith groups have links with borough-wide, regional, national and even international faith networks. Their links are not uniform, as newer faith groups have fewer links than those which are more established. Overall a third were linked to Southwark's Community and Voluntary sector, 20% individual faith groups, and 16% local faith forums. The benefits of forum memberships were identified as cohesion, unity and interfaith work, networking and access to information.
34. The majority of those who answered found no problems with working with either other faith groups or community and business organisations. Working with the council presented more challenge linked largely to navigating the bureaucracy and understanding where to go to find the right contacts. Common themes across all three were about access to information, sufficient resources to make connections and work in partnership.
35. The responses were full of positive ways and ideas about how faith organisations, community sector and council could work together and develop stronger relationships.
36. Premises, parking and planning were the top three council activities affecting faith groups. The length of time an organisation has been established does not seem to have a significant impact on this. However premises were a particular concern for Pentecostal Churches and Mosques. Other organisational concerns were issues around safeguarding, funding their social action programmes and holding public access events.
37. This reflects the work we did in partnership with the Anglican Diocese of Southwark and Roehampton University 'Being Built Together' in 2013. This resulted in the council putting together a faith premises guide and co-ordinating a

³ Appendix 2 summary of the results

faith directory now on our website. In our early engagement on Old Kent Road we worked to ensure that faith organisations took part. We would anticipate this approach to be embedded in the Statement of Community Involvement when it is refreshed later this year.

38. The greatest challenges faced by their worshippers were identified as housing and debt. However issues relating to children, young people, homelessness, food poverty, anti-social behaviour, and educational achievement were also frequently mentioned.
39. Four areas for improved communication also emerged. These were:
 - More information about other faith groups and other activities
 - Information about funding and community needs
 - Information about premises
 - Information about the council's policies and processes.
40. Three workshops followed looking at how we could address some of the challenges, how we could develop some shared agendas, and how we could put in place mechanisms to continue to work together positively. Attendance was from both council staff, Community Southwark and faith leaders. With the emphasis in both understanding in more detail the issues and working together to develop solutions. The workshops were seen as part of the start of the journey with recognition that not everything could be solved in the space of a few hours.
41. An important component of the approach was to use the opportunity to build relationships and build these across a wider range of council business units, connecting faith leaders to those services that they may wish to work with.
42. Workshop 1 was attended by 29 including 22 Faith organisations members. Workshop 2 was attended by 24 including 18 faith organisations members. Workshop 3 was attended by 22 including 17 faith organisations members. Over the three sessions 22 different faith organisations attended.
43. 28% of survey respondents mentioned accessing council services as an issue; however overall the attendees at the workshops did not feel that this had a significant impact on their ability to operate. Premises, planning and regeneration had more impact and the audience was evenly split on the impact of parking on their ability to function.
44. Safeguarding was identified as an organisational issue by 15% of the groups that responded, and almost 50% expressed concern about the safety of young people as an issue for their congregations. Safeguarding within all settings is a key priority for the council.
45. In the discussions on safeguarding it was clear that faith organisations needed better access to training and information tailored to their circumstances and proportionate to their size and activities. Online support was suggested to improve access and there is a group of faith leaders and council officers who are working together on developing a package that meets faith organisations' needs.
46. Some of the things said were:

- *'It is sometimes difficult to know who to make contact with at the Council.'*
 - *'We have limited parking at our premises. This and noise from other users of our facilities can occasionally cause friction with local residents'*
 - *'Owing to the development work surrounding the church, we are now cut off from direct road access and have lost our parking facilities.'*
 - *'Signage application for planning church signs was expensive and bureaucratic for small voluntary organisations.'*
 - *'It is difficult to get premises for Pentecostal church worship. Securing D1 permission for worship purposes can be very challenging.'*
47. The discussions reflected very strongly the conclusions in the survey with clearer communication and explanation of services to improve access. In addition better feedback to support organisations' learning and development, for example when they are turned down after applying for an event or funding.
48. For events and funding opportunities improved networking with council and Community Southwark to access training, information and support was proposed.
49. The next steps from this first session are to develop an improvement plan working with council departments using the feed back and presenting an action plan to the first conference.
50. Major areas of focus in the second workshop were around 'worrying about adolescents' and adult social care with health and well being. As well as identifying what the people present were doing in this area, the session pinpointed what they would like to do and what needs to happen to make this possible. Many of the ideas looked at how to improve the capacity of faith organisations to work with their members on these issues and talked about better information, training and being networked to others to learn about best practice, as well as creating champions or ambassadors within faith communities for this work.
51. The kinds of things that were said about these issues were:
- *'A significant number of our congregation have experienced violent crime first hand - whether mugging or knife crime.'*
 - *'Our younger and older people can sometimes feel intimidated on the streets.'*
 - *'With regard to youth crime, there is concern on the part of parents about the danger of young people becoming involved with gangs and knife crime.'*
 - *'There are young people in the congregation who are worried because their peer group at school is carrying knives, drugs are being given/ sold.'*
 - *' I have personally observed a number of church members facing the challenge of becoming carers for persons suffering from dementia'*
52. One key point to emerge was how community and council organisations could better use the language of faith to deliver key messages within these settings. This will involve teams working with faith organisations on their promotional and informational materials targeted at their members.
53. In both these areas participants expressed a wish to take this work forward. On

health there is already a vehicle through the work initiated by Public Health with the next session on 26 February 2019. There is also the opportunity to develop further the work around worrying about adolescents in the meeting on Serious Youth Violence on 20 February 2019. A new group has come together to look at facilitating improved safeguarding among faith groups.

54. The final workshop looked at how we can continue to work together. Using digital means to spread information, and creating interest groups that brings organisations together on a shared theme, were all suggested ways of sustaining the relationship building that has begun through this work. Better communication was a common theme throughout the work. The idea of a regular coming together but with a purpose and relevant focus was supported.
55. Many requested a single point of contact in the council. It is not possible to deliver this but the Council can commit to delivery of part of an officer's time to support a regular conference, and setting out the action plan and facilitation of connections to other parts of the council.
56. Ideas to improve communication included harnessing the positive benefits of IT/digital footprint: e.g. facebook, WhatsApp, Skype Social Media, dedicated faith Website Portal, emails, online chats and online map or a dedicated newsletter made by and for faith groups.
57. Next steps will be to:
 - Host the first conference towards the end of June or early July
 - to develop an improvement plan working with council departments using the feed back from the first session and presenting an action plan to the first conference
 - work with the steering group to produce an action plan based on the evidence produced at the workshops and working groups on themes of safeguarding, health and serious youth violence.
58. We will report back to cabinet in 12 months on progress.

Policy implications

59. This work should strengthen our ability to deliver a number of policy objectives such as our, work with community and voluntary sector through Common purpose Common Cause framework, our mental health strategy, safeguarding, addressing child sexual exploitation, and improving health outcomes, through closer working with faith organisations. This will support increasing our reach, finding partners to support delivery and finding better ways to communicate our objectives.
60. There has been a reported increase in the reported level of hate crime strands (race, faith, anti-Semitic, Islamophobia, sexual, disability and transgender) in London in the twelve months to June 2017, when compared to the previous year.
61. Statistics for the borough indicate a steady but problematic issue with hate crime in the borough. Clearly there is a need for community cohesion, supporting and facilitating ways for people of different faiths or and none, to get on well together.
62. The Southwark Multi Faith Forum (SMF) a network of different faith groups and individuals of no faith, has circulated public messages, condemning extremism,

and in support of the victims of extremism in London Bridge, Westminster and Manchester. Following the Finsbury Park attacks and Grenfell Tower tragedy, the Muslim Association of Nigeria (MAN UK) have issued statements and pleas for people, regardless of faith or none, to stand in solidarity with one another.

63. This supports our volunteering strategy, our VCS strategy Common Purpose, Common Cause and suggested outcomes in the Early Action Commission.

Community impact statement

64. The recommendations in this report are based on our outreach which used a number of tools to ensure that different types of faith organisations were included in the survey and that this reflected the composition of faith practice in the borough as far as possible. Although there are a small number of those with the Jewish faith living in the borough, there are currently no Jewish faith organisations known to the Council and as a consequence this voice is not reflected in the responses.
65. The recommendations in this report are designed to better integrate faith communities in the civic life of the borough, improve our reach to faith communities' membership so we are better able to understand their needs and the impact of change to services on their communities, as well as improve our delivery of services and support to a significant number of the people who live in the Borough.
66. However it is important that when developing the action plans steps taken do not inadvertently discriminate against other protected characteristics.
67. Faith is an important consideration for some men, women, older people and young people and different ethnic groups. It is thus an important consideration for policies and practices in council policy making, functions and services, as relevant to each service user. For some people from Black, Asian and Minority Ethnic backgrounds (BAME), religion is integral to their ethnicity and not separate from it. For some others it is a key part of their identity. This has important implications for services developed and provided. This also has important implications for promoting good relations. It also provides a good engagement resource for the Council to reach some from BAME backgrounds in local communities and enable greater participation. Working more closely with faith groups and organizations in the borough will thus widen access to help us find out and understand diverse needs and views.

For some older people and young people faith is a key part of their identity and integral to their well being. Faith thus has important implications for health, well being, mental health strategies, loneliness strategy and work with some young people. For some groups and communities it is an important way to reach, engage and work with groups we might otherwise not access.

68. The vision of Southwark as a place incorporates a strong vision about working with all our community partners including faith organisations.

Resource implications

69. There are no resource implications. There has traditionally been support for working with faith organisations within Communities Division, with responsibility and

leadership now part of the new Place and Wellbeing directorate. The proposal in terms of the way of working seeks to integrate other parts of the council in working more closely with faith organisations facilitated by the Voluntary Sector and Community Engagement Division.

Legal implications

70. Please see the supplementary advice from the Director of Law and Democracy which clarifies the relevant legal issues to consider.

Financial implications

71. There are no financial implications.

Consultation

72. As discussed above the recommendations have emerged out of a co-productive process with faith organisations, overseen by a steering group including council officers, faith leaders and Community Southwark. The first step involved a survey of faith leaders and was followed by a series of workshops.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

73. Whilst there is no specific duty or power relating to local authorities establishing a faith strategy, the contents of this report indicate how helpful such a strategy this will be to the council in carrying out its full range of statutory functions. To that end section 111 of the Local Government 1972 is relevant and enables this to be done. This gives a local authority powers to do “any thing ...which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions”.
74. Under section 149 of the Equality Act 2010, in making this decision the Cabinet must comply with its public equality duty which requires it to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
75. The community impact statement set out in the report and the Equality Impact Analysis attached identifies relevant matters to be taken into account in discharging that duty. This strategy is focused on engaging with faith congregations already established in Southwark. It is acknowledged that this will not encompass all individuals with religious beliefs nor those without religious beliefs but indicates other ways in which their views and input can be provided.
76. Closer working between the council and religious groups will ensure that matters of faith are more easily considered in the development of policies and service delivery. Bringing people of different faith backgrounds together also supports the council in fostering good relations between diverse groups, and to build social cohesion and social integration.
77. Whilst there is no duty on the council to consult residents in relation to this strategy,

the report demonstrates how the council has taken account of the views of faith groups in establishing this policy by means of the survey attached and the careful consideration of the responses which have been received.

Strategic Director of Finance and Governance (FC18/037)

78. This report is requesting cabinet to recognise the importance that faith organisations play in shaping our neighborhoods and residents and to adopt the vision reflected in paragraph 2 for the future relationship between the council and faith organisations working in the borough.
79. The strategic director of finance and governance notes that that there are no financial implications arising from this report.
80. Staffing and any other costs connected with this report to be contained within existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None		

APPENDICES

No.	Title
Appendix 1	Survey (circulated separately)
Appendix 2	Results of survey (circulated separately)
Appendix 3	Equalities Analysis (circulated separately)

AUDIT TRAIL

Cabinet Member	Councillor Rebecca Lury, Deputy Leader and Cabinet Member for Culture, Leisure, Equalities and Communities	
Lead Officer	Kevin Fenton, Strategic Director of Place and Wellbeing	
Report Author	Jessica Leech Community Engagement Manager	
Version	Final	
Dated	4 March 2019	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Equalities and Inclusion Officer	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	4 March 2019	

Item No. 11.	Classification: Open	Date: 12 March 2019	Meeting Name: Cabinet
Report title:		Free Primary School Visits to the Theatre Programme	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Rebecca Lury, Deputy Leader and Cabinet Member for Culture, Leisure, Equalities and Communities	

FOREWORD - COUNCILLOR REBECCA LURY, DEPUTY LEADER AND CABINET MEMBER FOR CULTURE, LEISURE, EQUALITIES AND COMMUNITIES

The creative industries is the fastest growing sector of the UK economy, employing over 130,000 in high skilled jobs, and contributing £19.5billion gross value added (GVA) to the economy.

We are extremely lucky to be a borough that benefits so much from its creative community. From Shakespeare’s Globe, to The Bridge, Theatre Peckham and The Blue Elephant, to South London Gallery, the University of Arts London, Dulwich Picture Gallery and the Art Academy, sitting alongside the council’s free fireworks display, Bermondsey Carnival, Camberwell Fair and so many other events that celebrate the diversity of our communities across Southwark.

We know that the benefits of a rich cultural environment are significant, bringing together social and generational groups, increasing interactions amongst communities, and providing a way to share knowledge and skills.

Our programme to introduce a free trip to the theatre for every primary school child embodies our approach and commitment to recognising the importance that culture plays in creating and sustaining our Borough. With over 20,000 primary school age children in our Borough, we are playing our part in opening the doors to them to new experiences and broadening their horizons.

RECOMMENDATIONS

1. That cabinet agrees the proposed approach for developing a targeted programme to deliver the council plan target to:

‘Ensure every primary child gets a free visit to the theatre every year.’

BACKGROUND INFORMATION

2. Southwark has a reputation as a borough of creativity, innovation, and opportunity. Uniquely catered for, alongside Shakespeare’s Globe sit small experimental theatres in the heart of our diverse communities such as Blue Elephant and Theatre Peckham, and brand new contemporary performance spaces such as The Bridge. In addition Southwark is home to the Unicorn, the

UK's leading professional theatre for young audiences, and the borough is fast becoming known as a destination for off-West-End theatre.

3. At a time when the pressures on young people are perhaps greater than they have been before, and the challenges faced by massive cultural and technological shifts, climate change, and political upheaval are immense, what we need is a rising generation who can use their heads to solve those problems but also their imaginations.
4. Theatre, particularly theatre for children, fires the imagination; it gives our children the skills and the creativity necessary to face the world, to understand it and perhaps to change it too, discovering their own voice, growing in confidence and develop empathy.
5. It is now widely understood that early cultural interventions, such as this programme, can shape outcomes in later life. It's highly likely that providing arts engagement for very young children will have a significant impact on their engagement and aspirations in later life. Whilst there is undoubtedly increasing pressure on young people and schools to achieve outstanding exam results, fortunately many schools can still see the value of creativity.
6. Understanding how local schools currently engage with theatres is paramount, and after consulting with head-teachers, theatres and other local authorities we have developed a programme that sits on a solid foundation, connects our schools, theatre and communities and can provide a long-lasting legacy beyond its funding term.
7. With 19 theatres in Southwark and 30 located within easy access of our schools, this programme will match these theatres with the 19,789 state funded primary students, 75 home schooled children, 481 looked after children in Southwark and children who are schooled at the Hospital and Home Tuition Sick Children's Service at Kings College and Evelina hospitals.
8. Some schools are already active theatre goers but many are not. This programme opens up theatre visits to those schools that do not have established sustainable funding streams such as PTAs or trusts and foundations.
9. The programme supports head-teachers who have told us they want to take children on trips during school hours, help them access Transport for London's free travel schemes, connect them with theatres that can support the curriculum, support ESOL students and provide free tickets for chaperones.
10. Schools are keen to build relationships with local theatres for opportunities to see West End shows. This programme will support this and recognise that different year groups require different types of performances.
11. Although there are existing relationships between some schools and local theatres, not all produce content that is suitable to primary school aged children. This programme will support theatres to provide the right content, timings and format appropriate for the target age group.
12. This programme will complement existing provision by theatres supporting a legacy beyond 2022.
13. Local authority models from elsewhere (Newham and Lewisham) have both delivered similar programmes inviting school groups to attend a specific performance during a given timeframe. In both cases it was acknowledged that

not every school child nor indeed some of the less easily engaged schools were reached using the approach.

14. We believe Southwark's approach will be a first and offer a more flexible approach allowing schools and theatres the space to build new and long-term relationships.

Programme aims

15. Considering the above findings, the aims felt to be most important to Southwark theatres and primary schools in developing the programme are:
 - To ensure every primary child gets a free visit to the theatre every year.
 - To support Southwark's theatres existing work and encourage development of a meaningful programme that facilitates a legacy of on-going relationships with schools.
 - Further deliver the council's culture strategy, Creative Southwark.

KEY ISSUES FOR CONSIDERATION

Recommended delivery model

16. A single service solution for school years one to six will be created to facilitate access to free tickets to theatre productions in Southwark and beyond.
17. An extension to include reception years will be reviewed as the scheme progresses.
18. A branded digital platform will be created that will promote and bring all the opportunities for Southwark schools together in one place. The platform will tie in to Southwark Presents, providing long-term post programme legacy.
19. The platform will connect schools and theatres, identifying and matching existing free and discounted theatre ticket schemes and current uptake from schools, and identifying gaps and we know that both schools and theatres will benefit from the economies of scale, providing better value if cheaper tickets are secured.
20. The programme will expressly work with schools that do not have a history of visiting the theatre and those in areas of high deprivation. Resources will be focused on these non-active theatre going schools ensuring they benefit and are financially supported where needed.
21. The programme will provide opportunities for schools and theatres to explore other activity such as backstage tours, visit to schools by actors and directors talks.
22. The programme will aim to work with theatres and productions that support the highest standards for the UK theatre industry as set out by various unions such as Equity and BECTU. This will be clearly set out in any contracts for the programme.
23. A robust monitoring and evaluation framework will be developed to capture and analyse uptake and feedback from children, teachers and theatres, and track children's engagement with over time to track longer term impacts such as the

number of children entering creative subjects, further education or creative careers.

Policy implications

24. The proposed Free Primary school visits to the theatre programme supports by two policy frameworks:
 - Southwark’s Council Plan 2018 to 2022
 - Southwark Council cultural strategy Creative Southwark 2017 to 2022.
25. Southwark Council Plan describes our vision for the borough. It sets out our priorities for the next four years, and the commitments that we have made to the people of Southwark.
26. Guided by our values, and shaped by our context this Council Plan presents a set of commitments which will help us achieve our vision of a fairer future for all. The Council Plan sets out these commitments across eight themes:
 - A place to call home
 - A place to belong
 - A greener borough
 - A full employment borough
 - A healthier life
 - A great start in life
 - A safer community
 - A vibrant Southwark.
27. A vibrant Southwark highlights that Southwark is an exciting and diverse borough which is vibrant and full of energy, rich in culture and showing off its artistic talents to the millions who visit every year and want to make sure that it is accessible for all and open to all.
28. The proposed programme delivers a commitment in the theme of A vibrant Southwark to ‘Ensure that every primary child gets a free visit to the theatre every year.’
29. Creative Southwark, the council’s cultural strategy 2017 to 2022 sets out our vision to place culture and creative industries at the heart of our priorities, shaping the context and delivering a range of programmes that support our long-term ambition of Southwark being the first choice for people to live, work, study and visit.
30. The proposed Free Primary school visits to the theatre programme further delivers Creative Southwark, by supporting:
 - Creative People
Commitment 2 *‘Deliver cultural opportunities for young people’*
Commitment 7 *‘Improve communication about cultural activities’*
 - Creative **Growth**
Commitment 1 *‘Retain viable cultural venues’*
 - Creative **Economy**

Commitment 2 '*Reduce barriers into creative careers*'
 Commitment 6 '*Support existing networks*'

Community impact statement

31. The council wants Southwark to be a fairer borough and aim on brokering partnerships to achieve Southwark's enormous potential and securing our cultural and creative landscape for generations to come.
32. An initial analysis (see Appendix 1) has been carried out in terms of the potential equalities and health impacts of the proposed programme.
33. Based on the information in this report, the initial equality and health analysis demonstrates that the policy shows no potential for discrimination and you have taken all appropriate opportunities to advance equality of opportunity and foster good relations between people with different protected characteristics.
34. Due to the nature of the programme and the involvement of partners in this process, the proposals set out in this report are likely to create only positive impacts and benefits.
35. However, whilst it is unlikely that roll out will have anything other than positive impacts for the community, there may be accessibility and parity issues regarding which schools engage and more importantly don't, therefore a further Equalities and Health Analysis will be carried out once this level of detail is clearer. The table below outlines further actions:
- 36.

Further actions			
Based on the initial analysis above, please detail the key mitigating actions or the areas identified as requiring more detailed analysis.			
Number	Description of issue	Action	Timeframe
1	It is unlikely that the programme will have anything other than positive impacts for the community, there may be accessibility and parity issues regarding which schools engage and more importantly don't	A further Equalities and Health Analysis will be carried out once this level of detail is clearer	Once implementation approach has been agreed.
2	Programme is designed to be open to all primary school children aged five to eleven	Ensure a range of productions suiting different age groups are available, and monitor uptake across age groups	Once implementation approach has been agreed.
3	Potential issues around access at smaller/older theatre venues	Full access assessments to be completed for participating theatres so these can be clearly communicated with	Once implementation approach has been agreed.

Further actions			
Based on the initial analysis above, please detail the key mitigating actions or the areas identified as requiring more detailed analysis.			
Number	Description of issue	Action	Timeframe
		schools in advance of organising a visit	

Financial implications

37. The estimated cost of implementing this programme is £500,000 over a three-year period. This is based on a half year delivery of £100k in 2019-20 and £200,000 per year in year 2 & 3 to cover complete delivery.
38. A commitment of £100,000 has been agreed by cabinet, subject to Council Assembly approval, as part of the council's budget process for 2019-20. A further commitment of £100,000 for this programme has been identified from 2020-21 onwards which would need to be agreed as part of the council's budget setting process for 2020-21. This, once approved by council would equate to a total budget of £200,000 from 2020-21 as shown below.

Year		£ 000's	Cumulative Budgets £000's
2019/20	Commitment agreed as part of 2019/20 Budget Process	100	100
2020/21	Commitment to be included for 2020/21 Budget Process	100	200
2021/22	Funding approved in 2020/21		200
	Total Proposed Budget		500

39. Resources to deliver the programme will be sourced internally or via a third party with all options being considered to ensure best value high quality service to schools.
40. As stated in the Fairer Future Procurement Strategy early and timely political input will be sought when assessing options and before a decision is taken about the external procurement of the services.
41. Regardless of delivery mechanism external sponsorship will be sought in order reduce the level revenue the council is investing in this programme.
42. Staffing and any other costs connected with this programme will need to be contained within existing departmental revenue budgets.

Consultation

43. Officers have carried out research and consultation to scope options for delivering a programme. Research and consultation activities have included:

- Mapping existing theatres and primary schools
- Survey with theatres to understand existing offers and engagement with schools
- Roundtable with theatres in the borough
- Consultation with Primary School's Head-teacher's forum
- One to one meeting with Southwark Theatre Education Partnership
- Desk research on comparable theatre and primary school ticket schemes
- One to one meetings with other local authorities with similar schemes.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

44. This report seeks approval of the development of a targeted programme to deliver the council plan target to ensure that every primary school child gets a free visit to the theatre every year.
45. Under Part B of the council constitution the cabinet is responsible for formulating the council's overall policy objectives and priorities. Accordingly the recommendation to develop the targeted programme is reserved to cabinet.
46. Cabinet's attention is drawn to the Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010, and when making decisions to have due regard to the need to eliminate discrimination, harassment, victimisation or other prohibited conduct, and to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and those who do not share it. The community impact statement at paragraphs 30-34 sets out the consideration that has been given to equalities issues which should be considered when approving the recommendation, and includes reference to an Equality and Health Analysis which has been previously undertaken and which is contained in Appendix 1 to this report.
47. Paragraphs 41 and 43 confirm the additional consultation undertaken which should be considered by cabinet when approving the recommendation. Consultation on the programme should be updated on a regular basis for the purpose of monitoring the effectiveness of the programme and to assist future decision making in this area.

Strategic Director of Finance and Governance (FC18/034)

48. This report seeks the cabinet to approve the proposed approach for developing a targeted programme to deliver the council plan target to *'Ensure every primary child gets a free visit to the theatre every year.'*
49. The strategic director of finance and governance notes that the costs associated with this contract is expected to be funded as detailed in the financial implications.
50. Staffing and any other costs connected with this contract will need to be contained within existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Council Plan 2018 to 2022	Chief Executives Office/Strategy and Partnerships	Stephen Gaskell 020 7525 7293
Link: https://www.southwark.gov.uk/council-and-democracy/fairer-future/council-plan		
Southwark Council cultural strategy, Creative Southwark 2017 to 2022	Environment and Leisure/Culture	Paul Cowell 0207 525 0857
Link: https://www.southwark.gov.uk/culturalstrategy		
Maps showing Southwark state funded primary schools and theatres and Southwark state funded primary schools and theatres and Indices of Multiple Deprivation 2015	Environment and Leisure/Culture	Paul Cowell 0207 525 0857
Link: http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=6088&Ver=4		
Southwark Primary Schools data	Environment and Leisure/Culture	Paul Cowell 0207 525 0857
Link: http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=6088&Ver=4		
Southwark theatres data	Environment and Leisure/Culture	Paul Cowell 0207 525 0857
Link: http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=6088&Ver=4		
Existing theatre and Primary School schemes data	Environment and Leisure/Culture	Paul Cowell 0207 525 0857
Link: http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=6088&Ver=4		

APPENDICES

No.	Title
Appendix 1	Initial joint Equality and Health Analysis

AUDIT TRAIL

Cabinet Member	Councillor Rebecca Lury, Deputy Leader and Cabinet Member for Culture, Leisure, Equalities and Communities	
Lead Officer	Fiona Dean, Director of Leisure	
Report Author	Paul Cowell, Culture and Events Manager	
Version	Final	
Dated	26 February 2019	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		28 February 2019



APPENDIX 1

Equality and health analysis guidance and template

Guidance notes

Things to remember:

Under the Public Sector Equality Duty (PSED) public authorities are required to have due regard to the aims of the general equality duty when making decisions and when setting policies. Understanding the affect of the council's policies and practices on people with different protected characteristics is an important part of complying with the general equality duty. Under the PSED the council must ensure that:

- Decision-makers are aware of the general equality duty's requirements.
- The general equality duty is complied with before and at the time a particular policy is under consideration and when a decision is taken.
- They consciously consider the need to do the things set out in the aims of the general equality duty as an integral part of the decision-making process.
- They have sufficient information to understand the effects of the policy, or the way a function is carried out, on the aims set out in the general equality duty.
- They review policies or decisions, for example, if the make-up of service users changes, as the general equality duty is a continuing duty.
- They take responsibility for complying with the general equality duty in relation to all their relevant functions. Responsibility cannot be delegated to external organisations that are carrying out public functions on their behalf.
- They consciously consider the need to do the things set out in the aims of the general equality duty not only when a policy is developed and decided upon, but when it is being implemented.

Best practice guidance from the Equality and Human Rights Commission recommends that public bodies:

- Consider all the [protected characteristics](#) and all aims of the general equality duty (apart from in relation to marriage and civil partnership, where only the discrimination aim applies).
- Use equality analysis to inform policy as it develops to avoid unnecessary additional activity.
- Focus on the understanding the effects of a policy on equality and any actions needed as a result, not the production of a document.
- Consider how the time and effort involved should relate to the importance of the policy to equality.
- Think about steps to advance equality and good relations as well as eliminate discrimination.
- Use good evidence. Where it isn't available, take steps to gather it (where practical and proportionate).
- Use insights from engagement with employees, service users and others can help provide evidence for equality analysis.

Equality analysis should be referenced in community impact statements in Council reports.

Community impact statements are a corporate requirement in all reports to the following meetings: the cabinet, individual decision makers, scrutiny, regulatory committees and community councils. Community impact statements enable decision makers to identify more easily how a decision might affect different communities in Southwark and to consider any implications for equality and diversity.

The public will be able to view and scrutinise any equality analysis undertaken. Equality analysis should therefore be written in a clear and transparent way using plain English. Equality analysis may be published under the council's publishing of equality information, or be present with divisional/departmental/service business plans. These will be placed on the website for public view under the council's Publications Scheme.

Equality analysis should be reviewed after a sensible period of time to see if business needs have changed and/or if the effects that were expected have occurred. If not then you will need to consider amending your policy accordingly. This does not mean repeating the equality analysis, but using the experience gained through implementation to check the findings and to make any necessary adjustments.

Engagement with the community is recommended as part of the development of equality analysis. The council's Community Engagement Division and critical friend, the Forum for Equality and Human Rights in Southwark can assist with this (see section below on community engagement and www.southwarkadvice.org.uk).

Whilst the equality analysis is being considered, Southwark Council recommends considering health and wellbeing implications, as health and health inequalities are strongly influenced by the environment we live and work in. As a major provider of services to Southwark residents, the council has a legal duty to reduce health inequalities and this is reflected in its values and aims. For this reason, the council recommends considering health & wellbeing impacts in all equality analyses, not forgetting to include identified potential mitigating actions.

Section 1: Equality analysis details

Proposed policy/decision/business plan to which this equality analysis relates		Theatre and Primary Schools Programme			
Equality analysis author		Jennifer Wood			
Strategic Director:		Ian Smith			
Department		Environment & Leisure	Division		Culture & Events
Period analysis undertaken		January 2019			
Date of review (if applicable)		Upon completion of detailed mapping exercise by commissioned organisation			
Sign-off		Position		Date	

Section 2: Brief description of policy/decision/business plan

1.1 Brief description of policy/decision/business plan

A new targeted programme to deliver the Council's fairer future commitment to: **'...ensure that every primary child gets a free visit to the theatre every year'** and provide a lasting legacy supporting *Creative Southwark*, the Council's cultural strategy.

The aims of the programme are to:

- Ensure every primary child gets a free visit to the theatre every year
- Support Southwark's theatres existing work and encourage development of a meaningful programme that facilitates a legacy of on-going relationships with schools
- Support the delivery of the council's culture strategy, *Creative Southwark*

An organisation will be commissioned to manage delivery of the programme. The commissioned organisation will:

- Connect schools and theatres, identifying and matching existing free and discounted theatre ticket schemes and current uptake from schools, and identifying gaps
- Provide funding to theatres for enhanced or new programmes to ensure that one free ticket is available to every primary school child, and to schools to enable off-site trips
- Create a branded digital platform promoting opportunities to schools in one place
- Monitor activity to ensure uptake across the board, evaluate success of programme
- Work with venues and productions that support the highest standards for the UK theatre industry as set out by various unions such as Equity and BECTU. This will be clearly set out in any procurement and contracts for the programme
- Work within a robust monitoring and evaluation framework to capture and analyse uptake and feedback from children, teachers and theatres, and track children's engagement with theatre over time as well as longer term impacts such as the number of children entering creative further education or creative industries careers

This will deliver a programme that:

- Utilises existing theatre programmes, and existing funding streams from schools
- Targets funding to reach less engaged schools not already benefiting from schemes
- Gives schools choice on the type of theatre visit they want, via a digital platform bringing all opportunities together into one easily accessible point, with the option to 'top-up' existing offers with own funding to access higher priced tickets e.g. West End
- Provides an opportunity to promote other activity e.g. backstage tour or directors talk
- Benefits from economies of scale, and better value if cheaper tickets are secured

Section 3: Overview of service users and key stakeholders consulted

2. Service users and stakeholders	
Key users of the department or service	Primary Schools in Southwark (meeting with 12 Southwark Heads) Theatres in Southwark (meeting with 12 theatres) Survey with theatres in Southwark (18 responses)
Key stakeholders were/are involved in this policy/decision/business plan	Primary Schools in Southwark Theatres in Southwark Southwark Theatre Education Partnership Education team, Children's and Adults' Service Children's Social Care team, Children's and Adults' Service Care Leavers Trust Partnership

Section 4: Pre-implementation equality analysis

This section considers the potential impacts (positive and negative) on groups with 'protected characteristics', the equality information on which this analysis is based and any mitigating actions to be taken.

The first column on the left is for societal and economic issues (discrimination, higher poverty levels) and the second column on the right for health issues, physical and mental. As the two aspects are heavily interrelated it may not be practical to fill out both columns on all protected characteristics. The aim is, however, to ensure that health is given special consideration, as it is the council's declared intention to reduce health inequalities in the borough. The Public Health Team can assist with research and data.

Age - Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).	
Potential impacts (positive and negative) of proposed policy/decision/business plan	Potential health impacts (positive and negative)
Provides equal opportunities for primary school children ages five to eleven years old to visit the theatre	Potential positive impact on health and wellbeing resulting from children visiting the theatre - can support health and wellbeing by boosting heart rate to similar levels as cardio exercise, and improve overall mood and feeling connected to other people
Equality information on which above analysis is based	Health data on which above analysis is based
Programme is designed to be open to all primary school children aged five to eleven	https://www.ericksonliving.com/articles/2014/12/how-can-watching-theater-benefit-mind https://www.thestage.co.uk/opinion/2014/benefits-theatre-children/ https://www.standard.co.uk/go/london/theatre/going-to-the-theatre-is-as-good-for-your-heart-as-30-minutes-of-cardio-apparently-a3646496.html
Mitigating actions to be taken	
Programme to remain open and promoted equally to all school year groups, ensuring sufficient shows available for different age groups	Promote the positive health and wellbeing benefits of visiting the theatre

Disability - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.	
Potential impacts (positive and negative) of proposed policy/decision/business plan	Potential health impacts (positive and negative)

Potential issues around access at smaller/older theatre buildings	Potential positive impact on health and wellbeing resulting from children visiting the theatre - can support health and wellbeing by boosting heart rate to similar levels as cardio exercise, and improve overall mood and feeling connected to other people
Equality information on which above analysis is based	Health data on which above analysis is based
Potential issues around access in older theatre buildings	https://www.ericksonliving.com/articles/2014/12/how-can-watching-theater-benefit-mind https://www.thestage.co.uk/opinion/2014/benefits-theatre-children/ https://www.standard.co.uk/go/london/theatre/going-to-the-theatre-is-as-good-for-your-heart-as-30-minutes-of-cardio-apparently-a3646496.html
Mitigating actions to be taken	
Full access assessments to be completed for participating theatres so these can be clearly communicated with schools in advance of organising a visit	Promote the positive health and wellbeing benefits of visiting the theatre

Gender reassignment - The process of transitioning from one gender to another.	
Potential impacts (positive and negative) of proposed policy/decision/business plan	Potential health impacts (positive and negative)
None anticipated	None anticipated
Equality information on which above analysis is based.	Health data on which above analysis is based
N/A	N/A
Mitigating actions to be taken	
N/A	N/A

Marriage and civil partnership – In England and Wales marriage is no longer restricted to a union between a man and a woman but now includes a marriage between a same-sex

<p>couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples and must be treated the same as married couples on a wide range of legal matters. (Only to be considered in respect to the need to eliminate discrimination.)</p>	
Potential impacts (positive and negative) of proposed policy/decision/business plan	Potential health impacts (positive and negative)
None anticipated	None anticipated
Equality information on which above analysis is based	Health data on which above analysis is based
N/A	N/A
Mitigating actions to be taken	
N/A	N/A

<p>Pregnancy and maternity - Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.</p>	
Potential impacts (positive and negative) of proposed policy/decision/business plan	Potential health impacts (positive and negative)
None anticipated	None anticipated
Equality information on which above analysis is based	Health data on which above analysis is based
N/A	N/A
Mitigating actions to be taken	
N/A	N/A

<p>Race - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins. N.B. Gypsy, Roma and Traveller are recognised racial groups and their needs should be considered alongside all others</p>	
<p>Potential impacts (positive and negative) of proposed policy/decision/business plan</p>	<p>Potential health impacts (positive and negative)</p>
<p>None anticipated</p>	<p>None anticipated</p>
<p>Equality information on which above analysis is based</p>	<p>Health data on which above analysis is based</p>
<p>N/A</p>	<p>N/A</p>
<p>Mitigating actions to be taken</p>	
<p>N/A</p>	<p>N/A</p>

<p>Religion and belief - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.</p>	
<p>Potential impacts (positive and negative) of proposed policy/decision/business plan</p>	<p>Potential health impacts (positive and negative)</p>
<p>None anticipated</p>	<p>None anticipated</p>
<p>Equality information on which above analysis is based</p>	<p>Health data on which above analysis is based</p>
<p>N/A</p>	<p>N/A</p>
<p>Mitigating actions to be taken</p>	
<p>N/A</p>	<p>N/A</p>

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Sex - A man or a woman.	
Potential impacts (positive and negative) of proposed policy/decision/business plan	Potential health impacts (positive and negative)
None anticipated	None anticipated
Equality information on which above analysis is based	Health data on which above analysis is based
N/A	N/A
Mitigating actions to be taken	
N/A	N/A

Sexual orientation - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes	
Potential impacts (positive and negative) of proposed policy/decision/business plan	Potential health impacts (positive and negative)
None anticipated	None anticipated
Equality information on which above analysis is based	Health data on which above analysis is based
N/A	N/A
Mitigating actions to be taken	
N/A	

<p>Socio-economic disadvantage – although the Equality Act 2010 does not include socio-economic status as one of the protected characteristics, Southwark Council recognises that this continues to be a major cause of inequality in the borough.</p> <p>Socio economic status is the measure of an area's, an individual's or family's economic and social position in relation to others, based on income, education, health, living conditions and occupation.</p>	
<p>Potential impacts (positive and negative) of proposed policy/decision/business plan</p>	<p>Potential health impacts (positive and negative)</p>
<p>It is unlikely that the programme will have anything other than positive impacts for the community, there may be accessibility and parity issues regarding which schools engage and more importantly don't.</p>	<p>Potential positive impact on health and wellbeing resulting from children visiting the theatre - can support health and wellbeing by boosting heart rate to similar levels as cardio exercise, and improve overall mood and feeling connected to other people</p>
<p>Equality information on which above analysis is based</p>	<p>Health data on which above analysis is based</p>
<p>Based on feedback from theatres with existing programmes, which suggests some schools more readily engage than others</p>	<p>https://www.ericksonliving.com/articles/2014/12/how-can-watching-theater-benefit-mind</p> <p>https://www.thestage.co.uk/opinion/2014/benefits-theatre-children/</p> <p>https://www.standard.co.uk/go/london/theatre/going-to-the-theatre-is-as-good-for-your-heart-as-30-minutes-of-cardio-apparently-a3646496.html</p>
<p>Mitigating actions to be taken</p>	
<p>Programme to remain open to all schools, with focus on engaging schools which do not currently take groups to the theatre. A further Equalities and Health Analysis will be carried out once this level of detail is clearer.</p>	<p>Promote the health and wellbeing benefits of visiting the theatre</p>

<p>Human Rights</p> <p>There are 16 rights in the Human Rights Act. Each one is called an Article. They are all taken from the European Convention on Human Rights. The Articles are The right to life, Freedom from torture, inhuman and degrading treatment, Freedom from forced labour, Right to Liberty, Fair trial, Retrospective penalties, Privacy, Freedom of conscience, Freedom of expression, Freedom of assembly, Marriage and family, Freedom from discrimination and the First Protocol</p>
<p>Potential impacts (positive and negative) of proposed policy/decision/business plan</p>
<p>It is unlikely that the programme will have anything other than positive impacts for the community, there may be accessibility and parity issues regarding which schools engage and more importantly don't.</p>

Information on which above analysis is based
Based on feedback from theatres with existing schools visits to theatres programmes.
Mitigating actions to be taken
A further Equalities and Health Analysis will be carried out once this level of detail is clearer.

Section 5: Further actions and objectives

5. Further actions			
Based on the initial analysis above, please detail the key mitigating actions or the areas identified as requiring more detailed analysis.			
Number	Description of issue	Action	Timeframe
1	It is unlikely that the programme will have anything other than positive impacts for the community, there may be accessibility and parity issues regarding which schools engage and more importantly don't	A further Equalities and Health Analysis will be carried out once this level of detail is clearer	Once commissioned organisation has been contracted
2	Programme is designed to be open to all primary school children aged five to eleven	Ensure a range of productions suiting different age groups are available, and monitor uptake across age groups	Once commissioned organisation has been contracted
3	Potential issues around access at smaller/older theatre venues	Full access assessments to be completed for participating theatres so these can be clearly communicated with schools in advance of organising a visit	Once commissioned organisation has been contracted
4			
5			
6			
7			

5. Equality objectives (for business plans)				
Based on the initial analysis above, please detail any equality objectives that you will set for your division/department/service. Under the objective and measure column please state whether this objective is an existing objective or a suggested addition to the Council Plan.				
Objective and measure	Lead officer	Current performance (baseline)	Targets	
			Year 1	Year 2

5. Health objectives (for business plans)

Based on the initial analysis above, please detail any health objectives that you will set for your division/department/service. Under the objective and measure column please state whether this objective is an existing objective or a suggested addition to the Council Plan.

Objective and measure	Lead officer	Current performance (baseline)	Targets	
			Year 1	Year 2

Item No. 12.	Classification: Open	Date: 12 March 2019	Meeting Name: Cabinet
Report title:		Introduce Water Fountains throughout Southwark	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Richard Livingstone, Environment, Transport Management and Air Quality	

FOREWORD - COUNCILLOR RICHARD LIVINGSTONE, CABINET MEMBER FOR ENVIRONMENT, TRANSPORT MANAGEMENT AND AIR QUALITY

In our Fairer Future promises, Southwark Council has promised to introduce water fountains throughout the borough to help reduce the number of single use plastic bottles. As Blue Planet 2 highlighted, it is vital that we reduce the quantities of single use plastic. This council has pledged to eliminate its own reliance on this, and to work to halve single use plastic across the borough.

We also want to encourage more people to walk and cycle more: to stay healthy and improve air quality. More drinking fountains can help make walking a more pleasant way of getting around.

This report sets out our strategy to deliver that promise. It sets out how the council will ensure that we have 50 drinking fountains by 2022, spread so that there is at least one in each of the borough’s wards.

I am therefore asking the cabinet, after consideration of this report, to approve the recommendations set out below.

RECOMMENDATIONS

Recommendations for the Cabinet

1. To approve the target to increase the number of water fountains within Southwark to a total of 50 by 2021-22 and to ensure each ward has provision of at least one water fountain.
2. To note the funding bid to Greater London Authority (GLA) and Thames Water Oneless scheme, which if successful will fund five of the new fountains.
3. To approve the approach to identifying water fountain locations in Southwark.
4. To approve the funding strategy set out the in report in respect of water fountains not delivered under GLA and Thames Water’s Oneless scheme.

Recommendation for the Leader of the Council

5. That the leader of the council delegates authority to the cabinet member for environment, transport management and air quality to approve the final

approach and strategy of introducing water fountains throughout Southwark.

BACKGROUND INFORMATION

6. Southwark Council Plan 2018-19 to 2021-22 sets out 'A Greener Borough' and 'A healthier life' as two of the Fair Future themes. The purpose of the Southwark Water Fountain project is to increase the number of drinking fountains within the borough to encourage people to drink less high-sugar drinks and discourage use of single-use plastic bottles. This is set out in the council plan priority to: "introduce water fountains throughout Southwark to reduce plastic bottles and to end single use plastic in the council and halve single use plastic bottles in the borough".

7. Current water fountain locations:

There are a total of 36 operational water fountains in Southwark. The majority of the water fountains are located in parks and leisure centres; the others are located in libraries and other sports facilities as listed in Table 1 below.

With approved funding from London Major's water fountain scheme, one additional fountain has been installed at Camberwell Green last year, another one will be installed at Guy's hospital this year, which brings the total number of drinking fountains within the borough to 38.

Table 1: Existing Water Fountains in Southwark

Location category	Number of Drinking fountains	Comments
Parks	14	Under LBS Management
Leisure Centres	18	Under LBS Management
Libraries	2	Under LBS Management
Other Sports Facilities	2	Under LBS Management
Camberwell Green and Guy's Hospital	2	Under Thames Water Management
Total	38	

**Please see Appendix 1: Southwark Drinking Fountain Map for how existing and potential water fountains distributed across the borough.*

8. The council approached the Greater London Authority (GLA) in August 2018 for external funding and partnership options to deliver this project. The GLA asked Southwark Council to join the Mayor of London's Oneless scheme working in partnership with the GLA and Thames Water to establish a new network of water fountain and bottle-refill stations across the capital in order to help reduce single-use packaging. Southwark's new council plan target fits the scheme perfectly.
9. In December 2018, we submitted applications of the five locations below as potential sites for water fountains:

- Potters Field Park (Opposite City Hall)
 - St Mary's Newington (Outside The Castle Leisure Centre)
 - Nunhead Green Park
 - Brimmington Park
 - Dulwich Village Ward (Calton Avenue at junction with Court Lane).
10. GLA has yet to announce the results of the location submissions due to the large number of applications received and extended assessment period. We expect the announcement to be made before March 2019 and to install the first fountain in April 2019 if successful.
11. We are seeking to install an additional seven water fountains from council funds throughout the borough by 2021-22, and explore the feasibilities of relocating existing water fountains in our leisure centres.

KEY ISSUES FOR CONSIDERATION

Partnership approach

12. We have been working in partnership with both the GLA and Thames Water on the scheme since last year and submitted a funding bid to the Oneless scheme for five potential water fountain locations in the borough in December 2018. If successfully, the five drinking fountains will be funded jointly by the GLA and Thames Water, in which Thames Water will have the ownership of the fountains and take the responsibility for all maintenance and management.
13. We are also going to put a proposal forward to the current leisure management contractor Everyone Active. The proposal is to ask Everyone Active to fund the relocation of some existing drinking fountains to the reception area or install an additional one at the reception area of each leisure centre to increase accessibility for members of public who are not gym members.

Water fountain location priorities

14. The recommended priorities of potential fountain locations are based on the following:
- a. High Footfall
 - b. Accessibility and visibility (priority will be given to sites with 24hr access)
 - c. Number of water fountains nearby
 - d. Health Benefit
 - e. Protection from vandalism.

Signage

15. Existing signage such as map boards, entrance signs, directional finger posts, and public noticeboards will be updated to ensure fountain locations are clearly marked. New signs will be installed at locations without adequate signage
16. A map of drinking water locations will be available on the council's website.

Future development

17. We will work together with the public health, regeneration and highways

department to identify more detailed locations for potential water fountains throughout the borough including all council buildings.

18. The ambition is to deliver an additional twelve drinking fountains in Southwark, which will bring total number of drinking fountains to 50 by 2021-22. The project will delivered in three phases, five drinking fountains (funded by One less scheme) by 2019-20, four drinking fountains by 2020-21, and further three more by 2021-22.

Funding strategy for the council funded water fountains

19. The average cost to supply and install a drinking fountain is £8,000 and as such a capital bid of circa £60,000 will be submitted as part of the council's budget setting process.

20. Risk and mitigation

Risk Description	Mitigation Actions
Unsuccessful GLA funding bid	Prior communication and engagement with GLA and Thames Water to consider potential drinking fountain locations
Land contamination found	Survey to be completed
Locations not feasible due to water supply and drainage system	Site investigations to be completed and alternative list of potential water fountain locations identified

Policy implications

21. Childhood Obesity is a prevalent issue within Southwark. The National Child Measurement Programme (NCMP) data for 2017-18 indicates that reception, 11.4% of children are obese (7th highest London borough) and by year 6 increases to 24.5% of pupil are obese (12th highest London borough).
22. Energy drink consumption by children in the UK is higher than in any other European country. Energy drinks are associated with negative health, behavioral and dietary effects. Low price of calorific and sugary drinks influence consumption and make such drinks the easy option (NHS – 'effects of a fizzy drink tax on obesity rates estimate' November 2013).
23. A third of primary and secondary school pupils in Southwark report having sugary fizzy drinks most days. Sugary drinks are the main source of sugar in the diet of children (gov.uk – 'PHE urges parents to cut sugary drinks from children's diets' July 2015).
24. The positive health outcomes of placing a water fountain at these locations include:
- Water fountains are free and accessible to all, addressing health inequalities

- In terms of reducing Childhood Obesity – no sugar/calories contained and the presence of free hydration can support and encourage more physical activity. It can suppress appetite and to an extent increase a metabolism
 - Water is good for concentration and in turn may help with educational attainment.
25. The provision of water fountains will also help feed into Southwark's wider ambition to prioritise the provision of tap water/water fountains to help tackle childhood obesity, in partnership with Thames Water, and is one way to help deliver the council's commitments help support its residents to lead a healthier life and have a great start in life.
26. A new environmental sustainability strategy is under development and to be completed in spring 2019. The provision of water fountain will help Southwark's wider ambition to reduce usage of single used plastic.

Community impact statement

27. As set out under the Equality Act 2010 and the Public Sector Equality duty (PSED) an equalities impact assessment was carried out during the development of the project (see background document Appendix II for details). The overall aims of the project are broadly inclusive, and should foster good relations between people from different communities as well as advancing equality of opportunity.
28. This project will support the council's commitment to meet the needs of Southwark's diverse communities.
29. The recommendations are not considered to have a disproportionate effect on any community or groups.

Resource implications

Financial issues

30. There will be no capital and revenue pressure associated with the five water fountains delivered through the GLA/Thames Water partnership funding.
31. The average cost to supply and install a drinking fountain is approximately £8,000 and as such a capital budget of circa £60k will be needed. This will be funded from the Parks Infrastructure and Investments Project.
32. Currently, the cost of maintaining 36 water fountains is approximately £64,000 per annum. With the proposed plan to install four more water fountains in 2020-21, we estimate the cost to increase to £71,000 in year 2020-21, and after the installation of three more in year 2021-22, it will be £79,000 in year 2021/22 and onwards.

33. Staffing and any revenue associated with future operating and maintenance costs of the council funded water fountains will be funded from within existing Parks and Leisure business unit's revenue.
34. We will look to work with Everyone Active for them to fund the relocation of the drinking fountains in leisure centres.

Staffing issues

35. There is no implication for staffing connected with this project as this will be provided by the parks and leisure from its own resources.

Consultation

36. Ward councillors and the cabinet members for finance, resources and community safety and parks and leisure shall be kept fully informed of the progress on the project.
37. Internal key stakeholders and external partner of the following will be consulted during the development of the project to ensure that the need of all sections of Southwark' diverse community continue to be met.
 - LBS Parks & Leisure Team
 - LBS Regeneration Team
 - LBS Public Health Team
 - LBS Highways Team
 - LBS Legal Services, Finance and Governance
 - LBS H&S Compliance Team, Regulatory Services, Environment & Leisure
 - Everyone Active.

Legal implications

38. Please refer to the concurrent report of the director of law and democracy below.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Head of Procurement

39. Not required as there are no contractual or procurement issues involved with this decision

Director of Law and Democracy

40. None.

Strategic Director of Finance and Governance (FC18/036)

41. This report seeks cabinet to approve the target to increase the number of water fountains within Southwark to a total of 50 by 2021-22 and to ensure each ward has provision of at least one water fountain. The report is also requesting cabinet to approve other related recommendations as detailed in paragraphs 1 to 4 in the report.
42. The strategic director of finance and governance notes that the capital and

revenue costs associated with this report will be fully contained within the Parks and Leisure Services' respective capital and revenue budgets as detailed in the financial implication section.

43. The strategic director of finance and governance notes that there will be no capital and revenue pressure associated with the five water fountains delivered through the GLA/Thames Water partnership funding.
44. Staffing and any other contract monitoring costs connected with this report will need to be contained within existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Water Fountains EQIA	Parks and Leisure, Southwark Council, 160 Tooley Street	Rebecca Towers, Head of Parks and Leisure 020 525 0771
Link: http://modern.gov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=6088&Ver=4		

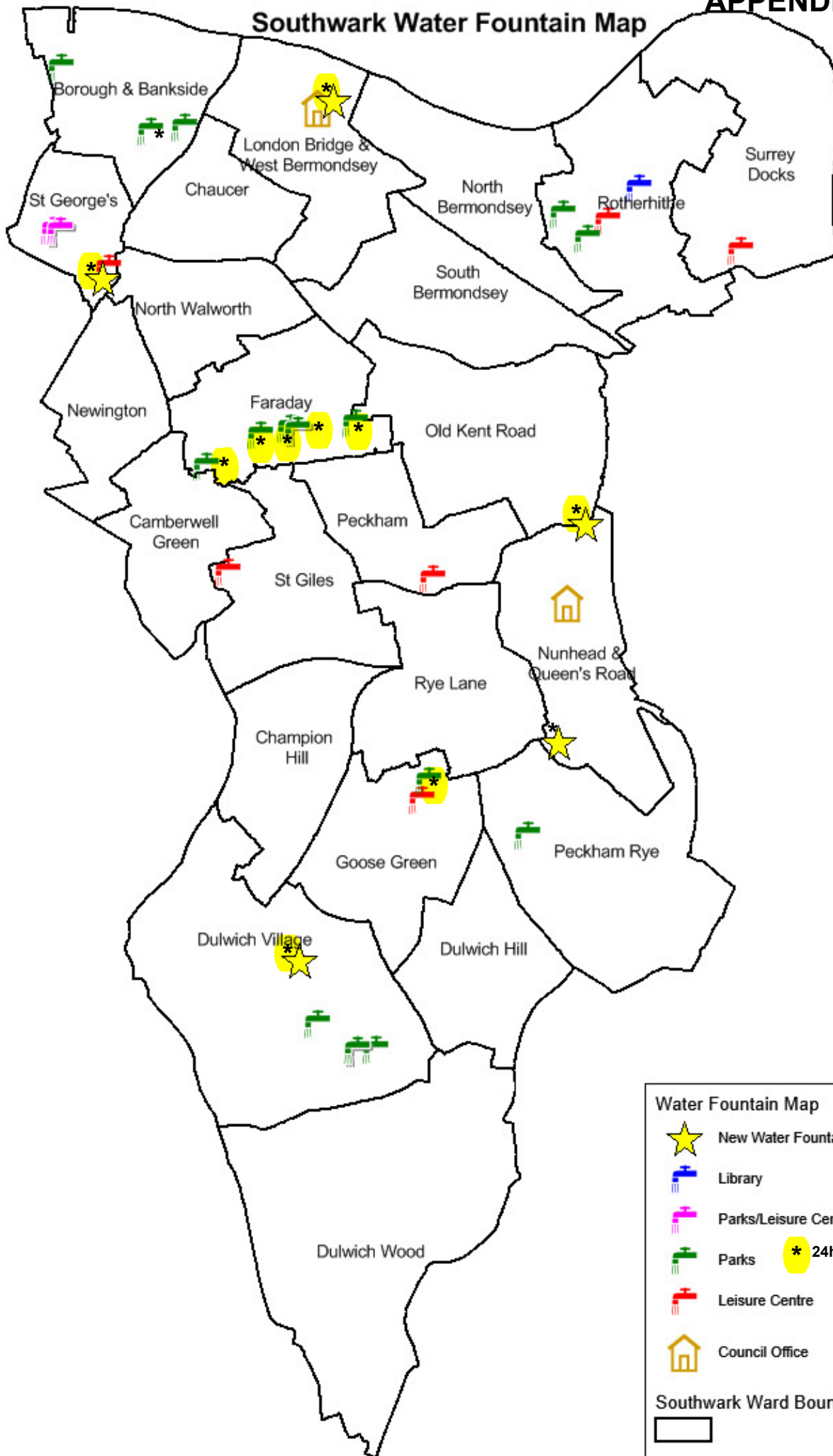
APPENDICES

No.	Title
Appendix 1	Southwark Drinking Fountains Map








AUDIT TRAIL

Cabinet Member	Councillor Richard Livingstone, Environment, Transport Management and Air Quality		
Lead Officer	Fiona Dean, Director of Leisure		
Report Author	Emily Xi, Programme Management Officer		
Version	Final		
Dated	28 February 2019		
Key Decision?	Yes		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
	Officer Title	Comments Sought	Comments Included
	Director of Law and Democracy	Yes	No
	Strategic Director of Finance and Governance	Yes	Yes
	Cabinet Member	Yes	Yes
	Date final report sent to Constitutional Team		28 February 2019


Southwark Water Fountain Map



Water Fountain Map

-  New Water Fountain
-  Library
-  Parks/Leisure Centre
-  Parks  24hr
-  Leisure Centre
-  Council Office

Southwark Ward Boundaries



Item No. 13.	Classification: Open	Date: 12 March 2019	Meeting Name: Cabinet
Report title:		Gateway 1 - Procurement Strategy Approval Main Contractor Procurement: Albion New Homes Schemes	
Ward(s) or groups affected:		Rotherhithe	
Cabinet Member:		Councillor Leo Pollak, Social Regeneration, Great Estates and New Council Homes	

FOREWORD – COUNCILLOR LEO POLLAK, CABINET MEMBER FOR SOCIAL REGENERATION, GREAT ESTATES AND NEW COUNCIL HOMES

With over 20,000 people on our council housing waiting list, and more than 2,000 children growing up in temporary accommodation, Southwark Council is committed to pressing ahead with our ambitious commitment to build 11,000 new council homes by 2043 (including an additional 1,000 by 2022).

This report sets out the contractor procurement route for delivering 39 new council homes – to be let at council rents on lifetime council tenancies - on 2 sites either side of Albion Street in Rotherhithe. At least half of the new council homes will be reserved for tenants who live in the immediate area who have an unmet housing need, ensuring local residents directly benefit from the new council homes and maintain their local social, childcare and family connections. The mix will also include 24 homes linked to median local incomes at London Living Rent, and 13 homes for outright sale to generate a social profit and have given first dibs to local residents.

In line with all other procurement on new council homes this report sets out that the successful appointee will have sign up to Considerate Constructors Scheme, will pay all trades workers a minimum London Living Wage, employ local apprentices, and not blacklist union members.

RECOMMENDATIONS

That the cabinet:

1. Approves the procurement strategy outlined in this report for a two stage design and build contract through the Notting Hill Genesis (NHG) framework, for the construction of the Albion new homes schemes (consisting of two sites - the former Albion Civic Centre and former Albion Primary School) for an anticipated period of 32 months commencing on 30 July 2019, at an estimated contract value of £22m, which includes the cost of the first stage tender process (pre-construction services agreement - PCSA) at an estimated value of £1.1m
2. Notes that the award of the PCSA will be approved as set out in paragraph 34 by the relevant chief officer in accordance with contract standing orders and in consultation with the cabinet member for social regeneration, great estates and new council homes.

3. Approves the delegation of the award decision in the Gateway 2 reports for the main works contract to the strategic director of housing and modernisation in consultation with the cabinet member for social regeneration, great estates and new council homes for the reasons noted in paragraph 37.
4. Notes that the original procurement strategy agreed by cabinet on 5 October 2015 in relation to these sites, identified as part of lot A2 within the Southwark Regeneration in Partnership Programme (SRPP) did not proceed as further detailed in paragraphs 6 and 7 of this report. Therefore, the recommended procurement strategy outlined in this report will replace the original procurement.

BACKGROUND INFORMATION

5. On 27 January 2015 the cabinet agreed the Southwark Regeneration in Partnership Programme (SRPP). The programme identified a number of council owned sites which had development potential. On 20 October 2015, cabinet agreed that the sites be packaged into two lots that allowed for a more manageable delivery for their development. Each site varied and presented an individual opportunity, which included mixed uses e.g. housing, commercial and education. It was envisioned that values would be realised for these assets by leveraging the investment and expertise of established developers through a joint partnership.
6. This report deals with the revised procurement approach for the Albion New Homes sites which were included in lot A of the Southwark Regeneration Partnership in Programme (SRPP). It was decided that these two sites should be packaged together due to the proximity of the sites and ease of construction logistics. Developing these works simultaneously will also save the council money on the cost of preliminaries. (Site plans of both these sites have been included in appendix 1)
7. In November 2017 the council published one OJEU notice for lots A1-A5 against which bidders were asked to register their interest. Following this each bidder completed a Standard Selection Questionnaire (SQ) and confirmed which lots they would like to bid for. The tender process for lots A1, A3, A4 and A5 have been progressing and whilst market interest was shown at the initial selection process stage and four developers were invited to tender, no final tenders were received for Lot A2 which consisted of the former Albion Civic Centre site and former Albion Primary School site.
8. The main reason for the lack of interest in lot A2 for the Albion sites was due to its poor viability as the former Albion Civic Site was seeking 100% affordable units and the former Albion Primary School was seeking 72.9% affordable units. As such, it would be very difficult to consider retendering these schemes to developers on this basis which led the council to consider other options for both these sites.
9. In October 2018 it was announced that the housing revenue account (HRA) cap would be removed. This resulted in the removal of the external limit on borrowing for building new homes; as such officers proposed that the council deliver these schemes via direct delivery method.
10. The delivery of these schemes will create new homes for Southwark's residents by providing 100% affordable housing on the Albion civic centre site and over 50% on the Albion primary school site.

11. Both schemes have been developed to RIBA Stage 3 and received planning permission to proceed in January 2018. They are therefore sufficiently developed to procure a contractor to progress through a two stage design and build contract.
12. The council will also appoint a client team comprising of a quantity surveyor and employer's agent (subject to separate gateway approvals) who will provide professional expertise and scrutinise costs and specifications during the two stage tender process. The appointment of these services and the main works contractor will allow the contractor's design team and council appointed team to work through the PCSA period to finalise the design to RIBA Stage 4, following which a main contract award will be made subject to a separate Gateway 2 approval.

Summary of the business case/justification for the procurement

13. The council has an ambitious target to deliver 11,000 new council homes by 2043. These will be delivered through a combination of in-fill development on our existing estates, purchasing some directly from developers, and developing land that the council owns.
14. The delivery of the Albion New Homes scheme will maximise and enhance the utility, value and quality of council owned land and will deliver high quality homes with improved streetscapes and permeability. Combined, they will provide 76 new council homes, 51% of which are social rented 31% intermediate and 17% private as detailed in the following table:

	Former Albion Civic Centre Site		Former Albion Primary School Site		Across all sites	
	Units	Percentage	Units	Percentage	Units	Percentage
Social Rented	14	47%	25	50%	39	51.3%
Intermediate	12	53%	12	22.9%	24	31.6%
Private			13	27.1%	13	17.1%
Total	26	100%	50	100%	76	100%

15. It is currently proposed that the private units will be sold by the council, however contractors will also be asked to include in their tender, proposals to manage sale of 13 private units, alongside an after sales process. This may provide a better partnership model for the council and the contractor and will be included as part of the tender documentation.
16. Please see paragraphs 40-42 within the policy section for further justification of this procurement.

Market considerations

17. These sites have a number of complexities associated with them owing to the adjacent Rotherhithe tunnel on the former Albion Civic Centre site and London overground rail tunnel below the former Albion Primary School site.
18. Attracting suitable contractors to procure the project and obtain value for money is a key market consideration. Careful design and construction consideration is required to be undertaken in liaison with Transport for London (TfL), and as such it is necessary for an experienced contractor to deliver these works. Preliminary soft market testing suggests that there are a number of potential contractors, with

relevant experience, whose services can be procured via a number of existing frameworks.

19. The construction industry appears to be quite buoyant at the moment, tender prices appear to be rising, and there is a high demand for construction services.
20. Although both these schemes were previously unsuccessful when procuring through a developer, the council believes that offering these sites through direct delivery as opposed to a development agreement will be attractive to contractors. In addition to this, the fact that the council has already obtained planning permission and both sites are already demolished means that the successful contractor will be able to start on site with no delay following contract award.

KEY ISSUES FOR CONSIDERATION

Options for procurement route including procurement approach

21. As the value of these schemes combined are above the EU threshold for works it means that the full tendering requirements of the Public Contract Regulations 2015 and Public Sector Directive 2014/24/EU would apply. In choosing the preferred method of procurement, the following options have been considered:
22. **Do nothing** – this is not possible due to the council's commitment to deliver this project and the need to provide new council homes in the borough.
23. **Use an existing third party framework** – the frameworks relevant to this procurement are detailed below:
 - The Notting Hill Genesis (NHG) Framework – In 2017 Notting Hill Genesis set up four new development frameworks; one for contractors and three for consultants (CF1, CF2 and CF3). The frameworks commenced on 31 May 2017 and will run for four years. The constructor's framework consists of 23 contractors which can be selected directly or a selection invited to a mini-competition following an initial assessment of contractors' capability. A formal capability assessment is also able to be utilised as set out in the framework agreement. NHG do not charge a fee for authorised users to access this framework.
 - London Development Panel 2 (LDP2) – this is the new single lot framework developed by the Greater London Authority (GLA). It is a framework for residential-led developments to support the Mayor's ambition to accelerate housing development. This framework expires in August 2022. One of the panel services offered on this framework is 'construction of developments' and whilst there are a number of contractors listed, the framework is focused around developers as such there is a risk that the schemes could receive little interest through this framework.
24. **OJEU procurement using the restricted procedure** – this route would allow the council to procure from the greatest number of contractors and could provide the means to secure a competitive tender from contractors who have the skills and capabilities to construct these housing schemes who are not on the established frameworks. However, due to the length of the process, this route would delay the commencement date for the works starting on site.

25. Whichever procurement route is chosen, the council can tender either using a two stage tender design and build or traditional contract. A summary of the advantages and disadvantages of this have been outlined in the table below:

Contract	Advantages	Disadvantages
Two stage design and build contract	<ul style="list-style-type: none"> • Allows the council's client team to work with a contractor to finalise the design and value engineer the scheme • Provides better risk transfer to the contractor • Early contractor engagement allows the contractor to obtain current market prices for sub-contract packages • Enables the contractor to bring innovation and construction methods early into the design process 	<ul style="list-style-type: none"> • The council has less control over the design team • Design evaluation is subject to a separate consultant (i.e. Employers Agent)
Traditional contract	<ul style="list-style-type: none"> • The council has more control over the design team as it is a direct appointment 	<ul style="list-style-type: none"> • Soft market testing has shown that this may not be beneficial to design the scheme beyond Stage 3 without contractor input as there are benefits in engaging a contractor at this stage of the design process. As Contractors prefer early engagement, it could attract little interest if the designs are developed further.

Proposed procurement route

26. Taking the above into consideration, using a framework will be the fastest route for procurement as it enables the council to tender directly without having to go through the SQ stage. Out of the frameworks listed above, the Notting Hill Genesis framework appears to be the most appropriate framework for this procurement and offers a large number of contractors who are experienced in building new homes, working on major construction projects in constrained inner London sites. The council is confident that it will receive sufficient market interest through the direct delivery approach as both sites have planning permission and are demolished which makes them attractive to contractors.
27. The project team will undertake further design work necessary with the existing architects (Bell Phillips) and procure further ground surveys, to help mitigate design and construction risk prior to tender. This will enable the contractors to develop robust construction strategies and market test their main subcontractor packages in the first stage of tendering to provide greater cost certainty for the council prior to entering into a pre contract services agreement.

28. The NHG constructor's framework consists of 23 suppliers. The contractors which the council can access are:
- Ardmore Construction Limited
 - Buoygues
 - Bugler Developments Limited
 - Cablesheer Construction Limited
 - Durkan Limited
 - Galliford Try
 - Glenman Corporation Limited
 - Guildmore Limited
 - Henry Construction Projects Limited
 - Higgins Construction
 - Hill Partnerships Limited
 - Keepmoat Regeneration Limited
 - Kier Construction Limited
 - Kind & Co (Builders) Limited
 - Lovell Partnerships Limited
 - Mulalley & Company Limited
 - Roof Limited
 - Rydon Construction Limited
 - Taylor French Developments Limited
 - Thomas Sinden Limited
 - United Living (South) Limited
 - Wates Construction Limited
 - Wilmott Partnership Homes Limited.
29. All these contractors are of significant size and scale, and the majority of them have experience of working on housing projects in London.
30. As set out within the framework agreement, it is proposed a further detailed assessment of the contractors' previous completed developments be undertaken to establish capability of delivering quality housing schemes in order to shortlist the number of contractors that are invited to tender. An assessment report, setting out the justification for shortlisting, will be prepared and reviewed by a panel (consisting of the Project Manager, Head of Regeneration and the council's project team) in order to confirm a minimum of five contractors to be invited to tender for these works.
31. The contract will be JCT 2016 Design Build contract which is supported by the NHG framework and will contain the council specific amendments; a Parent Company Guarantee will also be required from the main contractor.
32. To use the NHG framework, the council was required to enter into an access agreement with NHG, this has now been signed by both parties and full access to the framework is now confirmed.
33. A two stage tender process is proposed, where tenderers will submit costs for overheads and profits, preliminaries and costs for the main sub-contractor packages and estimated prices for the overall scheme based on benchmarked rates. They will also submit a fee for undertaking pre-construction services. At this stage the council appointed quantity surveyor will ensure the costs reflect the current market rates

and provide value for money. The NHG framework supports two stage tendering within the framework agreement.

34. Once assessed, the pre-construction services agreement will be awarded following approval of a Gateway 2 report as noted in paragraph 2.
35. The successful contractor would be required to undertake various tasks in relation to the pre-construction services, design and planning of the construction works, including to:
 - Contribute to the design process itself
 - Advise on buildability, sequencing, and construction risk
 - Advise on the packaging of the works (and the risks of interfaces between packages)
 - Advise on the selection of specialist contractors
 - Help develop the cost plan and construction programme
 - Help develop the method of construction
 - Obtain prices for work packages from sub-contractors or suppliers on an open book basis
 - Prepare a site layout plan for the construction stage showing temporary facilities
 - Draft the preliminaries for specialist and trade contractor bid documents
 - Assist with any planning requirements on matters concerning the build phase, such as; waste disposal proposals, construction traffic movements, tree preservation protection etc.
 - Tendering all of the sub-contract packages to identify a contract price for the main works for the council's approval.
36. Whilst it is usually the case that the second stage award will be made to the successful tenderer for the pre-construction services, it is not mandatory to do so and the council reserves the right to re-tender should the fixed price for the main works contract not be acceptable following tender of all sub contractor packages. If the council approves the main works price, approval to proceed with contract award will be sought through a second Gateway 2 report.
37. In order to expedite the process the council is seeking to attain delegated approval for the contract award (Gateway 2) for main contractor works. This will enable a quick transition process from contract recommendation to award which is necessary for the council to meet its targets. If there was a requirement for a Gateway 2 to be presented to Cabinet for the main works contract, this may have a serious impact upon the delivery timescales.

Identified risks for the procurement

38. The key risks for the main works are as follows:

Risk No.	Identified Risk	Likelihood	Risk Control
1.	Insufficient interest from framework providers in the tender which results in no bids.	Low	The council carried out soft market testing in February 2019 and this revealed that there is sufficient market interest and capacity. The council will also develop a procurement brief that is sufficiently detailed and clear, so that providers can make an informed choice as to whether they wish to pursue this opportunity.
2.	Does not achieve competitiveness and value for money.	Low	The tender will be assessed on a Price and Quality basis. The two stage procurement process will ensure that the council is able to obtain construction price competition prior to entering into the second stage and a pre construction services agreement.
3.	Construction market inflation.	Medium	Cost manager and contractor to work together to mitigate and foresee construction market inflation risks. Council to ensure that they have an adequate project contingency in the design stage prior to commencing procurement.
4.	Contractor becomes insolvent or no longer has the capacity to deliver scheme	Low	Robust financial assessments will be undertaken including independent financial and credit checks of businesses prior to award.
5.	Mobilisation/construction delayed due to unforeseen site issues	Low	Council to ensure that the internal and external resources are in place to deliver the project in a timely manner. Site has been de-risked through extensive site investigations and entering in to Pre Contract Services Agreement (PCSA) to eliminate pre construction design and technical issues prior to start on site.

Key /Non-key decisions

39. This is a key decision.

Policy implications

40. The new homes programme has been shaped by the promises and commitments made in the Council Plan, such as building more quality affordable homes of every kind and revitalising our neighbourhoods making them places in which we can all be proud to live and work.

41. The development plan for the borough consists of the Mayor's London Plan, the Core Strategy 2011, the Saved Southwark Plan policies, the Aylesbury Area Action Plan, the Canada Water Area Action Plan, the Peckham and Nunhead Area Action Plan and a revised Canada Water Area Action Plan.
42. The council is now reviewing the Southwark Plan and Core Strategy to prepare a local plan called the new Southwark Plan. This new plan will set out our regeneration strategy from 2017 to 2033 and will also be used to make decisions on planning applications. The New Southwark Plan will:
- Set policies to support the provision of new homes including 11,000 new council homes
 - Protect our existing Schools and community facilities in the borough and provide more where this needed
 - Protect local businesses and attract more businesses into the borough to increase job opportunities
 - Support our high streets and increase the range of shops to increase their vitality
 - Direct growth to certain areas of the borough, predominantly in Elephant and Castle, Canada Water, East Walworth, Blackfriars Road, Bankside and along the river Thames where there is greater public transport accessibility
 - Introduce policies to improve places by enhancing local distinctiveness and protecting our heritage assets
 - Set policies to provide greener infrastructure and to promote opportunities for healthy activities
 - Provide visions and policies for the many different areas within Southwark.

Procurement Project Plan (Key Decisions)

Activity	Complete by:
Enter Gateway 1 decision on the Forward Plan	05/02/2019
DCRB Review Gateway 1	18/02/2019
CCRB Review Gateway 1	21/02/2019
Brief relevant cabinet member (over £100k)	07/02/2019
Notification of forthcoming decision - Cabinet	04/03/2019
Approval of Gateway 1: Procurement strategy report	12/03/2019
Scrutiny Call-in period and notification of implementation of Gateway 1 decision	20/03/2019
Shortlisting of contractors	04/04/2019
Completion of tender documentation	29/03/2019
Invitation to tender	05/04/2019
Closing date for return of tenders	24/05/2019
Completion of any clarification meetings/presentations/evaluation interviews	07/06/2019
Completion of evaluation of tenders	21/06/2019

Activity	Complete by:
DCRB Review Gateway 2:	01/07/2019
CCRB Review Gateway 2	04/07/2019
Notification of forthcoming decision	08/07/2019
Approval of Gateway 2: PCSA Contract Award Report	16/07/2019
End of scrutiny Call-in period and notification of implementation of Gateway 2 decision	25/07/2019
Debrief Notice and Standstill Period (if applicable)	29/07/2019
Contract award for PCSA	30/07/2019
Add to Contract Register	30/07/2019
Place award notice on OJEU/Contracts Finder	30/07/2019
Contract start	31/07/2019
Initial contract completion date	31/01/2020
Invitation to submit second stage proposal	January 2020
Closing date for return of second stage proposal	February 2020
Completion of any clarification meetings/presentations/evaluation interviews	March 2020
Completion of evaluation of proposal	March 2020
DCRB Review Gateway 2:	April 2020
CCRB Review Gateway 2	April 2020
Notification of forthcoming decision	April 2020
Approval of Gateway 2: Contract Award Report	April 2020
End of scrutiny Call-in period and notification of implementation of Gateway 2 decision	May 2020
Contract award for Main Works	May 2020
Add to Contract Register	June 2020
Place award notice on Contracts Finder	June 2020
Contract start	June 2020
Contract completion date	March 2022

TUPE/Pensions implications

43. There are no TUPE implications for the council as an employer as there are no, nor will there be, council employees undertaking these works being procured through the NHG framework. TUPE should not apply to the appointment of a contractor to deliver the contract for pre construction services and the contract for construction works for the Albion New homes Schemes. These are new contracts for discrete works and there is currently no existing contractor, nor are there any council staff delivering the work which is being procured. TUPE should not apply on the expiry

of the contract as the works will have been completed. However, the position will need to be reviewed in the event that during the course of the contracts the council has to appoint a replacement contractor or brings the work in-house or if a contractor appoints a replacement sub-contractor during the course of any relevant sub-contracted works.

Development of the tender documentation

44. Due to the programme timescales and the associated benefits of engaging the main contractor as early as possible in the design process, the project team have identified a two stage design and build process as the most effective means of procurement and securing value for money. It is proposed to use a JCT 2016 Design Build contract, with council specific amendments.
45. Consultancy services are being appointed by the council to undertake the following activities: development of the tender documentation, commissioning of any remaining surveys; and finalise the details of the RIBA Stage 3 design.
46. The consultancy team and Southwark project management team will ensure a comprehensive set of tender documents are prepared. The team has developed plans to RIBA stage 3 and will work with contractors to develop the detailed design and supply chain to RIBA stage 4.
47. Contractors will be aware of the council's design team, and may decide to appoint them to RIBA stage 4 which would offer benefits and ensure the key elements of the design are retained. The design team understand the complexities of the association with Transport for London (TfL) and the detailed design and construction implications for the entire site.

Advertising the contract

48. Companies listed under the Notting Hill Genesis framework will be invited to tender framework via the council's electronic tender portal - ProContract.

Evaluation

49. As there are no specific evaluation requirements stipulated within the NHG framework the award criteria will follow the Most Economically Advantageous Tender (MEAT) protocol. The assessment of the tenders will be based on price: quality ratio of 60:40 in recognition of the need to ensure the level of quality and skills required are achieved in order to address the issues surrounding TfL and the interface that will be required. This percentage split is permitted when using the NHG Framework.
50. Price (60%) shall be evaluated by the Quantity Surveyor who will compile a report with recommendations based on cost of overheads, preliminaries, profits and target cost of the main works. The percentage split for these elements will be determined prior to the invitation to tender.
51. Quality (40%) shall be evaluated by project manager, quantity surveyor and programme manager.
52. The use of the social value portal will be explored and, if used, may have an impact on the overall quality / price split. Full details will be set out within the Gateway 2 report.

53. The tender panel will evaluate the quality of submissions and will score each question out of 5 as detailed in the following table. Contractors scoring 1 point or less on any method statement question will not proceed to the next stage of the evaluation process.

Assessment	Score	Basis of score
Cannot be scored	0 points	No information provided or incapable of being taken forward either because the supplier does not demonstrate an understanding of our requirements or because the solution is incapable of meeting our requirements
Unsatisfactory	1 point	Although the supplier does demonstrate an understanding of our requirements there are some major risks or omissions in relation to the proposed solution to deliver the service and we would not be confident of our requirements being met
Satisfactory	2 points	A response which is capable of meeting our requirements but is unlikely to go beyond this
Good	3 points	A response which shows that the supplier demonstrates an understanding of our requirements has a credible methodology to deliver the service and could evolve into additional benefits.
Very Good	4 points	A response which shows that the supplier demonstrates an understanding of our requirements, has a credible methodology to deliver the service alongside a clear process and plan to deliver additional benefits and deliver value
Excellent	5 points	A response which shows how the service can comprehensively be taken to the next level in terms of exceeding our requirements and/or offering significant added value to the council's overall strategic requirements and objectives.

54. Tenderers will be required to provide information to support their quality submission that demonstrates their ability to fulfil the requirements that were outlined in the Employers Requirements. The quality assessment will be based on the criteria detailed below, with each criterion weighted in relation to the level of importance put upon it:

- Resources to meet the requirements of the contract
- Quality control
- Contract management and delivery
- Experience in delivery complex housing schemes, qualifications and track record of the team proposed by the contractor.

55. Tender evaluation guidelines and criteria will be included in the tender documentation.

56. All scores will undergo a consensus scoring process. Post tender clarification will be raised if required
57. The overall score for evaluation will be calculated by adding the scores for price and quality together. The contract will be awarded to the highest ranked tenderer.
58. Where there are joint scores for the highest place the award will be based on the highest score achieved on price. This will be declared in the tender document.

Community impact statement

59. A community impact statement will be collated to capture community priorities, issues and needs, in particular groups displaced or impacted by the development proposal. It is proposed that the community impact statement will focus on two distinctive communities:
 - Geographical communities - people living, accessing or working close to the development.
 - Community of identity – groups that share characteristics such as the older people, minority ethnic groups, faith groups, people with disabilities and young people, etc.
60. Indicative groups the council will seek to consult with will be service users, internal stakeholders and affected businesses.
61. Officers will conduct an equalities impact assessment to ensure that there is no disproportionate or discriminatory impact on groups with protected characteristics. This assessment is done during the consultation period to ensure that all groups are fully engaged and consulted to ensure a fair development and delivery process. The views of various groups will be taken on board during the design and delivery process.

Social Value considerations

62. The Public Services (Social Value) Act 2012 requires that the council considers, before commencing a procurement process, how wider social, economic and environmental benefits that may improve the well being of the local area can be secured. The details of how social value will be incorporated within the tender are set out in the following paragraphs.

Economic considerations

63. The council is an officially accredited London Living Wage (LLW) Employer and is committed to ensuring that, where appropriate, contractors and subcontractors engaged by the council to provide works or services within Southwark pay their staff at a minimum rate equivalent to the LLW rate. It is expected that payment of the LLW by the successful contractor for this contract will result in quality improvements for the council. These should include a higher calibre of multi-skilled operatives that will contribute to the delivery of works on site that will provide best value for the council. It is therefore considered appropriate for the payment of LLW to be required. The successful contractor will be expected to meet LLW requirements and contract conditions requiring the payment of LLW will be included in the tender documents. As part of the tender process, bidders will also be required to confirm

how productivity will be improved by payment of LLW. Following award, these quality improvements and any cost implications will be monitored as part of the contract review process.

64. The council can exclude companies who break the law by blacklisting or have not put into place genuine actions concerning past black listing activities. The council can require “self cleaning” which enables a potential contractor to show that it has or will take measures to put right its earlier wrongdoing and to prevent them from re-occurring and to provide evidence that the measures taken by the economic operator are sufficient to demonstrate it has:
- “owned up”: clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities.
 - “cleaned up”: taken concrete technical, organisational and personal measures that are appropriate to prevent further criminal offences or misconduct, and
 - “paid up”: paid or undertaken to pay compensation in respect of any damage caused.
65. The council will request the necessary information from tenderers (using the council’s standard documentation in relation to blacklisting). The contract conditions will also include an express condition compliance with the blacklist regulations, and include a provision to allow the contract to be terminated for breach of these requirements.

Social considerations

66. The contract will commit the successful tenderer to the appointment of an Apprenticeship for every £1 million value of the contract.
67. The NHG framework includes for the delivery of employment and training initiatives for the demonstrable benefit of the community. These may include:
- Employment of local residents
 - Apprenticeships (to a minimum standard of NVQ Level 2 or above, such apprentices to be paid at least 25% above the National Apprenticeship Wage or higher)
 - Supporting work placements
 - Attendance at careers sessions with local schools and recruitment events
 - delivery of toolbox talks and seminars to enhance knowledge and skills.
68. The contract will be let in compliance with section 149 of the Equality Act 2010 under which the council has a duty to have due regard in its decision making processes to the need to:
- Eliminate discrimination, harassment, victimisation or other prohibited conduct
 - Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not
 - Foster good relations between those who share a relevant characteristic and those that do not share it.

Environmental/Sustainability considerations

69. The LBS's approach to procurement of the design, development and construction processes will ensure a requirement to maintain and improve sustainability at each stage in the project.
70. At design stage, requirements were in place to meet sustainable specifications. The lead architect on the project is required to "advise on the creative application of sustainability standards and the practical application of renewable energy and alternative forms of energy production".
71. During construction the appointed contractor will be required to adhere to guidelines outlined in the London Construction Guide which include and are not restricted to the following:
- Procuring and using materials sustainably
 - Selecting materials with low lifecycle impacts
 - Using local materials
 - Use of materials with high recycled content
 - Meet minimum standards set out in Building Regulations.
72. All homes will have to achieve the Code for Sustainable Homes Level 5 (CfSH5); measures will have to be taken at all stages of development to achieve this. This code has however been changed to the New National Technical Standards which comprise new additional optional building regulations regarding water and access as well as a new national space standard (this is in addition to the existing mandatory Building Regulations). For example, requirement G2 of the building regulations concerns water efficiency. The current regulations state that the potential water consumption by occupants of a new dwelling must not exceed 125 litres per person per day. This regulation remains in place but there is now also an optional higher standard which states that the potential water consumption by occupants of a new dwelling must not exceed 110 litres per person per day. This higher standard may be imposed by the planners. With regards to access, requirement M4 (sanitary convenience in dwellings) of the building regulations have added additional higher standards, M4 (1), M4 (2) and M4 (3) and one of these may be imposed by planners.
73. At design stage, requirements will be in place to meet sustainable specifications including the following:
- Energy efficiency
 - Reduce carbon emissions
 - Conserve water & energy
 - Mitigate flooding risk
 - Safeguarding biodiversity.
74. Specifications outline that there should be an efficient approach to waste management. At design stage there is direction for designers to exercise reasonable skill care and diligence in the selection of materials. At construction stage contractors are required to minimise construction waste and maximise the use of recyclable / re-usable products and materials.

75. Specifications stipulated within the employers requirements will ensure that development activity is controlled in a way that positively contributes to achieving sustainability.

Plans for the monitoring and management of the contract

76. The project manager oversees a delivery team consisting of a lead consultant design team, technical advisor and quantity surveyor to ensure effectively delivery of the project and works.
77. Annual performance reports will be presented to DCRB and CCRB on a six-monthly and annual basis, respectively.

Staffing/procurement implications

78. The project manager responsible for the delivery of the overall programme, under the management of the head of regeneration capital works and development who will be responsible for ensuring that the programme is adequately resourced and coordinated to deliver its objectives and procured efficiently and effectively in accordance with best practice for major projects procurement.

Financial implications

79. The report is recommending a procurement strategy, so at this stage there are no financial implications arising directly from the report's recommendations. The estimated cost of the pre construction and construction costs is £22m which is indicative at this stage.
80. The cost of these works has been included within the council's Housing Investment Programme and will be met from HRA capital resources, identified for new builds including RTB receipts, Grants, S106 and borrowing as appropriate.

Investment implications

81. Please see strategic director of finance and governance commentary below.

Legal implications

82. Please see concurrent from the director of law and democracy.

Consultation

83. Both schemes underwent public consultation in February 2017 and a general positive response was received to these schemes.
84. Formal consultation also took place as part of the planning submission and no objections were received for either site.

Other implications or issues

85. None.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance and Governance (H&M18/098)

86. This report seeks approval from Cabinet for the re-procurement strategy to deliver new homes on the Albion Civic centre and Albion Primary school sites. The project will deliver 63 much needed new council homes at social and affordable rents as well as 13 for private sale. It is noted that there is no financial implications directly arising from this report's recommendation.
87. The report further seeks approval from cabinet to delegate the award of works contract to the strategic director of housing and modernisation in consultation with the cabinet member for social regeneration, great estates and new council homes to enable a quick transition process in order to award the contract.

Head of Procurement

88. This report seeks the approval of Cabinet for the procurement strategy for a two stage design and build contract from the Notting Hill Genesis framework agreement, for the construction of the Albion new homes schemes (consisting of two sites - the former Albion Civic Centre and former Albion Primary School). It is anticipated that the contract period will be for 32 months, commencing on 30 July 2019. This site was part of lot A2 within the Southwark Regeneration in Partnership Programme (SRPP) that did not proceed for reasons detailed in the report.
89. The first part of the two-stage process involves award of a Pre-Construction Services Agreement (PCSA) at an estimated cost of £1.1m that would be awarded in line with the contract standing orders by the relevant chief officer but also after consultation with the relevant cabinet member.
90. The award of the main contract for these works is requested to be delegated to the strategic director of housing and modernisation in consultation with the cabinet member for social regeneration, great estates and new council homes for the reasons of expediency that are noted in paragraph 37.
91. The Notting Hill Genesis Housing framework agreement is open to Southwark Council to use. London Living Wage (LLW) is applicable and would be paid via the contract. The evaluation of the contracts will be in line with the framework agreement but will look to include social value, including an apprenticeship per £1m spend.
92. The plans to manage the contract are set out in paragraphs 76-77.

Director of Law and Democracy

93. This report seeks the cabinet's approval to the procurement strategy in relation to the Albion new homes scheme through use of the NHG framework as further detailed in paragraph 1. As this approval relates to a strategic procurement, the decision is reserved to the cabinet.
94. The scope and estimated value of these works is such that the procurement is subject to the full tendering requirements of the Public Contracts Regulations 2015. However, and as noted in paragraph 26, it is the intention to undertake a further competition through the NHG framework, which has been procured and established

following an EU compliant tendering process. The council is a body permitted to use the NHG framework and therefore any award made under that framework (if undertaken in accordance with the framework's processes) will satisfy those EU tendering requirements. It is the intention to follow a two stage process, with initial appointment through a pre-construction services agreement and works awarded through a separate JCT design and build contract. Contract Standing Order 5.1.2 provides that any procurement involving the use of a third party's Framework contract is subject to the usual Gateway 1 procedures. This report therefore seeks approval to the use of the NHG framework.

95. Approval is also sought to delegate the gateway 2 award decision to the Strategic Director of Housing and Modernisation in consultation with the relevant cabinet member for the reasons noted in paragraph 37, which will assist the targets for award to be achieved.
96. The cabinet's attention is drawn to the Public Sector Equality duty (PSED General Duty) under the Equality Act 2010, and when making decisions to have regard to the need to (a) eliminate discrimination, harassment, victimisation or other prohibited conduct, (b) to advance equality of opportunity and (c) foster good relations between persons who share a relevant protected characteristic and those who do not share it. The relevant characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion, religion or belief, sex and sexual orientation, The duty also applies to marriage and civil partnership but only in relation to (a). The cabinet is specifically referred to the community impact statement at paragraphs 59-61 setting out the consideration that has been given to equalities issues and to the consultation which has taken place (noted in paragraph 83) and the plan to conduct an equalities impact assessment during the design and delivery process, which should be considered by cabinet when approving the recommendations in this report.

BACKGROUND DOCUMENTS

Background Documents	Held At	Contact
Gateway 1 - Southwark Regeneration in Partnership Programme Procurement Approval	Regeneration – Capital Works and Development, 5 th Floor, Hub 1, Tooley Street, London, SE1 5LX	Hemali Topiwala 020 7525 0530
Link (please copy and paste into your browser): http://moderngov.southwark.gov.uk/documents/s57186/Report%20Gateway%201%20-%20SRPP%20Procurement%20Approval.pdf		
Southwark Regeneration in Partnership Programme	Regeneration – Capital Works and Development, 5 th Floor, Hub 1, Tooley Street, London, SE1 5LX	Hemali Topiwala 020 7525 0530
Link (please copy and paste into your browser): http://moderngov.southwark.gov.uk/documents/s51232/Report%20Southwark%20Regeneration%20In%20Partnership%20Programme.pdf		

APPENDICES

No	Title
Appendix 1	Site layout plans

AUDIT TRAIL

Cabinet Member	Councillor Leo Pollak, Social Regeneration, Great Estates and New Council Homes	
Lead Officer	Stephen Platts, Director of Regeneration, Place and Wellbeing	
Report Author	Hemali Topiwala, Project Manager, Regeneration, Capital Works and Development	
Version	Final	
Dated	28 February 2019	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	Yes	Yes
Head of Procurement	Yes	Yes
Director of Law and Democracy	Yes	Yes
Contract Review Boards		
Departmental Contract Review Board	Yes	Yes
Corporate Contract Review Board	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		28 February 2019

Former Albion Civic Centre site location plan

Draft pdf source



TITLE.

Civic Centre,
Albion Street, SE16.

DRAWING No.

LBS_3216

DRAWN BY.

MMANKTELOW
Property Division

DATE.

25/2/2015

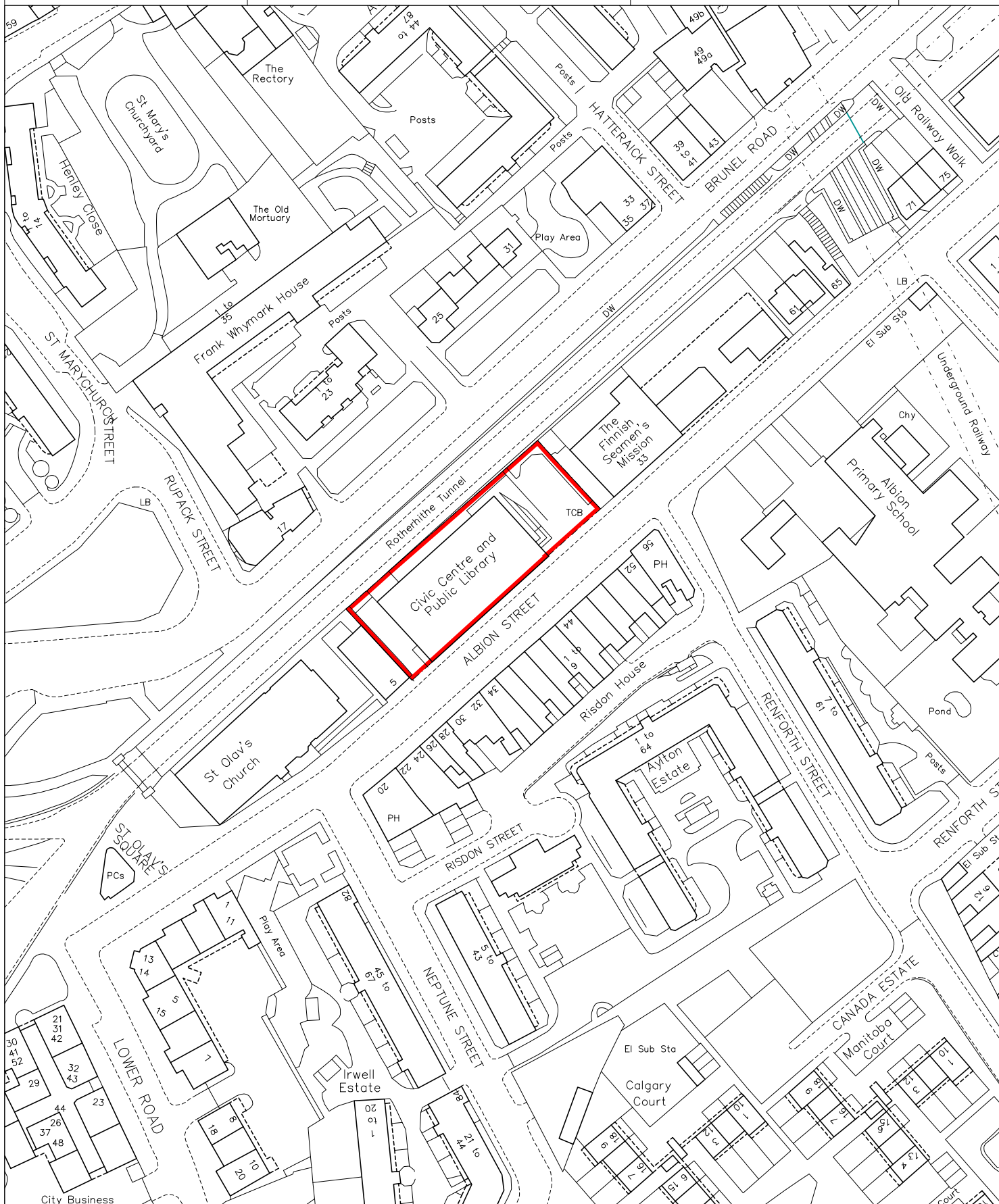
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Former Albion Primary School site location plan

Draft pdf source



TITLE. Albion School New Site Boundary.

DRAWING No. LBS_3192(Layout1)

DRAWN BY. MMANKTELOW
Property Division

DATE. 19/1/2016

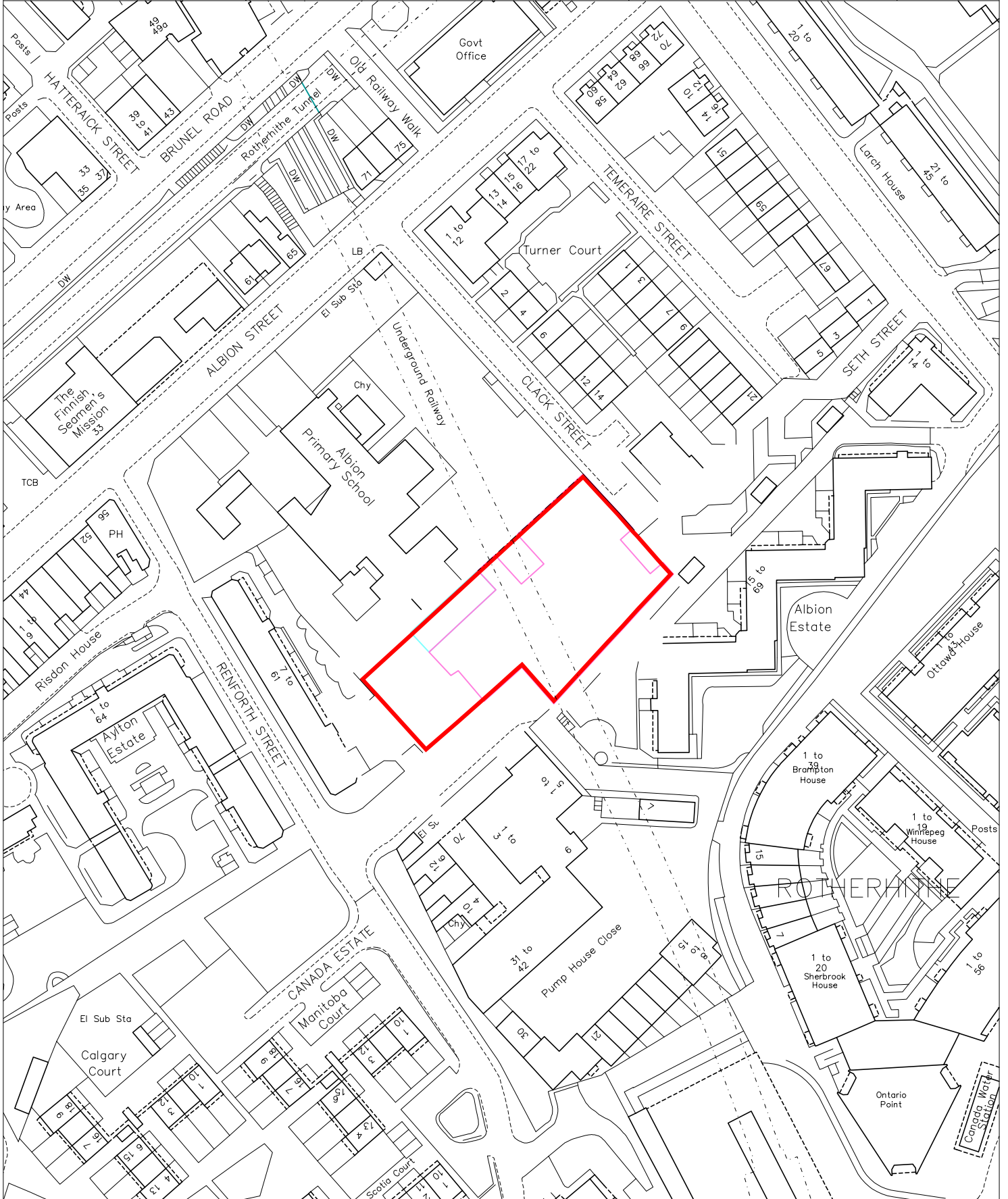
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Item No. 14.	Classification: Open	Date: 12 March 2019	Meeting Name: Cabinet
Report title:		Gateway 1 - Procurement Strategy Approval Main Contractor Procurement: Cator Street 2	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Leo Pollak, Social Regeneration, Great Estates and New Council Homes	

FOREWORD – COUNCILLOR LEO POLLAK, CABINET MEMBER FOR SOCIAL REGENERATION, GREAT ESTATES AND NEW COUNCIL HOMES

Southwark Council is committed to building the highest quality new homes for all residents of all ages and stages of life, as part of our ambitious commitment to build 11,000 new council homes by 2043 (including an additional 1000 by 2022).

This report sets out the procurement route for delivering 50 new extra care council homes at Cator Street in Peckham, for residents with early onset dementia, together with a new day centre and community information hub completing the development around Tayo Situ House around a new communal courtyard. Works will be due to start early 2020 and completed by the summer 2021.

These developments are in keeping with our vision for adult care, which is to make sure that adults with eligible support needs have access to services which maximise independence and choice, and enable them to live healthy, safe and fulfilling lives in their community.

We know that a key element affecting the quality of life for someone with dementia is the place in which they live. We also understand that the most common choice for the majority of people with dementia is to remain in their own home with support. This is why we are developing these new properties within the Cator Street estate, where we will house a hub for older people or anyone needing adult care. This will help guard against loneliness, isolation and other aspects associated with early onset dementia.

In line with all other procurement on new council homes this report sets out that the successful appointee will have to sign up the Considerate Constructors Scheme, pay at least the London Living Wage to all contract and sub-contracted trades workers, employ local apprentices, and to not take part in union blacklisting.

RECOMMENDATIONS

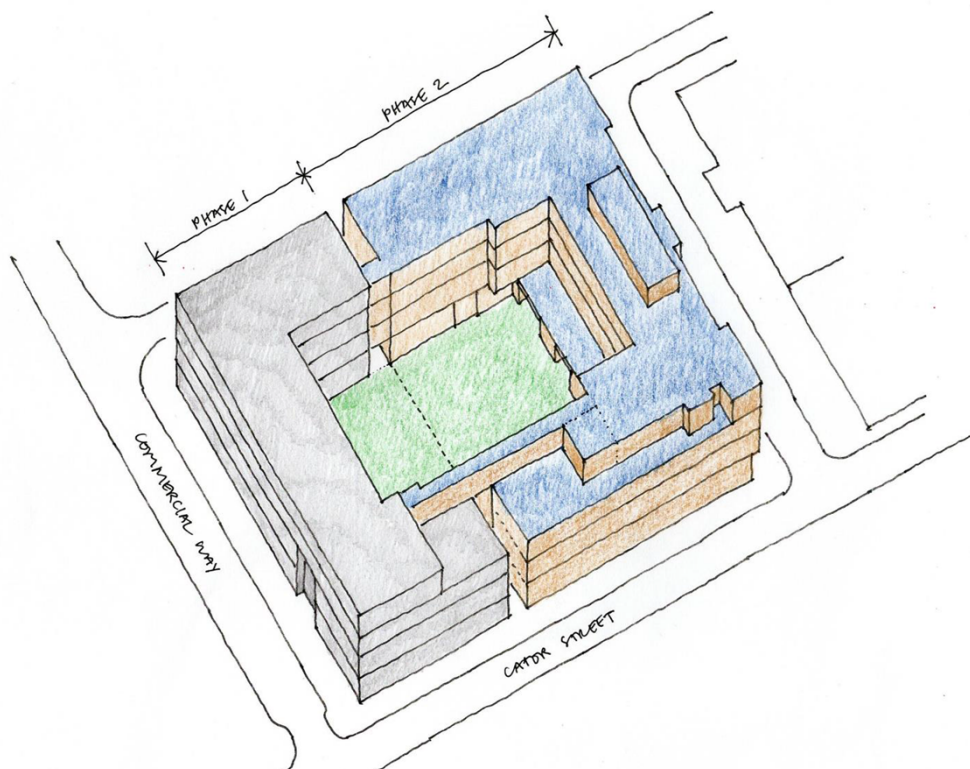
That Cabinet:

1. Approves the procurement strategy outlined in this report for a two stage design and build contract for the construction of Cator Street 2, comprising of extra care (flexi-care) housing, a day centre and community information hub at an estimated contract value of £19.8m for an anticipated period of 22 months commencing in November 2019.

2. Notes that the award of the Pre-Construction Services Agreement (PCSA), for an estimated £150k, will be approved as set out in paragraph 28 of this report by the relevant chief officer in accordance with contract standing orders and in consultation with the relevant cabinet member.
3. Approves the delegation of the award decision in the Gateway 2 report for the main works contract to the strategic director of housing and modernisation in consultation with the cabinet member for social regeneration, great estates and new council homes for the reasons noted in paragraph 31.

BACKGROUND INFORMATION

4. Cator Street 2 is a proposed second phase of development on the site of the former council learning resource facility on Cator Street. The first phase comprised a new 42-unit extra care facility, Tayo Situ House, procured under Phase 1B Lot 1 of the directly funded housing delivery programme. The same direct delivery programme was also to include a 'Centre of Excellence' (a day centre for people living with dementia and the frail elderly) to be accommodated within the existing learning and resources centre, but intrusive structural investigation of the existing building raised concerns over its longevity and suitability for adaptation. Consequently, the existing learning resource centre was declared surplus to requirements and demolished under the Cator Street extra care contract, leaving a cleared site for development.
5. The Cator Street 2 project is a proposed new build development on the cleared site which, following a site capacity study and informal town planning advice, seeks to provide not only a new day care centre but also approximately 50 further extra care council homes for residents with early onset dementia. It is proposed that Cator Street 2 will link with the recently completed Tayo Situ House (Cator Street Extra Care development), thus creating a larger number of units that will be more economical to manage. This report solely deals with the procurement approach for a works contractor for the Cator Street 2 development.



Outline Proposal for Phase 2 – adjacent to Tayo Situ House (Phase 1)

6. Following the completion of the Cator Street Extra Care works contract in February 2017, lessons learnt were reviewed and the project brief has been comprehensively reviewed in consultation with key stakeholders for both extra care and day centre facilities. These have been documented and signed off for application in the Cator Street 2 proposals described in this report and include:
 - a. Tighter governance arrangements and project management control through a Project Board comprising all key stakeholders
 - b. An agreed fire safety strategy from the outset
 - c. The production of a detailed design brief signed off by key stakeholders
 - d. Design sign-off at key stages
 - e. Careful attention to detailed specification requirements and
 - f. Improved inter-departmental co-ordination.
7. A cost plan for Cator Street 2 prepared by the consultant quantity surveyor for the first phase (Cator Street Extra Care), based on the capacity study and current market trends, indicates an estimated works value of £19.8m.
8. A professional services team has been appointed via the Pagabo Framework, following a separate Gateway process, and the designs for the new development are now progressing. The scheme is currently being developed to RIBA Stage 2 and planning permission will be sought following the formal planning pre-application process.
9. This report is seeking approval to invite companies to tender for the main works on a two stage design and build basis which will allow the contractor's design team and council appointed quantity surveyor to work through the PCSA period to finalise the design to RIBA Stage 4, following which a main contract award will be made subject to a separate Gateway 2 approval.

Summary of the business case/justification for the procurement

10. The council has an ambitious target to deliver 11,000 new council homes by 2043. These will be delivered through a combination of in-fill development on our existing estates, purchasing some directly from developers, and developing land that the council owns.
11. The delivery of the Cator Street 2 will maximise and enhance the utility, value and quality of council owned land and will deliver high quality homes with improved streetscapes and permeability. This scheme will provide circa 50 extra care council homes, together with a new day centre and community information hub, to provide additional signposting for residents with severe disabilities.

Market considerations

12. Attracting suitable contractors with appropriate extra care experience to design and build the project and obtain value for money is a key market consideration. Preliminary soft market testing suggests that there are a number of potential contractors, with relevant experience, whose services can be procured via a number of existing frameworks.

13. The construction industry appears to be quite buoyant at the moment, tender prices appear to be rising, and there is a high demand for construction services. Projects still attract a good amount of market interest, for example, on a recent procurement for construction services, 9 firms expressed an interest in the project at SQ stage, 5 were invited to tender and 3 subsequently provided a bid.

KEY ISSUES FOR CONSIDERATION

Options for procurement route including procurement approach

14. As the value of this scheme is above the EU threshold for works it means that the full tendering requirements of the Public Contract Regulations 2015 and Public Sector Directive 2014/24/EU would apply. In choosing the preferred method of procurement, the following options have been considered:
15. **Do nothing** – this is not possible due to the council's commitment to deliver this project and the need to provide new council homes in the borough.
16. **Use an existing third party framework** – the frameworks relevant to this procurement are detailed below:
- The Notting Hill Genesis (NHG) Framework – In 2017 Notting Hill Genesis set up four new development frameworks; one for contractors and three for consultants (CF1, CF2 and CF3). The frameworks commenced on 31 May 2017 and will run for 4 years. The contractor's framework consists of 23 contractors which can be selected directly or a selection invited to a mini-competition following an initial assessment of contractors' capability. A formal capability assessment is also able to be utilised as set out in the framework agreement. NHG are not charging a fee to authorised users to access this framework.
 - London Development Panel 2 (LDP2) – this is the new single lot framework developed by the Greater London Authority (GLA). It is a framework for residential-led developments to support the Mayor's ambition to accelerate housing development. This framework expires in August 2022. One of the panel services offered on this framework is 'construction of developments' and whilst there are a number of contractors listed, the framework is focused around developers as such there is a risk that the scheme could receive little interest through this framework
17. **OJEU procurement using the restricted procedure** – this route would allow the council to procure from the greatest number of contractors and could provide the means to secure a competitive tender from contractors who have the skills and capabilities to construct these housing schemes who are not on the established frameworks. However, due to the length of the process, this route would delay the commencement date for the works starting on site.
18. The council can tender either via a two stage tender process or traditional procurement route. A summary of the advantages and disadvantages of this have been outlined in the table below:

Contract / procurement type	Advantages	Disadvantages
Two stage design and build process	<ul style="list-style-type: none"> • Allows the council's client team to work with a contractor to finalise the design and value engineer the scheme • Provides better risk transfer to the contractor • Early contractor engagement allows the contractor to obtain current market prices for sub-contract packages • Enables the contractor to bring innovation and construction methods early into the design process 	<ul style="list-style-type: none"> • The council has less control over the design team • Design evaluation is subject to a separate consultant (i.e. Employers Agent)
Traditional process	<ul style="list-style-type: none"> • The council has more control over the design team as it is a direct appointment 	<ul style="list-style-type: none"> • Soft market testing has shown that it may not be beneficial to design the scheme beyond Stage 3 without contractor input as there are benefits in engaging a contractor at this stage of the design process. • As Contractors prefer early engagement, it could attract little interest if the designs are developed further.

Proposed procurement route

19. Taking the above into consideration, using a framework will be the fastest route for procurement as it enables the council to tender directly without having to go through a pre-selection stage using a Standard Questionnaire (SQ). In reviewing the frameworks listed above the Notting Hill Genesis framework appears to be the most appropriate framework for this procurement and offers a large number of contractors who are experienced in building new extra care homes, working on major construction projects in constrained inner London sites.
20. Preliminary discussions with the contractors on the framework are yet to be held, but it is anticipated that a number of them will be interested as all of them are actively targeting Southwark and many of them are known to have relevant experience in Extra Care. It is intended to undertake any further design work necessary and procure extensive surveys, to mitigate design and construction risk prior to tender. This process will enable the contractors to develop robust construction strategies and market test their subcontractor packages in advance of entering into a pre-contract services agreement, thereby producing the best value for money for the council.
21. The constructor's framework consists of 23 suppliers. The contractors which the council can access from within this framework are:

- a) Ardmore Construction Limited
- b) Buoygues
- c) Bugler Developments Limited
- d) Cablesheer Construction Limited
- e) Durkan Limited
- f) Galliford Try
- g) Glenman Corporation Limited
- h) Guildmore Limited
- i) Henry Construction Projects Limited
- j) Higgins Construction
- k) Hill Partnerships Limited
- l) Keepmoat Regeneration Limited
- m) Kier Construction Limited
- n) Kind & Co (Builders) Limited
- o) Lovell Partnerships Limited
- p) Mulalley & Company Limited
- q) Roof Limited
- r) Rydon Construction Limited
- s) Taylor French Developments Limited
- t) Thomas Sinden Limited
- u) United Living (South) Limited
- v) Wates Construction Limited
- w) Wilmott Partnership Homes Limited

22. All these contractors are of significant size and scale and, having undertaken an initial high level review of the 23 contractors, around half have experience of working on extra care housing projects in London.
23. As set out within the framework agreement, it is proposed a further assessment of the contractors' previous completed developments be undertaken to establish capability of delivering quality extra care housing in order to shortlist the number of contractors that are invited to tender. An assessment report, setting out the justification for shortlisting, will be prepared and reviewed by the project board in order to confirm a minimum of five contractors to be invited to tender for these works.
24. It is expected that contractors would be given the opportunity to appoint the design team as part of the tender process. Officers will evaluate the quality of the design team as part of the tender evaluation process.
25. The contract will be JCT 2016 Design Build contract which is supported by the NHG framework and will contain the council specific amendments; a Parent Company Guarantee will also be required from the main contractor.
26. To use the NHG framework, the council was required to enter into an access agreement with NHG, this has now been signed by both parties and full access to the framework is now confirmed.
27. A two stage tender process is proposed, where tenderers will submit costs for overheads and profits, preliminaries and costs for the main sub-contractor packages and estimated prices for the overall scheme based on benchmarked rates. They will also submit a fee for undertaking pre-construction services. The contractors will also be asked to provide a target cost for the second stage tender based on the key sub-

contractor prices and market rates. At this stage the council appointed quantity surveyor will ensure the costs reflect the current market rates and provide value for money. The NHG framework supports two stage tendering within the framework agreement.

28. Once assessed, the pre-construction services agreement will be awarded following approval of a Gateway 2 report as noted in paragraph 2.
29. The successful contractor would be required to undertake various tasks in relation to the design and planning of the construction works, including to:
- Contribute to the design process itself.
 - Advise on buildability, sequencing, and construction risk.
 - Advise on the packaging of the works (and the risks of interfaces between packages).
 - Advise on the selection of specialist contractors.
 - Help develop the cost plan and construction programme.
 - Help develop the method of construction.
 - Obtain prices for work packages from sub-contractors or suppliers on an open book basis.
 - Prepare a site layout plan for the construction stage showing temporary facilities.
 - Draft the preliminaries for specialist and trade contractor bid documents.
 - Assist with any planning requirements on matters concerning the build phase, such as; waste disposal proposals, construction traffic movements, tree preservation protection etc.
 - Tendering all of the sub-contract packages to identify a contract price for the main works for the council's approval
30. Whilst it is usually the case that the second stage award will be made to the successful tenderer for the pre-construction services, it is not mandatory to do so and the council reserves the right to re-tender should the fixed price for the main works contract not be acceptable. If the council approves the main works price, approval to proceed with contract award will be sought through a second Gateway 2 report.
31. In order to expedite the process the council is seeking to attain delegated approval for the contract award (Gateway 2) for the main contractor works. This will enable a quick transition process from contract recommendation to award which is necessary for the council to meet its targets. If there was a requirement for a Gateway 2 to be presented to Cabinet for the main works contract, this may have a serious impact upon the delivery timescales.

Identified risks for the procurement

32. The key risks for the main works are as follows

Risk No.	Identified Risk	Likelihood	Risk Control
1.	Insufficient interest from providers on the framework in the tender which results in no bids.	Low	The council carried out soft market testing in September 2018 and this revealed that there is sufficient market interest and capacity. The council will also develop a procurement brief that is

Risk No.	Identified Risk	Likelihood	Risk Control
			sufficiently detailed and clear, so that providers can make an informed choice as to whether they wish to pursue this opportunity.
2.	Does not achieve competitiveness and value for money.	Low	The tender will be assessed on a Price and Quality basis. The two stage procurement process will ensure that the council is able to obtain construction price competition prior to entering into the second stage and a pre construction services agreement.
3.	Construction market inflation.	Medium	Cost manager and contractor to work together to mitigate and foresee construction market inflation risks. Council to ensure that they have an adequate project contingency in the design stage prior to commencing procurement.
4.	Lack of experience in delivering extra care housing / day care centre	Low	As set out in paragraphs 22, an initial assessment of the 23 contractors included on the framework has been undertaken; this indicates that around half of the contractors have the relevant experience. As mentioned in paragraph 23, a further in depth review of contractors' previous experience will be prepared and reported to project board this will set out the justification for shortlisting.
5.	Contractor becomes insolvent or no longer has the capacity to deliver scheme	Low	Robust financial assessments will be undertaken including independent financial and credit checks of businesses prior to award.
6.	Mobilisation/construction delayed due to unforeseen site issues	Low	Council to ensure that the internal and external resources are in place to deliver the project in a timely manner Site has been de-risked through extensive site investigations and entering in to Pre Contract Services Agreement (PCSA) to eliminate pre construction design and technical issues prior to start on site.

Key /Non-key decisions

33. This is a key decision.

Policy Implications

34. The brief for Cator Street 2 has been shaped by the promises and commitments made in the Council Plan, such as building more quality affordable homes of every

kind and revitalising our neighbourhoods making them places in which we can all be proud to live and work.

35. The development plan for the borough consists of the Mayor's London Plan, the Core Strategy 2011, the Saved Southwark Plan policies, the Aylesbury Area Action Plan, the Canada Water Area Action Plan, the Peckham and Nunhead Area Action Plan and a revised Canada Water Area Action Plan.
36. The council is now reviewing the Southwark Plan and Core Strategy to prepare a local plan called the new Southwark Plan. This new plan will set out our regeneration strategy from 2017 to 2033 and will also be used to make decisions on planning applications. The New Southwark Plan will:
- Set policies to support the provision of new homes including 11,000 new council homes
 - Protect our existing Schools and community facilities in the borough and provide more where this needed
 - Protect local businesses and attract more businesses into the borough to increase job opportunities
 - Support our high streets and increase the range of shops to increase their vitality
 - Direct growth to certain areas of the borough, predominantly in Elephant and Castle, Canada Water, East Walworth, Blackfriars Road, Bankside and along the river Thames where there is greater public transport accessibility
 - Introduce policies to improve places by enhancing local distinctiveness and protecting our heritage assets
 - Set policies to provide greener infrastructure and to promote opportunities for healthy activities
 - Provide visions and policies for the many different areas within Southwark.

Procurement Project Plan (Key Decisions)

Activity	Complete by:
Enter Gateway 1 decision on the Forward Plan	04/01/2019
DCRB Review Gateway 1	18/02/2019
CCRB Review Gateway 1	21/02/2019
Brief relevant cabinet member (over £100k)	07/02/2019
Notification of forthcoming decision - Cabinet	04/03/2019
Approval of Gateway 1: Procurement strategy report	12/03/2019
Scrutiny Call-in period and notification of implementation of Gateway 1 decision	20/03/2019
Shortlisting of framework contractors – assessment confirmed by project board	09/04/2019
Completion of Stage 1 ITT tender documentation	02/07/2019
Invitation to tender for Stage 1 ITT	09/08/2019
Closing date for return of Stage 1 tenders	23/09/2019
Completion of any clarification meetings/presentations/evaluation interviews	10/10/2019

Activity	Complete by:
Completion of evaluation of Stage 1 ITT tenders	10/10/2019
Forward Plan (if Strategic Procurement) Gateway 2	01/08/2019
DCRB Review Gateway 2:	14/10/2019
CCRB Review Gateway 2	17/10/2019
Notification of forthcoming decision – notification of chief officer decision	23/10/2019
Approval of Gateway 2: Contract Award Report	30/10/2019
End of scrutiny Call-in period and notification of implementation of Gateway 2 decision	07/11/2019
Debrief Notice and Standstill Period (if applicable)	21/11/2019
Contract award for PCSA	28/11/2019
Add to Contract Register	28/11/2019
Place award notice on Contracts Finder	28/11/2019
Contract start	08/01/2020
Contract completion date	23/08/2021
Invitation to tender submit second stage proposal	25/10/2019
Closing date for return of second stage proposal	13/12/2019
Completion of any clarification meetings/presentations/evaluation interviews	17/01/2020
Completion of evaluation of proposal	17/01/2020
DCRB Review Gateway 2:	Jan 2020
CCRB Review Gateway 2	Jan 2020
Approval of Gateway 2: Contract Award Report	Jan 2020
End of scrutiny Call-in period and notification of implementation of Gateway 2 decision	Jan 2020
Contract award for Main Works	Feb 2020
Add to Contract Register	Feb 2020
Place award notice on Contracts Finder	Feb 2020
Contract start	Feb 2020
Initial contract completion date	Aug 2021

TUPE/Pensions implications

37. There are no TUPE implications for the council as an employer as there are no, nor will there be, council employees undertaking these works being procured through the NHG framework. TUPE should not apply to the appointment of a contractor to deliver the contract for pre construction services and the contract for construction

works for Cator Street 2. These are new contracts for discrete works and there is currently no existing contractor, nor are there any council staff delivering the work which is being procured. TUPE should not apply on the expiry of the contract as the works will have been completed. However, the position will need to be reviewed in the event that during the course of the contracts the council has to appoint a replacement contractor or brings the work in-house or if a contractor appoints a replacement sub-contractor during the course of any relevant sub-contracted works.

Development of the tender documentation

38. Due to the programme timescales and the associated benefits of engaging the main contractor as early as possible in the design process, the project team have identified a two stage design and build process as the most effective means of procurement and securing value for money. It is proposed to use a JCT 2016 Design Build contract, with council specific amendments.
39. Consultancy services have been appointed by the council to undertake the following activities: development of the tender documentation, commissioning of any remaining surveys; and finalise the details of the RIBA Stage 3 design.
40. The consultancy team and Southwark project management team will ensure a comprehensive set of tender documents are prepared. The team will develop plans to RIBA stage 3 and will work with contractors to develop the detailed design and supply chain to RIBA stage 4.
41. Contractors will be aware of the council's design team and may choose to appoint them to RIBA stage 4 which would offer benefits and ensure the key elements of the design are retained.

Advertising the contract

42. Companies listed under the Notting Hill Genesis framework will be invited to tender via the council's electronic tender portal – ProContract.

Evaluation

43. As there are no specific evaluation requirements stipulated within the NHG framework, the award criteria will follow the Most Economically Advantageous Tender (MEAT) protocol. The assessment of the tenders will be based on price: quality ratio of 60:40 in recognition of the need to ensure the level of quality and skills required are achieved. This percentage split is permitted when using the NHG framework.
44. Price (60%) shall be evaluated by the council's appointed Quantity Surveyor who will compile a report with recommendations based on cost of overheads, preliminaries, profits and target cost of the main works. The percentage split for these elements will be determined prior to the invitation to tender.
45. Quality (40%) shall be evaluated by project manager, quantity surveyor and programme manager.
46. The use of the Social Value Portal will be explored and, if used, may impact on the overall quality / price split. Full details will be set out in the Gateway 2 report.

47. The tender panel will evaluate the quality of submissions and will score each question out of 5 as detailed in the following table. Contractors scoring 1 point or less on any method statement question will not proceed to the next stage of the evaluation process.

Assessment	Score	Basis of score
Cannot be scored	0 points	No information provided or incapable of being taken forward either because the supplier does not demonstrate an understanding of our requirements or because the solution is incapable of meeting our requirements
Unsatisfactory	1 point	Although the supplier does demonstrate an understanding of our requirements there are some major risks or omissions in relation to the proposed solution to deliver the service and we would not be confident of our requirements being met
Satisfactory	2 points	A response which is capable of meeting our requirements but is unlikely to go beyond this
Good	3 points	A response which shows that the supplier demonstrates an understanding of our requirements has a credible methodology to deliver the service and could evolve into additional benefits.
Very Good	4 points	A response which shows that the supplier demonstrates an understanding of our requirements, has a credible methodology to deliver the service alongside a clear process and plan to deliver additional benefits and deliver value
Excellent	5 points	A response which shows how the service can comprehensively be taken to the next level in terms of exceeding our requirements and/or offering significant added value to the council's overall strategic requirements and objectives.

48. Tenderers will be required to provide information to support their quality submission that demonstrates their ability to fulfil the requirements that were outlined in the Employers Requirements. The quality assessment will be weighted in relation to the level of importance put upon each criterion, the weighting of each element will be determined prior to the invitation to tender.

- Resources to meet the requirements of the contract
- Quality control
- Contract management and delivery
- Experience on extra care housing and day centre construction projects

49. Tender evaluation guidelines and criteria will be included in the tender documentation.

50. All scores will undergo a consensus scoring process. Post tender clarification will be utilised if required.

51. The overall score for evaluation will be calculated by adding the scores for price and quality together. The contract will be awarded to the highest ranked tenderer.
52. Where there are joint scores for the highest place the award will be based on the highest score achieved on price. This will be declared in the tender document.

Community impact statement

53. A community impact statement will be collated to capture community priorities, issues and needs, in particular groups displaced or impacted by the development proposal. It is proposed that the community impact statement will focus on two distinctive communities:
 - a) Geographical communities - people living, accessing or working close to the development.
 - b) Community of identity – groups that share characteristics such as the older people, minority ethnic groups, faith groups, people with disabilities and young people, etc.
54. Indicative groups the council will seek to consult with will be service users, internal stakeholders and affected businesses.
55. Officers will conduct an equalities impact assessment to ensure that there is no disproportionate or discriminatory impact on groups with protected characteristics. This assessment is done during the consultation period to ensure that all groups are fully engaged and consulted to ensure a fair development and delivery process. The views of various groups will be taken on board during the design and delivery process.

Social Value considerations

56. The Public Services (Social Value) Act 2012 requires that the council considers, before commencing a procurement process, how wider social, economic and environmental benefits that may improve the well being of the local area can be secured. The details of how social value will be incorporated within the tender are set out in the following paragraphs.

Economic considerations

57. The council is an officially accredited London Living Wage (LLW) Employer and is committed to ensuring that, where appropriate, contractors and subcontractors engaged by the council to provide works or services within Southwark pay their staff at a minimum rate equivalent to the LLW rate. It is expected that payment of the LLW by the successful contractor for this contract will result in quality improvements for the council. These should include a higher calibre of multi-skilled operatives that will contribute to the delivery of works on site and will provide best value for the council. It is therefore considered appropriate for the payment of LLW to be required. The successful contractor will be expected to meet LLW requirements and contract conditions requiring the payment of LLW will be included in the tender documents. As part of the tender process, bidders will also be required to confirm how productivity will be improved by payment of LLW. Following award, these quality improvements and any cost implications will be monitored as part of the contract review process.

58. The council can exclude companies who break the law by blacklisting or have not put into place genuine actions concerning past black listing activities. The council can require “self cleaning” which enables a potential contractor to show that it has or will take measures to put right its earlier wrongdoing and to prevent them from re-occurring and to provide evidence that the measures taken by the economic operator are sufficient to demonstrate it has:
- “owned up”: clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities.
 - “cleaned up”: taken concrete technical, organisational and personal measures that are appropriate to prevent further criminal offences or misconduct, and
 - “paid up”: paid or undertaken to pay compensation in respect of any damage caused.
59. The council will request the necessary information from tenderers (using the council’s standard documentation in relation to blacklisting.) The contract conditions will also include an express condition compliance with the blacklist regulations, and include a provision to allow the contract to be terminated for breach of these requirements.

Social considerations

60. The NHG framework includes the delivery of employment and training initiatives for the demonstrable benefit of the community. These may include:
- Employment of local residents
 - Apprenticeships (to a minimum standard of NVQ Level 2 or above, such apprentices to be paid at least 25% above the National Apprenticeship Wage or higher)
 - Supporting work placements
 - Attendance at careers sessions with local schools and recruitment events
 - Delivery of toolbox talks and seminars to enhance knowledge and skills
61. In addition to this, the contract will commit the successful tenderer to the appointment of an Apprenticeship for every £1 million value of the contract.
62. The contract will be let in compliance with section 149 of the Equality Act 2010 under which the council has a duty to have due regard in its decision making processes to the need to:
- a) Eliminate discrimination, harassment, victimisation or other prohibited conduct
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not
 - c) Foster good relations between those who share a relevant characteristic and those that do not share it.

Environmental/Sustainability considerations

63. The LBS's approach to procurement of the design, development and construction processes will ensure a requirement to maintain and improve sustainability at each stage in the project.
64. At design stage, requirements were in place to meet sustainable specifications. The lead architect on the project is required to "advise on the creative application of sustainability standards and the practical application of renewable energy and alternative forms of energy production".
65. During construction the appointed contractor will be required to adhere to guidelines outlined in the London Construction Guide which include and are not restricted to the following:
- a) Procuring and using materials sustainably
 - b) Selecting materials with low lifecycle impacts
 - c) Using local materials
 - d) Use of materials with high recycled content
 - e) Meet minimum standards set out in Building Regulations
66. All homes will have to achieve the Code for Sustainable Homes Level 5 (CfSH5); measures will have to be taken at all stages of development to achieve this. This code has however been changed to the New National Technical Standards which comprise new additional optional building regulations regarding water and access as well as a new national space standard (this is in addition to the existing mandatory Building Regulations). For example, requirement G2 of the building regulations concerns water efficiency. The current regulations state that the potential water consumption by occupants of a new dwelling must not exceed 125 litres per person per day. This regulation remains in place but there is now also an optional higher standard which states that the potential water consumption by occupants of a new dwelling must not exceed 110 litres per person per day. This higher standard may be imposed by the planners. With regards to access, requirement M4 (sanitary convenience in dwellings) of the building regulations have added additional higher standards, M4 (1), M4 (2) and M4 (3) and one of these may be imposed by planners.
67. At design stage, requirements will be in place to meet sustainable specifications including the following:
- Energy efficiency
 - Reduce carbon emissions
 - Conserve water & energy
 - Mitigate flooding risk
 - Safeguarding biodiversity.
68. Specifications outline that there should be an efficient approach to waste management. At design stage there is direction for designers to exercise reasonable skill care and diligence in the selection of materials. At construction stage contractors are required to minimise construction waste and maximise the use of recyclable /reusable products and materials.

69. Specifications stipulated within the employers requirements will ensure that development activity is controlled in a way that positively contributes to achieving sustainability.

Plans for the monitoring and management of the contract

70. The project manager oversees a delivery team consisting of a lead consultant design team, technical advisor and quantity surveyor to ensure effectively delivery of the project and works.
71. Annual Performance Reports will be presented to DCRB and CCRB on a six-monthly and annual basis, respectively.

Staffing/procurement implications

72. The project manager is responsible for the delivery of the overall programme, under the management of the Head of Regeneration - Capital Works and Development who will be responsible for ensuring that the programme is adequately resourced and coordinated to deliver its objectives and procured efficiently and effectively in accordance with best practice for major projects procurement.

Financial implications

73. The report is recommending a procurement strategy, so at this stage there are no financial implications arising directly from the report's recommendations. The estimated cost of the pre construction and construction costs is £19.8m which is indicative at this stage.
74. Project funding currently confirmed, and included within the council's capital programme, includes £5,159,000 from Adult Social Care capital resources (S-0034-0713) and a £3,000,000 grant from the GLA Homes for Londoners: Affordable Homes Programme 2016-21. The final award of contract will be subject to approval of the remaining Housing & Modernisation capital contribution that will be presented to cabinet at the next capital refresh.

Funding source	Cost Centre	Amount
Adult Social Care	S-0034-0713	£5,159,000
Housing & Modernisation	TBC	12,616,000
GLA Homes for Londoners: Affordable Homes Programme 2016-21		£3,000,000
Total		£20,775,000

Investment implications

75. Please see strategic director of finance and governance commentary below.

Legal implications

76. Please see concurrent from the director of law and democracy.

Consultation

77. Public consultation will be undertaken in line with the council's community engagement policy.

78. Consultation specific for this procurement has been conducted. Feedback has been sought from all key stakeholders including heads of service for both housing & modernisation and children's and adults' services.

Other implications or issues

79. None.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance and Governance (H&M18/101)

80. This report seeks the approval of Cabinet to the procurement strategy for a two stage design and build contract for the construction of Cator Street 2, which comprises extra care housing, a day centre and community information hub. The estimated cost of the project is £19.8m, which is indicative at this stage. Funding for the extra care housing will be met from the Housing Investment Programme, with the day centre and community information hub being funded from the Adult Social Care capital programme as set out in the financial implications section of this report.

Head of Procurement

81. This report seeks the approval of Cabinet for the procurement strategy for a two stage design and build contract from the Notting Hill Genesis framework agreement, for the construction of the Cator Street 2. This project comprises extra care (flexi-care) housing, a day centre and community information hub. The estimated contract value of £19.8m for an anticipated period of 22 months, and intends to commence in November 2019. The two-stage process involved the initial award of a Pre-Construction Services Agreement (PCSA) at an estimated cost of £150k that would be awarded in line with the contract standing orders by the relevant chief officer but also after consultation with the relevant cabinet member.
82. The award of the main contract for these works is requested to be delegated to the Strategic Director of Housing and Modernisation in consultation with the Cabinet Member for Social Regeneration, Great Estates and New Council Homes for the reasons of expediency that noted in paragraph 31.
83. The Notting Hill Genesis Housing framework agreement is open to Southwark Council to use. London Living Wage (LLW) is applicable and would be paid via the contract. The evaluation of the contracts will be in line with the framework agreement but will look to include social value, including an apprenticeship per £1m spend.
84. The plans to manage the contract are set out in paragraphs 70-71.

Director of Law and Democracy

85. This report seeks the approval of Cabinet to the procurement strategy for a two stage design and build contract for the construction of Cator Street 2 as outlined in this report. Approval is also sought for the delegation of the award of the Pre-construction Services Agreement to the relevant chief officer (as set out in paragraphs 2 and 28) and the delegation of the award of the main works contract to the Strategic Director of Housing and Modernisation for the reasons set out in paragraph 31.

86. Contract Standing Order 5.1.2 provides that any procurement involving the use of a third party's Framework contract is subject to usual Gateway 1 procedures. This report therefore seeks approval to the use of the NHG Framework contract.
87. Paragraph 21 of this report lists the 23 suppliers on the NGH Framework and paragraph 23 sets out the council's proposal for a further assessment of the contractors' experience in delivering quality extra care housing. This further assessment is in line with NHG's framework terms.

BACKGROUND DOCUMENTS

Background Documents	Held At	Contact
None		

APPENDICES

No	Title
None	

AUDIT TRAIL

Cabinet Member	Councillor Leo Pollak, Social Regeneration, Great Estates and New Council Homes	
Lead Officer	Bruce Glockling, Head of Regeneration, Capital Works & Development	
Report Author	Laura Wannop, Project Manager	
Version	Final	
Dated	28 February 2019	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	Yes	Yes
Head of Procurement	Yes	Yes
Director of Law and Democracy	Yes	Yes
Contract Review Boards		
Departmental Contract Review Board	Yes	No
Corporate Contract Review Board	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		28 February 2019

Item No. 15.	Classification: Open	Date: 12 March 2019	Meeting Name: Cabinet
Report title:		Walworth Town Hall Investment Proposal	
Ward affected:		North Walworth and Newington	
Cabinet Member:		Councillor Johnson Situ, Growth Development and Planning	

FOREWORD – COUNCILLOR JOHNSON SITU, CABINET MEMBER FOR GROWTH DEVELOPMENT AND PLANNING

Following the devastating fire at the Walworth town hall in the spring of 2013, the council committed to bringing this much loved building back in to use. An extensive programme of remedial works and surveys was completed in September 2015. The council initially investigated delivering a range of uses and Cabinet approved a high level vision for the Walworth Town Hall supported by the community. After full investigations the initial council lead aspirations for a refurbished Walworth Town Hall (WTH) proved financially unsustainable in both capital and revenue terms.

In line with our vision that the Walworth Town Hall remains a publically accessible arts and cultural space, in December 2017 we invited expressions of interest and following a shortlisting process and consultation on two proposals, the council has selected General Projects to lead the transformation of the town hall. The General Projects proposal looks to restore the building, with a range of uses including, a music studio, creative workspace, a dedicated community and cultural space and an art hub. The proposal also maintains public access to these well loved buildings and provides enhanced entrance on to Walworth Square.

We remain committed to ensuring the final proposals for the building are in line with the vision set by the council working with the local community and welcome General Project's commitment to continue to work with the community over the coming months to enhance their proposals. Part of the proposal put forward by General Projects is a dedicated community and cultural space and this report has committed to working with the community to develop a management structure for the space. To ensure this is the highest quality space the report also details a £2million grant specifically for the dedicated community, cultural and art space.

The recommendation in this report is in line with the council's strong commitment to ensuring Walworth remains a vibrant, diverse neighbourhood with a successful local economy that builds on its heritage and distinctive character. The recent announcement of the New Walworth Library and Southwark Heritage centre is the latest step by the council to achieve this objective and other steps include designation of conservation areas to protect and enhance the local heritage, awarding of high street challenge funds to strengthen the local economy on Walworth Road and East Street market. Our expectation is that over the coming months General Projects will continue to work with the community to develop plans which not only serve the local community but also becomes a destination for people across Southwark.

RECOMMENDATIONS

1. That General Projects are approved as the preferred bidder for the Walworth Town Hall complex investment project.
2. That the council enters into an Agreement for Lease with General Projects to facilitate the preparation of planning and listed building applications for the scheme based on the concept set out in paragraph 32 and subsequently to carry out the approved works.
3. That the director of regeneration (in consultation with the cabinet member for growth development and planning) will be asked to confirm that the proposals satisfy the requirements of the paragraph 32 before the planning and listed building applications are submitted to the Local Planning Authority for determination.
4. That following satisfactory completion of the scheme in accordance with the Agreement for Lease a new lease is to be granted in accordance with the principal terms set out in paragraph 8 of the closed version of this report and substantially in paragraph 47 of this report and authority be given to the Director of Regeneration to approve detailed terms.
5. That a grant of £2million be made to the preferred bidder on terms to be agreed in the agreement to lease. The principal purpose of these funds is to support the restoration of the designated community, arts and culture space.
6. That officers prepare a further report for cabinet on the dedicated community/arts/culture space in the ground floor of the former Newington Library which will address:
 - a. a vision for the community, arts and culture space which meets the needs of the diverse Southwark population to be developed in consultation with stakeholders, community and General Projects
 - b. options for an operational model which can deliver on the council's commitment for community involvement in the management of the space.
7. That Cabinet note the community, arts and culture provision within the Walworth Town Hall and new Walworth Library and Southwark Heritage centre combine to deliver 939m² of publically accessible space which exceeds the pre-fire figure of 650m² (these figures are based on current available information). This equates to a 44% increase of publically accessible space.

BACKGROUND INFORMATION

8. Since 2010 council has made a strong commitment to developing Walworth as a vibrant, diverse neighbourhood with a successful local economy that builds on its heritage and distinctive character. In support of this objective the council has directed high street challenge funds to strengthen the local economy on Walworth Road and East Street market. It has designated conservation areas to protect and enhance the local heritage. In addition, it has invested in parks and

public realm to improve amenity and encourage walking and cycling.

9. Walworth Town Hall (WTH) is a Grade II listed municipal building of great significance for the Walworth neighbourhood and its history. The buildings have provided various services including the offices and chamber for the former Metropolitan Borough of Southwark. It had latterly been used as a library, museum, one stop office and administrative offices. In March 2013 it suffered a severe fire that caused significant damage to the building. The building has remained vacant since. It has been placed by English Heritage on its Buildings at Risk Register.
10. After full investigations the initial council lead aspirations for a refurbished WTH proved financially unsustainable in both capital and revenue terms. At this point the design had reached RIBA stage 2 with a cost estimate of £35m including design fees, risk and contingency. In June 2017 Cabinet approved a revised project mandate. The key aspiration from the brief was *s to identify Arts and Cultural uses falling within Class D1 [Non Residential Institution] and provide public access to the buildings, the social regeneration benefits of the proposed use and the extent to which the use will contribute to the development of the Elephant & Castle town centre.* Cabinet instructed officers to seek expressions of interest from the market for this opportunity.
11. Subsequent to the June 2017 decision the council has also resolved to deliver the services that were previously part of its plan for WTH in new ways. In particular cabinet agreed to take a lease of new premises for a new Walworth Library and Southwark Heritage Centre on Walworth Road at its meeting on 22 January 2019. This initiative will provide a heritage centre for all of Southwark showcasing the history of the borough and drawing people from all over Southwark and beyond to a great new resource. It will also re-provide the library services from the former Newington Library and include collections from the Town Hall into an integrated facility that allows for efficiencies in management and creates opportunities for maximising the visitor experience across ways of learning.
12. On 28 November 2018 Council Assembly approved the current Council Plan. This sets a number of commitments to our community including *A Vibrant Future*; one of the undertakings to meet this commitment is to *Secure the future of Walworth Town Hall and make it a publicly accessible cultural hub.*

KEY ISSUES FOR CONSIDERATION

13. All refurbishment work must respect and enhance the heritage listing and meet the requirements of Southwark conservation policies and Historic England. The council's project mandate adopted the principle that the future of this important building will rely on it being able to accommodate new uses to make it sustainable. However, it is important the buildings retain public accessibility, that the quality of restoration and repair works is appropriate for the listing and it's most significant spaces are saved for future generations.
14. Current ongoing expenditure for maintaining and monitoring the Town Hall runs to circa £30,000 per month. This expenditure includes 24/7 security which is a requirement of the council's insurer. In addition, the utilities throughout the building must be monitored and maintained to ensure the premises remain dry and ventilated thereby preventing any further deterioration to the fabric of the buildings.

Elephant and Castle Regeneration

15. The implementation of the Elephant Park development located to the immediate north of the town hall is well advanced. Trafalgar Place, One the Elephant, South Gardens, Wansey Street and Walworth Square are completed and sites on New Kent Road and Sayer Street are in construction. The interim Elephant Park open space and the council's new leisure centre are complete and form integral parts of the community. Planning consent has recently been granted for the redevelopment the shopping centre and London College of Communication sites which will reconfigure the town centre.
16. Together, these projects will deliver new homes shops, higher education and business space alongside new parks and public spaces. The growing population will also require access to new community facilities. Some of this need will be met by the developments summarised above and the council's new library and Southwark heritage centre on Walworth Road. The shopping centre application includes proposals for new cinemas, exhibition space and a live music venue that will be a major contributor to the ultimate community offer.
17. The town hall project also provides an opportunity for new and diverse uses within the regeneration area. The local economy is a good fit for small businesses and start ups and this typology is naturally developing along the Low Line and in new developments. The use of the town hall for employment, community, arts and culture has the potential to expand local opportunities and help to attract residents and visitors to Walworth Road. This will support existing businesses facing the pressures that all town centres are confronting with changes to peoples shopping habits. A mixed use scheme comprising workspace, and a community, arts and culture offer will maintain public access to the buildings.
18. There are a number of new uses opening in the vicinity of Walworth Square. These include Mercato Metropolitano, and other new retail occupiers on the northern side of the square, independent retailers occupying affordable retail space in Sayer Street, as well as the council's own library and Southwark heritage centre fronting onto Walworth Road. These positive changes can only be enhanced by an active and vibrant WTH which brings enterprise, employment and community together to complete Walworth Square.
19. The ongoing sustainability of the complex requires a complementary commercial offer within the building. Achieving a balance between the community offer and income generating uses is challenging and of paramount importance to the council. Expressions of Interest were received from residential and hotel providers that would have generated significantly more income to the council but these submissions were not considered appropriate for the building and would not have achieved the council's vision.

Marketing Process

20. In December 2017, the council presented the opportunity to market to bring WTH back into active use. It began with a direct mail seeking expressions of interest to an extensive list of 150 potentially interested parties, agents, organisations and local contacts concentrating on those with an arts and culture focus. The opportunity was subsequently advertised both nationally and

internationally in the Estates Gazette.

21. It is emphasised that the offer is a severely fire damaged building that will take a very large capital investment over a period of time to bring into beneficial use. The use of the buildings will be restricted to reflect the council's aspirations. The demand for such opportunities is very limited. The brief also excluded residential and hotel uses which inevitably further reduced potential interest in the project.
22. Through previous public consultation and work with the WTH community forum it was very clear that maintaining public access to the site is a key consideration, as is protecting the rich heritage of the property and these were strong drivers in the marketing brief.
23. A website devoted to the town hall www.walworthtownhall.com was established and provided significant background information to the project including a data room for registered applicants to access plans, reports, surveys and the stage 2 designs for the council's former development project. This information helped interested parties gain an accurate understanding of the building condition, heritage significance and opportunities for reuse.
24. The marketing process achieved a strong response and over 100 parties registered their interest on the website. The council conducted a series of site visits around the building complex and held an information day to engage potential applicants of the opportunity. At the conclusion of stage one, the council received 17 expressions of interest from applicants ranging from end users through to developers. It should be noted that despite extensive promotion there were only two offers received from an arts and cultural organisation for the premises and this required substantial grants from the council well in excess of the £4m that was potentially available. Additionally, neither applicant had the necessary development experience required for a project of the scale and complexity of WTH.
25. From the list of interested parties, the council shortlisted three applicants and invited them to bid in a second, more detailed, round. One of the key criteria to progress into the second stage was for the bidders to show strong financial viability and delivery experience alongside an arts and culture use, respecting and enhancing the buildings heritage and providing community accessibility.
26. In November 2018 the council received proposals from Castleforge Partners and General Projects illustrating two different approaches to rejuvenating the buildings. The evaluation process included community consultation, internal officer, statutory consultees and consultant assessment. Appendix A of the report sets out the evaluation of the two Invitation to Bid submissions in more detail.

Summary of proposals

Castleforge

27. Castleforge is a UK based property developer and investor established in 2010, funded by endowments, foundations and pension funds based in the UK, US and Europe. To date they have invested over £500 million in asset value throughout the UK. The two founders have full investment authority over the funds and execution of the investment strategy. The Lessee would be a newly

incorporated, wholly owned subsidiary of Castleforge Partners II L.P. (the Fund) and advised by Castleforge Partners Limited (Castleforge). Castleforge have delivered a number of refurbished co-working spaces in Glasgow and Liverpool and are currently working on an investment project with Hackney Council for Haggerston Baths. Further details are provided in the closed version of this report.

28. Castleforge look to develop a key asset for local business and resident communities by offering private and shared workspaces based on a membership system alongside programmed workshops, education spaces, event, exhibition and wedding space, cultural and performance space and a restaurant.
29. In summary, it proposes:
- A new atrium space at the heart of the building connecting all floors via two new lifts openly accessible to the public
 - To increase the floor area in the town hall complex by creating additional floors into the roof of the east wing and modifying the roof line and style
 - To retain use of the three existing access points on Walworth Road and Walworth Square
 - A new ground floor restaurant occupying the ground floor of the 1902 Town Hall Extension entered from the new Walworth Square.
 - Room for over 500 workspace desks potentially operated through their own serviced office company
 - Education/workshop/event spaces available for other organisations and community hire in evening and weekends
 - Multi-purpose conference/dining rooms and meeting rooms for hire/management
 - The Council Chamber reinstated as an event/performance venue
 - They expect 8-10 full time employees for the operation of the buildings, 15-30 employees from other businesses in the workplace and workspace for over 500 individuals.

General Projects

30. General Projects is an 'innovative, creative-led real estate developer'. Currently developing over £300m of projects across London, including the £23m refurbishment and repositioning of One Poultry, a Grade II* listed building, into the first 'creative' building in the heart of the City. The lessee would be a new limited company, jointly owned by General Projects RE Ltd (General Projects) and Loftus Family Property (LFP or Funding Partner). It is the intention of the Funding Partner to fund the restoration of Walworth Town Hall from existing equity resources. Further details are provided in the closed version of this report.

31. General Projects vision seeks to restore the building as employment space for creative industries, arts and a community hub. It will provide a mix of studio workspaces and co-working through a membership system, designed around a new arts and community hub and cafe. Public access is proposed through a designated 'Society' Room, meeting room and resident studio complemented by programmed events, workshops and private hire opportunities.
32. In summary, it proposes:
- A new entrance onto Walworth Square leading to a public coffee shop/bar with restaurant located on the corner of Walworth Road and the square
 - A new publically accessible central covered courtyard with circulation core. The space will be available for a rotating display of the Cuming Collection on loan and to be accessed for free.
 - An arts hub with workshops and lecture hall in the former Library lower ground
 - Recording and photographic studio, creative offices, maker studios and co-working spaces.
 - The council chamber and former reference library available for private hire and not for profit organisations in the evenings and weekends.
 - A community, arts and culture space operating for free on the ground floor of the former adults and children's library with a management plan for operation
 - The Art Academy support the General Projects scheme and are interested in the lease of the art hub space.
 - A need for approximately 20 full time building employees, and that around 370 people will be based on site once the building is fully occupied.

Evaluation conclusion

33. Both bidders and their proposals bring exciting ideas and provide evidence of their ability to access funding to deliver the project, develop their designs and execute their development approaches. Either completed proposal will enable WTH to be removed from the Heritage at Risk register and help stimulate activity and the economy of the Walworth Road bringing employment accommodation for 350+ persons along with programmed events and activities for the community to access.
34. As noted in Appendix A, both proposals are considered by Montague Evans the council's external property advisor for the project to be considered best consideration. As a consequence, the focus of the evaluation has been on the respective bidder's experience, their schemes planning merits and risks, their vision for the complex and the extent of their arts/culture/community offer.
35. It is assessed that General Projects bid is more closely aligned with the aspirations of council for the building and Walworth's local economy. General Projects focus on supporting the creative industries through a range of co-

working, maker and studio or workshop spaces complements existing institutions and provision locally while cultivating a unique and dynamic enterprise, employment and cultural hub on the Walworth Road. The support from and ongoing discussions with the Art Academy is encouraging and the proposal creates enterprise opportunities for both the local community and from further afield.

36. General Projects has proposed to meet the need for genuine community access by covenanting to provide a space solely for such a purpose in the former adults and children's libraries. There is also genuine public access into the central hub and atrium which links the buildings together and includes a café. The community offer extends to opportunities for programmed events and activities and public hire of spaces in evenings and weekends. Finally, the proposal looks to open onto the new Walworth Square providing a strong connection to the public realm with the potential to foster exchange between events and activities taking place in the square and other adjacent premises.
37. General Projects' offer includes approximately 380m² of unhindered publically accessible space, approximately 200m² of café and restaurant space accessible to the public with additional rooms throughout the buildings of semi accessible public space i.e. through programmed events and activities. Access is broadly defined as during normal business hours. This is comparable with the pre fire publically accessible library heritage display and programmed education space of approximately 650m².
38. In addition the council has also recently approved the leasing of ground floor space for a new 559m² library and Southwark heritage centre on the Walworth Road. This will help meet the need for local community library facilities and will promote Southwark's heritage through exhibition and education opportunities. The new library delivers an additional undertaking within the Council Plan.
39. Both proposals have been the subject of community consultation. The details of this process are set out in Appendix B. The overall conclusion from this exercise is that while there are concerns about both proposals a majority of respondents supported the approach outlined by General Projects. It is noted that at the time of the WTH consultation the leasing of a library and heritage facility on Walworth Road had not been secured. This new provision will allay some of the concerns expressed. A summary of the consultation results and feedback will be provided to consultation respondents.
40. It is acknowledged that both proposals were a response to an invitation to bid exercise. As a consequence bidders were working at risk and inevitably there is a limit to the resources that either party could commit at this point in the process. The proposals were at concept stage and significant work and resources will need to be committed to take them forward through planning and delivery.
41. Based on the assessment summarised above it is recommended that General Projects be designated the preferred bidder. The General Projects scheme meets the relevant council policies and provides a cultural hub as stated in the new Southwark Plan 2018. It contributes to improving life opportunities by creating employment opportunities and a pride in the local area by securing a community, arts and culture resource for events, activities and meetings with the ability to provide for a diverse community reflecting the Regeneration for all framework.

Next Steps

42. The selection of General Projects as preferred bidder for the project will provide them with commercial confidence to undertake the next steps to advance the project and secure the long term future of this important group of buildings. The council will continue to work closely with the preferred bidder in further developing their initial concept. The consultation responses also demonstrate the need for on going engagement with local arts organisations, stakeholders and the wider community to address concerns and give an opportunity to inform more detailed designs. Council will work with General Projects to agree a community engagement plan for this exercise which will continue through the pre application and formal planning process.
43. The period of time to develop the bid concept to a level of detail necessary for planning and listed building applications is likely to take between six to twelve months to complete. The preferred bidder will be required to undertake pre-application consultation with the council's planning department and Heritage England prior to submission. The director of regeneration (in consultation with the Cabinet member for GDP) will be asked to confirm that the proposals satisfy the requirements of the paragraph 32 before the planning and listed building applications are submitted to the Local Planning Authority for determination. In the event that planning applications have not been submitted in twelve months from signing the Agreement to Lease this will be reported to Cabinet.
44. In considering approval of submission of the intended planning application the Director of Regeneration will wish to be satisfied that it broadly complies with the concept described in paragraph 32 and spatial requirements noted in paragraph 37. General Projects have proposed to covenant with the council to make the Adults and Children's library of the former Newington Library space available at no cost for a programme of community, arts and cultural activities. This commitment is one of the strengths of the proposal and as a next step a management and operational plan will need to be developed to agree the most appropriate mechanism for ensuring the space is well used with a programme of curated events. Council will set minimum hours per week and weeks per year for the community, arts and culture space to be made available. Officers will bring a further report to Cabinet setting out proposals to ensure this is secured.
45. The preferred bidder will also be required to enter into an Agreement for Lease with the council. This document will establish a working framework for the period leading up to the grant of the lease for the building including conditions that have to be satisfied whereupon the preferred bidder will be granted a lease described in paragraph 47. The confirmation by the Director of Regeneration (in consultation with the Cabinet member for GDP) that the proposals satisfy the requirements of the paragraph 32 before the planning and listed building applications are submitted to the Local Planning Authority for determination will be one such condition. The execution of the building works in accordance with the approved plans will be also be a condition that needs to be satisfied before the lease is granted.
46. Once works have taken place in accordance with the approved plans, to the council's reasonable satisfaction, the council is obliged to grant the bidder a lease of the property. This is a standard mechanism used to ensure the carrying out of work to land or buildings ahead of the grant of a lease or sale. The agreement for lease will however have a fixed duration to ensure the works

are carried within a reasonable timescale. In the light of the nature of work and the building type, five years is the recommended maximum length of the agreement. If the contracted works have not been carried by then the agreement will expire and the preferred bidder will lose any rights to the property. For the avoidance of doubt, the preferred bidder will not be able to assign (transfer) the agreement for lease.

47. Assuming the preferred bidder carries out the works required in the agreement for lease it will be granted a lease on the following principal terms:

- i. A duration of 150 years
- ii. An annual rent set out in the closed version of this report
- iii. The lessee to keep the premises in good repair throughout the duration of the lease
- iv. The lessee to pay any taxes including business rates arising from the occupation of the property
- v. The property to be permitted to be used for the purposes of office [class B1 of the Use Classes Order], community use [class D1 of the Use Classes Order] and cafeteria [Class A3 of the Use Classes Order]. The extent of the uses will be identified in plans appended to the lease.
- vi. The lessee to be permitted to under-let parts of the premises but not the entire property
- vii. The lessee to be permitted to assign (transfer) the lease with the council's consent; such consent is not to be unreasonably withheld.
- viii. The lessee to insure the property against all usual building risks including fire
- ix. The lessee to be permitted to make non-structural alterations to the interior of the property provided listed building consent has been obtained with the council's consent
- x. The lessee to be permitted to make structural and external alterations to the property with the council's consent; such consent not to be unreasonably withheld provided other necessary statutory consents have been obtained
- xi. The lessee to provide a minimum of 240m² of community space (the Society Room) provided on the ground floor of the former Newington Library.

48. Set out below is commentary on the proposed principal lease terms:

- i. The Lease was initially to be 250 years but following community feedback both bidders agreed to accept a lesser duration. Cabinet needs to bear in mind that to implement the refurbishment any bidder will be making a substantial capital investment and in order to gain funding and justify the investment and risk a long lease is necessary. By comparison, the lease to be granted to the council for the new library for Walworth will be 250

years.

- ii. See closed version of the report.
 - iii. This transfers responsibility and cost from the council.
 - iv. It is normal practice for the occupier to meet business rates and other occupational taxation.
 - v. This conforms how the lessee is permitted to use the property.
 - vi. In order to generate income to keep the property maintained, provide a return on capital invested and to pay other costs e.g. rent the lessee has to have the scope to let out parts of the building.
 - vii. Any lessee taking on a lease of this nature will require the ability to transfer it in the future and in event a funder will require such a provision. If however if it is proposed to transfer the lease to an unreasonable person or organisation the council will be at liberty not to consent to the transfer.
 - viii. It is reasonable for the lessee that will have ultimate control of the property to have this responsibility.
 - ix. This allows the lessee to make minor alterations that do not affect the structure or the heritage of the inside of property without reference to the council and is a standard lease provision.
 - x. This enables the council to have oversight of the structural integrity of the building and its external appearance.
 - xi. This provision is helping to meet the meet the community aspiration and council requirement for genuinely public accessible space for community, arts and culture within the buildings.
49. In order for General Projects to deliver its bid it requires the council to make a contribution by way of grant towards the refurbishment costs.

Rationale for recommendations

- To deliver an undertaking in the Council Plan
- To secure the refurbishment of a heritage building that is currently on the At Risk Register
- To provide a building with a cultural focus and community access that will enhance the overall wellbeing of the locality
- To release monies currently being expended on the building for the delivery of front line services.

Community impact statement

50. The new Council Plan was the subject of extensive community consultation. The recommendations herein directly deliver upon an undertaking to secure the future of WTH and make it a publicly accessible cultural hub that forms part of the Vibrant Future commitment set out in the Plan.
51. The Equality Act 2010 requires the council in the exercise of its functions to have due regard to the need to:
- a) eliminate discrimination
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
52. Relevant protected characteristics for the purposes of the Equality Act are:
- Age
 - Civil partnership
 - Disability
 - Gender reassignment
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Sex and sexual orientation.
53. In considering the recommendations herein the Cabinet must have due regard to the possible effects them on any groups sharing a protected characteristic in order to discharge its public sector equality duty. This is an ongoing obligation.
54. The prolonged closure of WTH is considered to adversely affect all parts of the community including those with protected characteristics. Both invitations to bid will result in benefits to all parts of the community including those with protected characteristics.
55. Previous restrictions within the buildings included a lack of DDA access to upper and lower floors and no public toilets within the former Newington Library building. The new proposals overcome these restrictions and make the building accessible to all.
56. The future report on the community, arts and culture space management and operations model will need to consider how an inclusive programme of events meeting the needs of the borough's diverse population and which attracts visitors to the area can be best established.

Resource implications

57. The building is costing the council in the order of £360,000 per annum as it currently stands. On completion of the proposed agreement for lease this liability will cease. When the lease is completed following refurbishment of the property it will generate an income and the property will be cash positive to the

council.

58. Officer time required to support the ongoing development of the scheme will be drawn from the Regeneration North team's revenue budget.
59. Expenditure incurred through the leasing of the WTH will be covered through existing Regeneration North budgets.
60. The preferred bidder General Projects have made their bid on the basis that the council provides a £2m grant towards the costs of the project. The Invitation to Bid stated that potentially the council could make up to £4m available to support the project. The grant requested is within these parameters. The terms for the council contribution will be determined in detail in the agreement for lease but the principal use of these resources will be for the improvements necessary to bring forward the community, arts and culture use as early as is practical in the programme. Payment of the grant would be safeguarded on the basis of certificate of payments and pre agreed project delivery milestones.
61. Bringing forward a viable scheme at the site will bring to a close the on going revenue commitment set out in paragraph 57. The grant will contribute to bringing the buildings back into beneficial public use (as set elsewhere in this report) at a cost to the council which is significantly less than the estimated cost of £35m for the council scheme which was terminated in 2016. The grant requested can be met from the WTH approved capital budget.
62. Other than the council's £2m contribution the financing of the projects costs is from General Projects. As a consequence General Projects are taking on all the construction and delivery risk from the council. General Projects have stated that their estimate of project costs is lower than the £35m council project. It should be noted that the General Projects scheme design is at early RIBA stage 1 concept design. Therefore substantial detailed design, utilities infrastructure and construction methodology work needs to be carried out to reach cost certainty and gain greater understanding of the project risks which are significant with a building of this type and history. Through the assessment process it is determined that General Projects have sufficient resources in place to manage risk should budgets increase and the skills evidenced in other projects reflect the experience necessary to identify and manage project risks.
63. The council has invested £5m in the Walworth Town Hall during the emergency works, making the building safe, secure and weather tight and reinstating the historically significant Vestry Hall roof along Walworth Road. This work has prevented the buildings further deterioration and helped secure subsequent investment to bring the buildings back into active use.
64. The council scheme costed at £35m had completed RIBA stage 2 and therefore the cost estimate was based on a greater level of design and construction certainty. This scheme differed significantly from that proposed by General Projects as it included a number of public services that required specific operational functionality, internal circulation and utility solutions. As a consequence comparison of General Project and council scheme costs are not a useful guide to final project costs. The council project at RIBA stage 2 included a substantial contingency within the £35m budget to manage ongoing construction risk. In addition there was a significant fee allocation to meet the costs of external project management and specialist consultancy advice as these are not available within the council. General Projects will be responsible

for such costs in addition to any capital investment they are making.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

65. The report seeks authority to enter into an agreement for lease with General Projects on the terms which are substantially set out at paragraph 47 with the rental details confirmed in the closed report. Assuming that the building works are carried out satisfactorily within a 5 year period (as explained in paragraph 46) then this will lead to the grant of a lease for a term of 150 years.
66. Section 1 of the Localism Act 2011 grants councils a general power of competence whereby a local authority has the power to do anything that individuals may do. However, that power does not enable a local authority to do anything which it is unable to do by virtue of a pre-commencement limitation.
67. The council has the power to dispose of its land in any manner that it wishes pursuant to section 123 Local Government Act 1972 provided the consideration is the best that can be reasonably obtained. This is dealt with in the closed report.
68. The Cabinet is also being asked to confirm a grant of £2 million to General Projects. Assuming appropriate safeguards are in place, then this grant is within the limits of grant already considered (as set out in paragraph 24) and will partly be off-set by the savings from the current weekly expenditure identified at paragraph 14.
69. Cabinet members, when making a decision on the recommendations in this report are also required to have due regard to the public sector equality duty in section 149 of the Equality Act 2010. Paragraphs 50 to 56 of the report sets out the assessment of community impacts, including equality impact and this concludes that the current closure of the building adversely affects all parts of the community.

Strategic Director of Finance and Governance (FC18/035)

70. This report is requesting cabinet to approve General Projects as the preferred bidder for the Walworth Town Hall project and for the council to enter into lease agreement with General Projects to facilitate the preparation of planning and listed building applications for the proposed scheme.
71. The strategic director of finance and governance notes that this proposal follows the extensive marketing exercise conducted by the council and further detailed evaluation of the various bids to identify a scheme that meets the council's aspiration and commitment for the future of Walworth Town Hall. Full details and background are provided within the main body of the report.
72. The strategic director of finance and governance notes that the current ongoing costs of £360k per annum to maintain and secure the building and other utilities costs will cease once the lease agreement is completed. Additional rental income is expected once the refurbishments in line with the agreement are completed as detailed in the closed version of this report.
73. It is also noted that grant of £2m required from the council as part of this

proposal will be funded from the Walworth Town Hall capital budget within the council's capital programme. This payment will be subject to General Projects meeting and satisfying the various lease and other agreement as part of this proposal, which are detailed within the closed version of the report. Further reports will be submitted to update cabinet on the progress of the scheme.

74. Staffing and any other costs connected with this report to be contained within existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Walworth Town Hall Mandate Review Cabinet 21 June 2017	160 Tooley Street London SE1 2QH	Jon Abbott 020 7525 4902
Link (please copy and paste into your browser): http://moderngov.southwark.gov.uk/documents/s69044/Report%20Walworth%20Town%20Hall%20mandate%20review.pdf		
Council Plan 2018-9 – 2021-22	160 Tooley Street London SE1 2QH	Matthew Little 020 7525 0388
Link (please copy and paste into your browser): http://moderngov.southwark.gov.uk/documents/s78763/Report%20Council%20Plan.pdf		

APPENDICES

No.	Title
Appendix A	Invitation to Bid evaluation
Appendix B	Community Consultation summary

AUDIT TRAIL

Cabinet Member	Councillor Johnson Situ, Growth Development and Planning	
Lead Officer	Kevin Fenton, Strategic Director Place and Wellbeing	
Report Author	Jillian Houghton, Project Manager	
Version	Final	
Dated	1 March 2019	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES/ CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Strategic Director Environment and Leisure	No	No
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	1 March 2019	

APPENDIX A

Invitation to bid evaluation

1. The council had several criteria that the proposals were tested against to ensure the buildings will be removed from the heritage at risk register through a deliverable and viable project and bring diverse activity and uses to the Walworth Road. An arts and culture focus was sought and it was important to create opportunities for genuine community access while respecting and enhancing the heritage listing.
2. The evaluation process was undertaken by internal officers, external consultants and statutory consultees. A community consultation was also carried out with the results helping to inform decision-making.

Criteria and analysis

3. **Criteria 1** *Experience and project outline – the extent to which the team has relevant experience and the proposal meets council objectives for the project including a genuine community offer.*
4. Both bidders have established strong project teams to develop their bids with architects, heritage consultants and other specialists. There is confidence in the teams to design and deliver a successful quality scheme appropriate for the listed status, proposed uses, operational requirements and gain the required permissions throughout the process.

Castleforge	General Projects
Is predominantly a commercial co-office, co-working space with restaurant. The atrium space is open to the public for free during building opening hours. The public offer is extended by the availability of spaces for programmed events and workshops outside key office times and private hire.	Has a variety of uses and spaces for inherently a co-working offer with café and restaurant. The inclusion of workshops, maker spaces and large studios allows for diversity among the potential users and focuses on arts and creative industries. There is a genuine community offer of free programmable space in the ground floor of the former adults and children's library with a suggested management structure. The public offer extends with programmable events and activities in other spaces for hire outside of core co-working hours.
It appears much of the access outside the atrium will be through memberships, hire, ticketing or purchases. The design uses existing entrances which limits the sense of open access and circulation. It does not enhance the connection with the new Walworth Square.	The proposal for a mix of co-working uses, an arts hub, a café and unfettered public access into sections of the building meets the council's aspirations for a vibrant and inclusive destination. Discussions with the current tenant the Art Academy could result in a local arts education facility on site and enhance the arts and

Castleforge	General Projects
	culture component of the bid. As security any lease agreement would state covenants outlining the requirements of the community offer. It is clear that the bidders have taken on board and adapted their proposal from discussions with local stakeholders during their bid development.
The project outline shows how the town hall could be brought back into use becoming a vibrant co-working space, create opportunities for small businesses and start ups and contribute to the economy of the Walworth Road. However, at this stage the genuine community access is limited as is the inclusion of arts and culture uses.	

5. **Criteria 2** *Financial Proposals, project and business planning – realism of investment and funding proposals, their viability, deliverability and sustainability* Through the council's own project there is a great deal of knowledge regarding the buildings condition and complexity and what it will take to deliver the project and be sustainable in operation. We want to be confident that the applicants have the financial means to adequately invest, that they have considered and have a solid understanding of the risks and level of involvement required to deliver the scheme and meet council objectives.
7. Both teams provided very strong responses to criteria 2 showing adequate resources, understanding of the process, risk and requirements to fund and deliver the project. Business models at this early stage give confidence that the schemes will be sustainable. WTH is on the Heritage at Risk register and is an important heritage asset characterised by high quality architecture in both its exterior and its interior. This is documented by the Conservation Management Plan (CMP) for the Town Hall which underscores the significance of the buildings inside and out. The council accept the principle that the future of this important building will rely on it being able to accommodate a new use, but it is necessary that we find the optimum balance between benefit and any impact on the listing.

Castleforge	General Projects
The main intervention into the building fabric from the Castleforge proposal is the additional floors that would alter the roof line of the east wing (1902 addition) and library. This design needs to be tested through the planning process but impacts on a significant heritage feature.	The design establishes a new entrance onto Walworth Square which creates a high degree of connectivity to a public open space and the opportunity to draw activity into the town hall and new atrium. While this needs to be tested through the planning process it is an aspiration aligned with the councils own proposals.
	Contributes to the vibrancy of the town

Castleforge	General Projects
	centre and defines local character, providing a sense of place and enriching the townscape

APPENDIX B

Community Consultation Report

In December 2017, Southwark Council opened a marketing opportunity to seek investment and bring the Grade II listed Walworth Town Hall complex back into active use.

Initially, council sought expressions of interest from a considered list of developers and organisations and subsequently advertised to the open market. From a list of eighteen submissions the council shortlisted three and invited them to develop their proposals further. In November 2018 the council received two proposals from Castleforge Partners and General Projects presenting different approaches to rejuvenate the buildings.

As part of the evaluation of the two proposals a community consultation was carried out. This report outlines that process and summarises the responses. Consultation on the competing proposals was undertaken from late November through to 21 January 2019.

Purpose of the consultation process

The WTH complex are important buildings within community and civic life and the consultation on the proposals was engage people with what was being proposed by the bidders and give the opportunity for comment. We were especially interested in what people thought about the different uses the bidders included, whether the heritage listing was enhanced and respected and what people thought about the public access provision. The consultation results were included as part of the wider evaluation undertaken by officers, external consultants and statutory consultees and the subsequent decision making process.

What was included in the consultation process?

- Direct email to 300+ WTH contact list directing people to the online consultation and public events
- Press release about the two competing proposals and outline of consultation opportunities
- Inclusion in the Elephant magazine distributed to 9000 homes about marketing process and upcoming consultation
- Southwark Social media alerting to the online consultation, public meeting and drop in sessions
- Southwark Online consultation hub: proposal summaries available and questionnaire
- Public meeting: 12 December 7pm-9pm hosted by Southwark Council and the Walworth Society. Filmed and posted online for viewing.
- Proposal summaries and background info on walworthtownhall.com and southwark.gov.uk/wth website
- Proposal summary display and 3x drop in sessions (12-15 Dec) at the Art Academy
- Proposal summary display in WTH garden with links to online consultation

A public meeting was co-hosted by Southwark Council and the Walworth Society on the 12 December 2018 with both bidders making presentations and taking questions. Questions were also put to Councillors and officers. There were approximately 35 attendees at the meeting and the event was filmed and made available online for

those unable to attend. The bidders were also available at drop in sessions over three days from the 12 to 15 December 2018 to answer questions on their proposals. Summary boards of the proposals have been on display in the Walworth Town Hall (WTH) garden since December and an online questionnaire in the council's consultation hub was open for comment between 22 November 2018 and 21 January 2019.

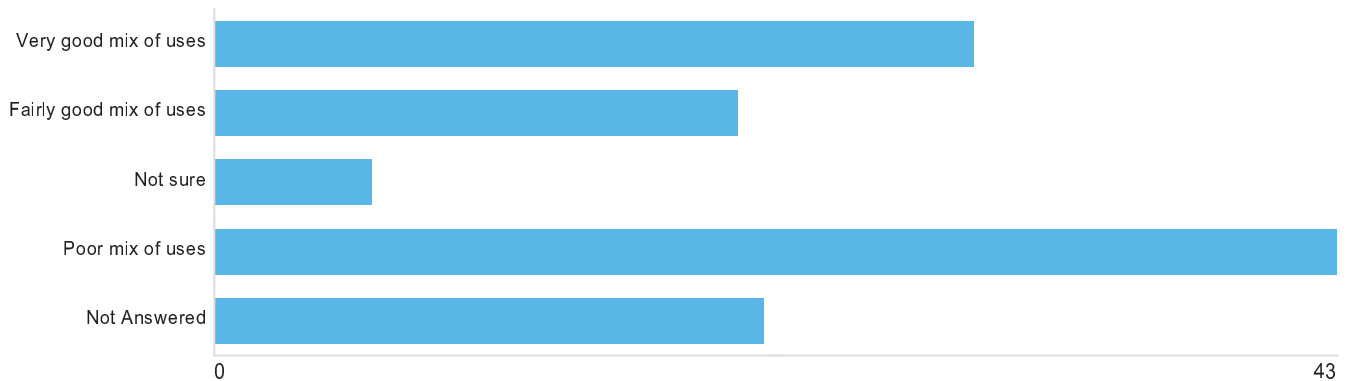
There were 120 responses to the online consultation and a summary of the results is noted below. There was support for both proposals but most of the 120 respondents noted that General Projects had a very or fairly good mix of uses, that they respected and enhanced the heritage and that they allowed very or fairly good public access and engagement. Supporters felt that General Projects offered a vibrant community focused centre with diverse employment that would be an incredible asset for Walworth.

There were significant responses stating both proposals had a poor mix of uses, that neither proposal respected or enhanced the heritage and that there were poor levels of public access and engagement. A number of those responses did not give specific reasons why they selected 'poor' and the many of the responses against the proposals included the same text outlining their concerns.

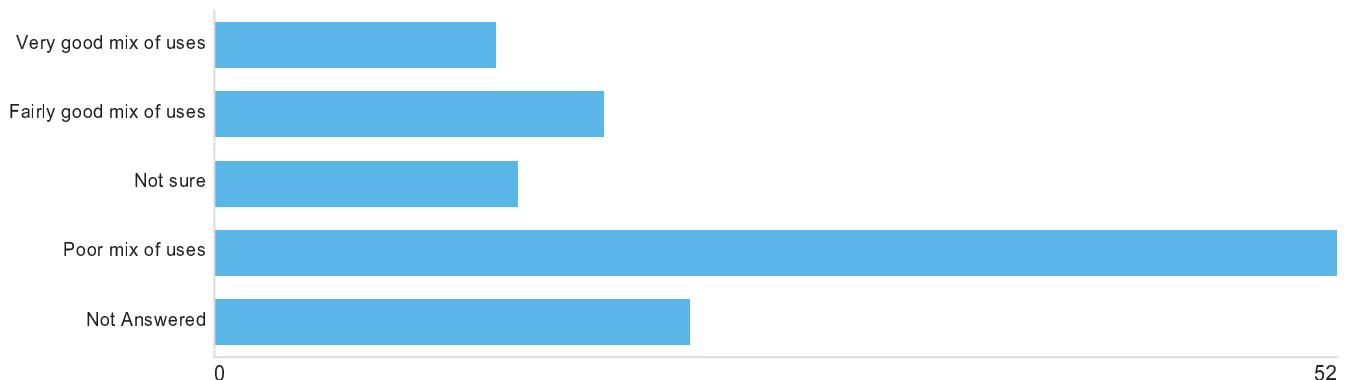
The main issues raised were; disappointment in the community involvement in the marketing process, that the bids did not match the aim of a publically accessible cultural hub or destination, that the council should redevelop the buildings and keep them in council ownership, the lost provision of Library and Heritage/Cuming collection, and the length of the lease which was initially suggested by council as being 250 years, was too long. It was suggested that Council should be able to redevelop the complex for £20m around commercial uses and cultural uses including a heritage hub.

As part of the consultation response, the Walworth Society submitted an alternative use from the proposals for the former library as a Southwark Heritage Centre to be managed and operated by a trust. Across approximately 900m² of the building they propose an area to display and celebrate the heritage of Southwark, a space for community cultural events and a community meeting room. They also included bringing the Council's archive service to operate within the heritage hub.

Summary of responses received: Walworth Town Hall – your views on the bids

Question 1: To what extent to do you think these proposals bring a good mix of uses to Walworth?
Mix of uses - General Projects


Option	Total	Percent
Very good mix of uses	29	24.37%
Fairly good mix of uses	20	16.81%
Not sure	6	5.04%
Poor mix of uses	43	36.13%
Not Answered	21	17.65%

Mix of uses - Castleforge


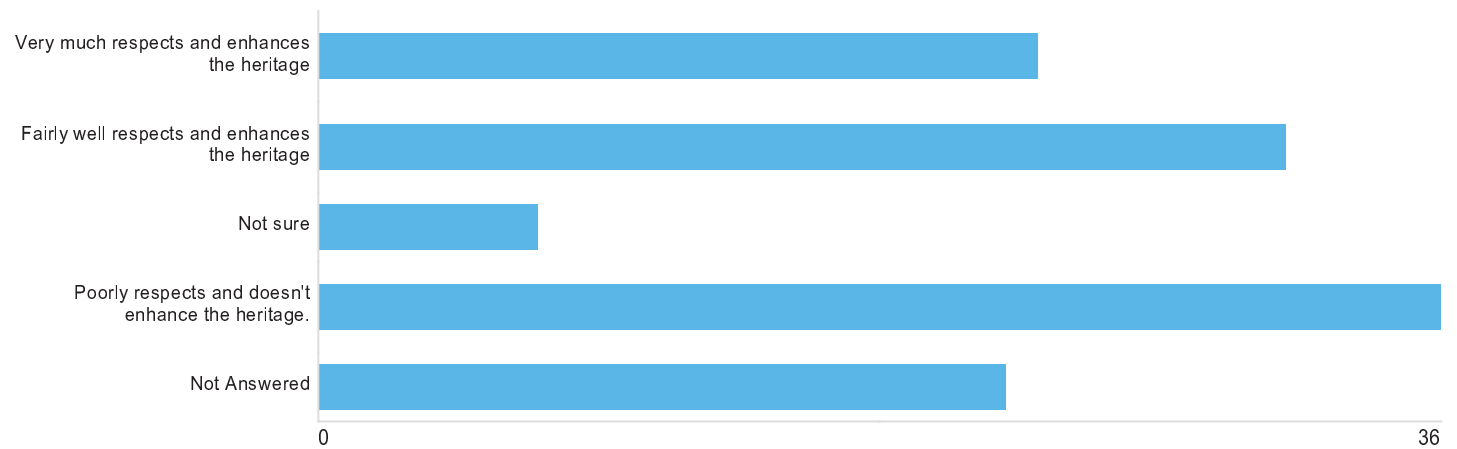
Option	Total	Percent
Very good mix of uses	13	10.92%
Fairly good mix of uses	18	15.13%
Not sure	14	11.76%
Poor mix of uses	52	43.70%
Not Answered	22	18.49%

Please give reasons for your answers, and explain how these uses would benefit the community

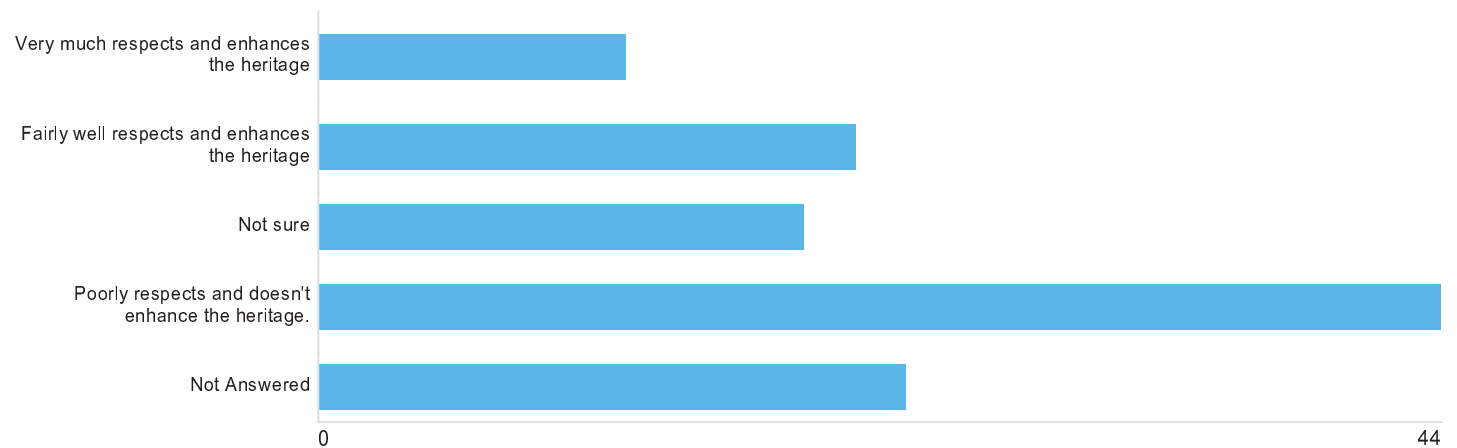
There were **82** responses to this part of the question.

Question 2: Which of the proposed uses do you think you would visit the complex for?
Which would you visit for

There were **87** responses to this part of the question.

Question 3: To what extent do you think these proposals respect and enhance the heritage of the listed building?
respect the heritage - General Projects


Option	Total	Percent
Very much respects and enhances the heritage	23	19.33%
Fairly well respects and enhances the heritage	31	26.05%
Not sure	7	5.88%
Poorly respects and doesn't enhance the heritage.	36	30.25%
Not Answered	22	18.49%

respect the heritage - Castleforge


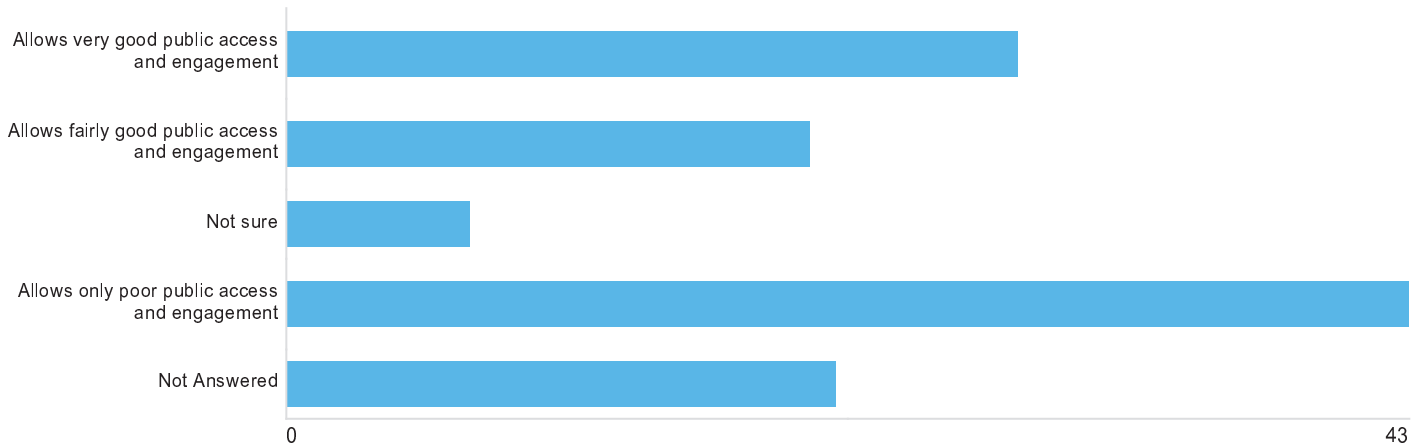
Option	Total	Percent
Very much respects and enhances the heritage	12	10.08%
Fairly well respects and enhances the heritage	21	17.65%
Not sure	19	15.97%
Poorly respects and doesn't enhance the heritage.	44	36.97%
Not Answered	23	19.33%

Please give reasons for your answers

There were 72 responses to this part of the question.

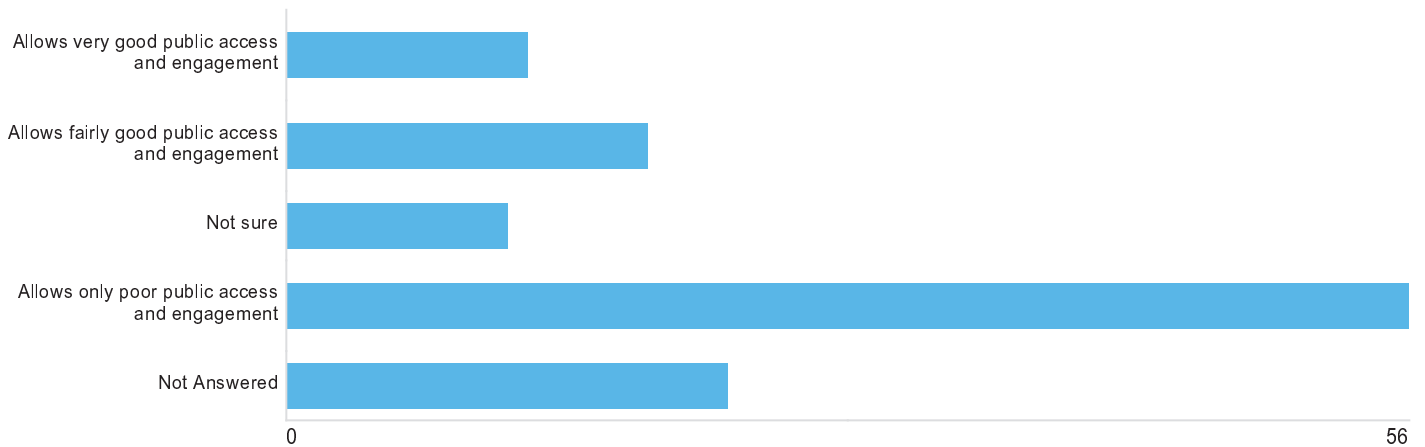
Question 4: To what extent do you think these proposals allow good public access and engagement with the building?

access and engagement - General Projects



Option	Total	Percent
Allows very good public access and engagement	28	23.53%
Allows fairly good public access and engagement	20	16.81%
Not sure	7	5.88%
Allows only poor public access and engagement	43	36.13%
Not Answered	21	17.65%

access and engagement - Castleforge



Option	Total	Percent
Allows very good public access and engagement	12	10.08%
Allows fairly good public access and engagement	18	15.13%
Not sure	11	9.24%
Allows only poor public access and engagement	56	47.06%
Not Answered	22	18.49%

Please give reasons for your answers

There were **66** responses to this part of the question.

Question 5: Please tell us anything else you would like to about these proposals.

anything else

There were **95** responses to this part of the question.

Item No. 16.	Classification: Open	Date: 12 March 2019	Meeting Name: Cabinet
Report title:		585 – 589 Old Kent Road – Acquisition of Site to Deliver New Council Housing	
Ward:		Old Kent Road	
Cabinet Member:		Councillor Victoria Mills, Finance, Performance and Brexit	

FOREWORD – COUNCILLOR VICTORIA MILLS, CABINET MEMBER FOR FINANCE, PERFORMANCE AND BREXIT

Southwark Council has the ambitious target of building 11,000 new council homes by 2043. Whilst our current pipeline of new homes is heavily focused on building on existing council land it will not be possible to meet our promise without the acquisition of more land.

An opportunity has arisen on the Old Kent Road to make a major acquisition for housing that underlines our commitment to our council home programme and to building a strategic land bank for council house delivery.

This is a prominent site so this acquisition also ensures that a future housing scheme is of the highest quality in terms of design, architecture, materials, public realm and build quality.

As well as around 450 new homes, any future development will need to include replacement business space. This could potentially include much needed affordable business space or light industrial units. The revenue from this will provide a vital income stream for the housing revenue account.

RECOMMENDATIONS

That cabinet:

1. Authorises pursuant to s120 of the Local Government Act 1972 and s9 of the Housing Act 1985, that the council acquires the freehold interest in the property shown edged red on the plan at Appendix A.
2. Authorises the principal purchase terms set out in full in paragraph 4 of the closed version of this report and substantially in paragraph 22 of this report.
3. Authorises the acquisition through the housing revenue account (HRA) with the primary focus being the delivery of high quality council housing. Interim income derived from the acquisition will accrue to the HRA.
4. Delegates to the director of regeneration authority to agree the detailed terms of the acquisition.

BACKGROUND INFORMATION

5. 585 – 589 Old Kent Road is shown edged red on the plan at Appendix A to this report. It comprises a 1990's, single storey plus mezzanine, retail warehouse unit with associated surface parking spaces. It has a site area of 5,532m² (1.36 acres). It currently trades as Currys PC World.
6. The property is situated within the Old Kent Road Action Area that aspires to transform the area with substantial new housing, an improved public realm, employment opportunities and enhanced transport infrastructure including an extension to the Bakerloo Underground Line.
7. The opportunity to purchase the property has arisen and the council submitted a bid subject to cabinet approval that has been accepted by the vendor (Legal and General Assurance Society Limited).
8. Southwark's housing strategy to 2043 pledges to use every tool at the council's disposal to increase the supply of all kinds of homes across the borough and to build 11,000 new council homes by 2043.
9. The council plan commits the council to build or start on site an additional 1,000 council homes meaning that by 2022 the council will have built or started on site 2,500 new council homes towards the target of 11,000.
10. The council does not currently have sufficient sites for council housing development to meet its 2043 target and suitable sites are scarce. The site at 585-589 Old Kent Road would provide an opportunity to make a significant contribution to the delivery of new council homes in line with both the housing strategy and the council plan.

KEY ISSUES FOR CONSIDERATION

11. It is proposed that this acquisition is funded through the HRA. It is recognised that a key factor in the council achieving its ambitious target of 11,000 new council homes by 2043 is the availability of land. This is the first major acquisition for housing and demonstrates the council's commitment to the council home programme and the importance of building a strategic land bank for council house delivery.
12. Given the prominence of the site and scale it is imperative that a housing scheme of the highest quality in terms of design, architecture, materials, public realm and build quality is brought forward.
13. The inclusion of the property within the Old Kent Road Opportunity Area means it offers scope to deliver new housing in pursuit of the council plan undertaking. Discussions have taken place with planning officers and these suggest the site may accommodate around 450 new homes. It will also need to provide replacement business space in the order of 1,600m². Cabinet should bear in mind these outputs are indicative and in no way fetter the planning committee's ability to determine any application it receives on its own merits.
14. Further work will be undertaken to establish the quantum and type of business space to be incorporated into the scheme including potential for affordable business space and light industrial.

15. Assuming the property is acquired, a decision can subsequently be taken as to the mix of the new homes that can be delivered. Whilst, an entire council housing scheme may be justified by need, this has to be considered in the light of the ability to fund the provision so a mix of at least 50% council rent with the remaining properties for market sale (to assist funding) may, subject to the design of the new housing, be appropriate. This is in line with adopted council policy for HRA land.
16. The property is to be acquired subject to a lease that expires in June 2022. This means the council cannot obtain possession before then. Bringing new housing schemes forward inevitably takes time in design, planning and commissioning terms so the existence of the lease is not an issue. Indeed it means the property will yield an income and should remain occupied whilst plans for the site are formulated and taken forward ready to build.
17. In the light of the planning status, the property's location and the council's plan undertaking to build more homes it is appropriate that the council seek to acquire the property.
18. Section 120 of the Local Government Act 1972 enables the council to acquire land for any of the council's functions under the Local Government Act or any other enactment, or for the benefit, improvement or development of their area.
19. The acquisition of the property for housing will fulfil the requirements of s120 as the provision of housing is one of the council's functions; in addition the local area will benefit from the new homes and the enhanced environment around the homes and from the construction jobs created through its development.
20. Section 9 of the Housing Act 1985 provides that a local housing authority may provide housing accommodation by erecting houses or by converting buildings into houses or by acquiring houses. The Housing Act therefore gives the council power to build houses itself on land acquired for that purpose.
21. Principal terms for the purchase of the property have been accepted by the vendor and the council and these are set out in the next paragraph. Inevitably when the contract for the purchase is negotiated there will be items of detail that will also require agreement and it is recommended that the director of regeneration be delegated authority to agree such matters.

Principal Purchase Terms

22.
 - a) The council pays the consideration set out in the closed version of this report
 - b) On exchange of contracts the council pays a deposit of set out in the closed version of this report
 - c) Contracts to be exchanged after the cabinet has approved the purchase subject to the period for call in.
 - d) On completion, the property to be subject to the lease referred to in paragraph 13.

- e) The transfer to be subject to a five year claw back provision in the event of the property of part of it being sold on within five years on the basis of 50% of the net profit arising from the acquisition and subsequent sale.
- f) The parties to meet their own costs of the transfer.

Commentary on Principal Purchase Terms

23. a)-b) Refer to closed version of report.
- c) This is a challenging timescale required by the vendor.
 - d) See paragraph 11.
 - e) This is a term to deter prospective purchasers from 'flipping' the property. In the light of the lease and the Council's purchase motive this provision is extremely unlikely to bite.
 - f) A standard provision.

Rationale for Recommendations

24. a) To assist in providing new homes for person's on the housing waiting list.
- b) To further a commitment within the new council plan.
 - c) To enhance the council's asset base.

Community impact statement

25. The new council plan was the subject of extensive community consultation. The recommendations herein further the delivery of the *A Place to Belong* commitment set out in the plan.
26. The Equality Act 2010 requires the council in the exercise of its functions to have due regard to the need to:
- a) eliminate discrimination;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
27. Relevant protected characteristics for the purposes of the Equality Act are:
- Age
 - Civil partnership
 - Disability

- Gender reassignment
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Sex and sexual orientation.
28. In considering the recommendations herein the cabinet must have due regard to the possible effects them on any groups sharing a protected characteristic in order to discharge its public sector equality duty. This is an ongoing obligation.
29. If the recommendations set out are approved, the council will purchase a retail building that will ultimately be demolished and new homes including ones to be let at council rent levels erected in its place. The new homes will greatly improve the quality of life of its residents some of which may have protected characteristics. When the time comes to terminate the lease of the retail unit to enable the housing scheme to proceed, it will be necessary for regard to had to any possible effects on groups with a protected characteristic arising from the action.

Financial implications

30. The acquisition of the property will incur substantial capital expenditure and this is considered in detail in the closed version of the report.
31. As set out in paragraph 13 the property will generate an income between acquisition and termination of the lease that exists. This income will more than cover the council's holding costs for the property and the excess will be available to the housing revenue account.
32. Submitting the bid for the property and processing the legal documentation necessary to complete the purchase, has and will incur revenue costs but these will be met from existing budgets.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Housing and Modernisation

33. The site provides the opportunity to provide much needed new council housing as part of the programme to deliver 11,000 new council homes by 2043 and 2,500 by 2022. Once purchased, an options appraisal with be carried out to identify the most appropriate delivery route and redevelopment option.

Director of Law and Democracy

34. As set out in this report the property will be acquired pursuant to s120 of the Local Government Act 1972 which gives the council power to acquire land by agreement for the purposes of (a) any of the council's functions under the Local Government Act or (b) the benefit, improvement or development of the area. The report sets out at paragraph 16 how these requirements are met.

35. Section 9 of the Housing Act 1985 states that a local housing authority may provide housing accommodation by erecting houses or converting buildings into houses on land acquired by them for the purposes of the Housing Act.
36. Section 120(2) of the Local Government Act 1972 further provides that where land is acquired for a purpose and it is not immediately required for that purpose, it may be used for the purpose of any of the council's functions until it is required for the purpose for which it was acquired. This provision would authorise an "investment" use as envisaged by this report.
37. Taken together these provisions give the council adequate legal powers to acquire the property for housing and to use it for investment purposes in the interim period prior to construction of housing.

Strategic Director of Finance and Governance

38. Set out in closed version of the report.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council Plan 2018/9 – 2021/22	160 Tooley Street London SE1 2QH	Paula Thornton 020 7525 4395
Link (please copy and paste into your browser): http://moderngov.southwark.gov.uk/documents/s78763/Report%20Council%20Plan.pdf		

APPENDICES

Appendix	Title
Appendix A	Plan of 585 – 589 Old Kent Road

AUDIT TRAIL

Cabinet Member	Councillor Victoria Mills, Finance, Performance and Brexit	
Lead Officer	Kevin Fenton, Strategic Director Place and Wellbeing	
Report Author	Marcus Mayne, Principal Regeneration South	
Version	Final	
Dated	28 February 2019	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES/CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Housing and Modernisation	Yes	Yes
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	In closed version
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	28 February 2019	

APPENDIX A: 585 - 589 Old Kent Road



Item No. 17.	Classification: Open	Date: 12 March 2019	Meeting Name: Cabinet
Report title:		Land adjoining the Hollington Club at 56-60 Comber Grove SE5	
Ward(s) or groups affected:		Camberwell Green	
Cabinet Member:		Councillor Victoria Mills, Finance, Performance and Brexit	

FOREWORD - COUNCILLOR VICTORIA MILLS - CABINET MEMBER FOR FINANCE, PERFORMANCE AND BREXIT

The Hollington Club began as a club for fatherless boys in Camberwell around 120 years ago. Since then it has been a valuable community asset and has been located at 56-60 Comber Grove since the 1950s. Unfortunately the club is currently closed due to a reduction in donations as well as a poor return on its financial investments.

The Council is keen to support good quality youth provision and to help the Hollington Club re-open and become a financially sustainable organisation fit for the next 120 years. We are therefore supportive of their proposal to work with a development partner to enable the re-provision of new, better community and sports facilities alongside 45 residential units of which 35 percent will be required to be affordable (with 70 percent of affordable units at social rent).

By amalgamating a small piece of council-owned land which adjoins the Hollington Club, with the land already owned by the Club, a better and more efficient mixed-use development is possible. This will enable more space for the youth, sports and arts facilities as well as much needed housing.

The Hollington Club and its development partner will have to meet all our robust planning requirements to provide the very best quality development. The freehold of the council land will not be transferred until planning permission is granted with legal agreement to deliver 35 percent affordable housing across the whole development. A covenant will be placed on the council land to bind successors in title to the affordable housing requirement.

The money generated from the sale of the council land will provide a vital source of income for the council's Housing Revenue Account and fund our own ambitious council house building programme.

RECOMMENDATIONS

1. That Cabinet confirms that the land shown edged in black on the OS plan at Appendix 1 that is currently held for housing purposes is no longer required for those purposes and approves the appropriation of the land to planning purposes following the grant of planning permission to facilitate the carrying out of the development proposals in accordance with section 226 of the Town and Country Planning Act 1990 and sections 122(1) and 122 (2A) of the Local Government Act 1972.

2. That Cabinet approves the sale of the land amounting to approximately 200 sq. m shown edged in black on the OS plan at Appendix 1 to the adjoining owner of 56-60 Comber Grove SE5 and notes the capital receipt that will be generated by it.
3. That Cabinet confirms that following completion of appropriation of the land described at paragraph 1, the land shown edged in black at Appendix 1 can be sold freehold to facilitate the carrying out of development proposals for the area in accordance with section 233 of the Town and Country Planning Act 1990.
4. That Cabinet authorises the director of regeneration to negotiate and agree terms for a successful sale of the land shown edged in black on the OS plan at Appendix 1 with the adjoining land owner of 56-60 Comber Grove SE5 and its development partner.
5. That Cabinet note that formal, extensive consultation has been undertaken by the adjoining land owner of 56-60 Comber Grove SE5 and its development partner with key stakeholders, including residents and in consultation with ward members throughout the design development and further note resident engagement carried out by the council to comply with its statutory requirements under section 105 of the Housing Act 1985.

BACKGROUND INFORMATION

6. The land shown at Appendix 1 is owned freehold by the council and forms part of the Comber Grove and Wyndham Road Estate. The surrounding area is residential in nature with a mixture of architectural styles. The council is the predominate land owner.
7. On 28 November 2018, Council Assembly approved the Council Plan. This document builds on the Fairer Future promises approved by Council Assembly on 25 February 2015. One such commitment is to deliver good quality affordable homes to meet the needs of residents in the Borough. Within this commitment there is a policy to raise housing standards and build more quality homes. As part of the council's commitment to deliver more good quality homes, this development will provide 35% affordable housing in accordance with the Affordable Housing Policy defined in the Saved Southwark Plan Policies (2007) or New Southwark Plan (2019) and deliver a capital receipt to be re-invested into existing or new housing stock.
8. The proposed development will also help the council build on other key commitments in the Council Plan by helping reduce health inequality and create a healthier life for residents, increase employment opportunities – both during the construction lifecycle and operation of the proposed, new sports facility - and improve youth club provision in this part of the Borough.
9. The adjoining land owner and its development partner have extensively engaged with residents but there will be another opportunity for residents to influence the design development through further resident engagement. It is expected a planning application is submitted in springtime 2019 by the adjoining owner and its development partner.
10. The adjoining owner and its development partner have engaged in three pre-application meetings with the Local Planning Authority at the date of this

report. A further pre-application meeting is anticipated but it is expected the proposed development will provide a mixed-use scheme with potential for 5 to 7 floors to include the following accommodation:

- A multi-use sports hall and changing rooms
- A boxing gym
- Club room/ Café multi-functional space
- A domestic kitchen
- Meeting rooms
- Art room/ offices
- 73 secure cycle storage spaces
- 45 residential units (35% affordable accommodation by habitable rooms).

KEY ISSUES FOR CONSIDERATION

11. The amalgamation of the council's land with the adjoining Hollington Club (now closed) at 56-60 Comber Grove, London SE5 will enable the re-provision of new, better community and sports facilities to help reduce health inequality for residents and thereby improve youth club provision in the locality, promote better community cohesion, and provide good quality affordable homes in accordance with the Affordable Housing Policy defined in the Saved Southwark Plan Policies (2007) or New Southwark Plan (2019).
12. Initial negotiations have taken place between the adjoining land owner and its development partner and the council regarding the sale of the land described in paragraph 1. The council is satisfied that it has obtained best consideration that can reasonably be obtained with the terms agreed with the adjoining owner.
13. If the developer who will submit a planning application on behalf of the adjoining land owner were to achieve a higher density in planning terms than expected, a planning overage has been agreed so that if a higher density is achieved than the current quantum of private residential units indicated by pre-planning discussions with the Local Planning Authority, then the uplift in value is shared between the parties.
14. A disposition overage has also been agreed so that if a disposition of the private residential development by the developer takes place first within 5 - years of the overage period, the council will also share in a percentage of the sale proceeds.
15. The adjoining land owner has advised the council that due to a reduction in private donations and financial assistance from third party donors necessary to help run its Club as well as a poor return on its financial investments, the Hollington Club is now closed indefinitely. The Hollington Club has proved a valuable community asset with a presence in the Borough setting up a club for the benefit of fatherless boys in Camberwell around 120 years ago. It has maintained a presence at 56-60 Comber Grove since the 1950s.
16. To ensure it maintains a long-term future in the Borough, the Trustees of the Hollington Club considered it necessary to investigate partnering with the private sector to build a facility that proves sustainable rather than pursue a refurbishment and up-grade of its existing facilities.

17. The developer has entered into a contractual arrangement with the adjoining land owner whereby the developer pays the adjoining land owner an upfront capital sum for its land. The adjoining land owner will in turn pay a financial sum to the council for its land out of its land receipt.
18. The developer will build out the whole development in accordance with its planning consent and retain the private housing to be sold at market value for its profit. The risk in selling the private housing will therefore be transferred to the developer but it will help cross-subsidise the building of the new community and sports facility and affordable housing. The affordable housing will be sold on a long-term lease by the developer to a registered housing provider. The community and sports facilities will be built out by the developer and transferred to the adjoining land owner to retain and manage.
19. The land value received by the adjoining land owner will be re-invested towards fit out and operational costs for the new community and sports facility. A management company will be set up to collect the revenues from the ground rent of the private and intermediate sales, manage and administer service charge of communal areas. The revenues from the ground rents will be re-invested into the running of the new facilities as well.
20. The requirement for the delivery of 35% affordable homes is a requirement of planning policy however the developer can often make a viability case that this figure is not justifiable. To ensure compliance with council planning policy, the council will require the buyer in a conditional contract to provide 35% affordable housing. The mix of affordable units will be required to be planning policy compliant. As proposed, the development will be required to deliver 70% of the affordable units as social rented and 30% as intermediate as defined by the Saved Southwark Plan Policies (2007) or new Southwark Plan (2019).
21. The freehold of the council land will not be transferred to the adjoining land owner until a planning permission is granted with legal agreement to deliver 35% affordable housing across the whole development and appropriation has taken place. A covenant will be placed on the council land to bind successors in title to the affordable housing requirement to the benefit of the retained surrounding council-owned land.
22. A preliminary assessment carried out by the developer has identified that there will be a marginal impact on loss of sunlight and daylight to some adjoining properties as a result of the proposed development. The developer is finalising the detail for the design of the proposed development and will submit as part of a planning application a detailed assessment for day light and sunlight in full compliance of British Research Establishment Guidelines.
23. The assessment will calculate if there is an infringement of daylight enjoyed by nearby residents. This will not be a degree to have caused refusal of the proposed development because affected persons may apply to court for an injunction to stop it proceeding. An application for an injunction will cause delay and uncertainty and may frustrate the development. The risk and costs of an injunction would be borne by the adjoining land owner or developer.
24. The council land might be used by some residents in the locality as an area of recreation. The risk therefore is that one or more residents may have acquired a prescriptive right of way or easement over the land.

25. There are also a number of residents who purchased their council properties under right to buy legislation on the surrounding estate and have acquired a general right or reservation across the council land under the terms of their lease. In general terms, a prescriptive right or easement is acquired where a person gains use or ownership rights over the land by way of a period of use. Such rights are not necessarily required to be registered at the Land Registry so may only emerge when interfered with. This presents a potential risk to the proposed development as the beneficiary of such a right may seek to enforce it by applying to the court for an injunction to halt the development that is interfering with the right. The appropriation for planning purposes will enable any third party rights - whether acquired by prescription or acquired under a right to buy lease - to be overridden as more particularly described below in paragraph 26.

Appropriation

26. The appropriation of land refers to the process whereby a council alters the purpose for which it holds land. Where land has been appropriated for planning purposes, third party rights including rights of light and prescriptive rights of way enjoyed over the land can be overridden. The beneficiaries of such rights may however claim compensation equal to the loss in value of their property caused by losing the right but cannot seek an injunction to delay or halt the development. This will give a council certainty that a developer having commenced construction on its land, a person with the benefit of an unregistered right over land (such as a right to light or prescriptive right of way) cannot apply to the court to halt the development. This is a very important tool in enabling development to proceed on urban land. As mentioned, the beneficiary of any such right is entitled to financial consideration for the loss of the right. The developer could insure against such compensation claims but this could prove costly or accept the risk of an injunction that may be fatal to development or result in significant unquantifiable costs in compensation.
27. As mentioned, a person affected by the loss of sun or daylight may be entitled to compensation based on the value of their properties before the right has been infringed versus the value of their property with the infringed right. This compensation is based on diminution in value of the property of the affected property. If an agreement by negotiation is not possible a reference is made to the Upper Tribunal (Land Chamber).
28. In this case it is recommended that the council land is appropriated from housing purposes to planning purposes so that third party rights infringed by development cannot be enforced by injunction and it will allow construction to proceed.
29. The contract with the adjoining owner will need to contain a provision that if the land is appropriated that the buyer will fully indemnify the council against the costs of processing and meeting any compensation claims received.
30. The case for reasoning of the appropriation of the land shown in Appendix 1 is set out in Appendix 2 and Cabinet is recommended to approve appropriated proposed
31. The land shown edged in black on the OS plan at Appendix 1 is classified as non-statutory open space and before the council can appropriate the land its intention to do so must be advertised by way of a public notice for two

consecutive weeks in a local newspaper and it must consider any objections made as a result of the intention to appropriate. Public notices advertising the council's intention to appropriate the land edged in black on the OS plan at Appendix 1 appeared on 22 and 29 November 2018 editions of the Southwark News

32. The deadline for receipt of representations was set for 4:00pm on 20 December 2018.
33. The council did receive a single request for a copy of the OS plan showing the council land to be appropriated for planning purposes but no representations were received before the deadline and that remained the case on the 28 February 2019.
34. Note if any representations are received, these will be reported verbally to Cabinet on 12 March 2019.

Surplus declaration as to operational requirements

35. The land shown edged in black on the OS plan at Appendix 1 subject to appropriation has now been declared surplus to operational requirements by the Housing Regeneration Manager and Director of Regeneration for the council on 6 February 2019.

Rationale for recommendations

36.
 - a. To mitigate against the development being frustrated or delayed by injunctions
 - b. To de-risk the development so as to encourage the optimum density and delivery of affordable homes
 - c. Appropriate the council land for planning purposes
 - d. Building on key commitments in the Council Plan 2018-22.

Community impact statement

37. The Council Plan was the subject of extensive community consultation as was the Fairer Future Promises that gave rise to building more quality affordable homes and creating a healthier borough to live in. The recommendations contained herein will enable the construction of 45 new homes (as defined by the Saved Southwark Plan Policies (2007) or emerging Southwark Plan 2019) and Residential Design Guidelines (SPD), new, better sports and community facilities which will help improve resident's quality of life, increase youth club provision in the locality and more employment opportunities through the construction programme and running of the new Hollington Club.
38. To promote community inclusion and encourage resident participation in the design detail for the proposed development, a series of events were held which began in early 2017 led by the developer and the adjoining land owner, supported by ward councillors and the architect for the adjoining land owner involving members of the Wyndham and Comber Tenants & Residents Association (T&RA) and Wyndham and Redcar Steering Groups.

39. An event held by the council's housing department was organised in January 2019 with the Wyndham and Comber T&RA to consult specifically on the sale of the council land. To comply with Section 105 of the Housing Act 1985, the council has a legal obligation to consult its secure tenants on matters of housing management such as changes to the management, maintenance, improvement or demolition of houses let by them, or changes in the provision of amenities. In this case there will be a change in provision of non-statutory open space used by residents on the Wyndham and Comber Estate which affects its secure tenants.
40. At the event in January 2019, it was made clear to residents that the proposed development would involve the sale of council-owned land delineated on a display board showing the design, and that it would no longer be able to be used as open or amenity space by residents of the Estate.
41. The response from residents proved uncontroversial with no substantive concerns or objections to the sale of council land but a few points of concern raised by residents were noted below.

Responses	Mitigation
Some residents sit on the perimeter wall of the amenity land in the summer months	The loss of non statutory open space will be mitigated through re-provision of a new, better community and sports facility
A resident mentioned disruption during construction of the new Hollington Club	Construction methods will be addressed as part of planning process
Availability of affordable housing for key workers and local people	The council has developed a allocation policy and affordability criteria for key workers which is a key determinant of planning policy
Quantum and proposed mix of affordable housing	35% affordable: 70% affordable units socially rented and 30% as intermediate as defined by the Saved Southwark Plan Policies (2007) or New Southwark Plan (2019)
Loss of sun lighting and daylighting due to height of proposed development	The developer is finalising a review of the design development which would include a detailed assessment of loss of sunlight or daylight on each surrounding property for the planning application but a preliminary assessment of loss of sunlight or daylight has identified that the proposed development has a marginal impact on the adjacent properties; the developer will visit residents concerned about a compromised or loss of sunlight or daylighting for a 1-2-1 meeting if deemed necessary
Financial sustainability of Hollington Club (staffing costs, affordability of using the new facility for residents)	Costs of using new facility will be affordable to residents with different types of pricing structures available to residents dependent on individual circumstances; residents assured that revenues from sale of the Hollington Club will be re-invested into the running of the new club but that funding sources are to be explored further to ensure its sustainability; the developer takes risk of selling private housing from sale of former Hollington Club, not the owner of the Hollington Club who will receive a consideration for its land from its developer

Responses	Mitigation
	partner to be re-invested in the new club.
Design issues (scale and massing)	Residents will be given a opportunity to consult with the developer further on its design and a further pre-application meeting with the Local Planning Authority is planned ahead of submission of a planning application to be determined by robust planning requirements.

42. As mentioned, the developer has agreed with residents who attended the consultation in January 2019 to hold a further consultation event to be held prior to the submission of a planning application in spring 2019 where the developer can explain the design details again and residents can comment further on the design development.
43. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 is a positive duty to promote equality in all areas relevant to equality. It is a duty on public authorities to have, in the exercise of their functions, due regard to three “needs” which are central to the aims of the Act:
- a) The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
 - b) The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
 - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
 - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
 - Ensure that steps are undertaken to take into account the different needs of disabled people where different to the needs of non-disabled people.
 - c) The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
44. The protected characteristics are set out below:
- Race
 - Age
 - Gender reassignment
 - Pregnancy and maternity
 - Disability
 - Sexual orientation
 - Religion or belief
 - Sex
 - Marriage and civil partnership.

45. In carrying out the redevelopment of the council land, the council must have regard to the potential impacts of redevelopment on any group of persons sharing a protected characteristic in order to discharge its public sector equality duty.
46. Based on the available information to date the council does not believe that there are any particular groups sharing a protected characteristic that will be adversely affected or disadvantaged by the proposals. As mentioned, the sale of the council land will enable re-provision of new, better community and sports facilities to promote better social inclusion and greater participation in using these new facilities and thereby reduce health inequalities and improve youth club provision in the locality. The impact of the loss of non-statutory open space on the Estate will therefore be mitigated by re-provision of new, better community and sports facilities in keeping with a key council commitment set out in the Council Plan 2018-22.

Financial implications

47. Please see closed report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

48. The report recommends the appropriation of council-owned land currently held for housing purposes to planning purposes.
49. A council holds land and property for a variety of statutory purposes in order to perform its functions. A council is authorised by virtue of section 122 of the Local Government Act 1972 ("the 1972 Act") to appropriate land within its ownership for any purpose for which it is authorised to acquire land by agreement, where is no longer required for the purpose for which it is held immediately before the appropriation.
50. The land must already belong to the council. Paragraph 6 of the report confirms that the land to be appropriated is in the council's freehold ownership.
51. The land must be no longer required for the purpose for which it is currently held. The report confirms at paragraph 1 of Appendix 2 that the land is no longer required for housing purposes.
52. The purpose for which the council is appropriating the land must be authorised by statute. It is proposed that the land is held for planning purposes. This is a purpose which is authorised by statute. Section 246 of the Town and Country Planning Act 1990 ("TCPA 1990") defines such purposes as, inter alia, those for which can be acquired under ss226 or 227 of that Act. Section 227 provides that a council may acquire land by agreement for any purposes for which it is authorised to acquire land compulsorily by s226 TCPA 1990.
53. The purposes for which a council can acquire land pursuant to ss226 TCPA 1990 include purposes "which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated". S226 also authorises the acquisition of land "... if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land". In the case of either s226 or s227 the acquiring authority

must be satisfied that whatever development proposals it has for the land in question these are likely to “contribute to the achievement of any one or more of the following objects – (a) the promotion or improvement of the economic well-being of their area; (b) the promotion or improvement of the social well-being of their area; (c) the promotion or improvement of the environmental well-being of their area”.

54. The report sets out at paragraph 3 of Appendix 2 that the proposal will facilitate the development, redevelopment or improvement or on in relation to the land.
55. Section 203 of the Housing and Planning Act 2016 came into force on 13 July 2016. This section contains a power to override easements and other rights, and it replaces s237 T CPA.

S203 says:

- “(1) A person may carry out building or maintenance work to which this subsection applies even if it involves:
- (a) Interfering with a relevant right or interest
 - (2) Subsection (1) applies to building or maintenance work where:
 - (a) There is planning consent for the building or maintenance work;
 - (b) The work is carried out on land that has at any time on or after the day on which this section comes into force:
 - (i) become vested in or acquired by a specified authority; or
 - (ii) been appropriated by a local authority for planning purposes as defined by section 246(1) of the Town and Country Planning Act 1990 [i.e. for purposes for which an authority can acquire land under ss226 and 227]
 - (c) the authority could acquire the land compulsorily for the purposes of the building or maintenance work; and
 - (d) the building or maintenance work is for purposes related to the purposes for which the land was vested, acquired or appropriated as mentioned in paragraph (b)”.

56. What this means is that where land has been appropriated for planning purposes building work may be carried out on land even if this interferes with rights or interests if there is planning consent for the building work; and the work must be for purposes related to the purposes for which the land was appropriated, in this case planning purposes. By s204 those third party rights are converted to an entitlement to compensation to be calculated in accordance with ss7 and 10 of the Compulsory Purchase Act 1965.
57. This report confirms at paragraph 21 that planning permission will be obtained for the works proposed to be done on the site and that works will be done in accordance with planning permission. Once the land has been appropriated and s203 triggered, that work will be authorised even where it interferes with

third party rights.

58. The liability to pay compensation is enforceable against the authority pursuant to s.204 of the Housing and Planning Act 2016. Accordingly an indemnity will need to be obtained from the buyer in respect of this.
59. Section 122(2A) of the 1972 Act provides that where land to be appropriated pursuant to section 122(1) forms part of an open space, a council must advertise their intention to appropriate the land in a local newspaper for two weeks and consider any objections to the proposed appropriation. The report confirms that notices were published in Southwark News on 22 and 29 November 2018 and no representations were received.
60. Section 233 of the Town and Country Planning Act 1990 states that where any land has been acquired or appropriated by local authority for planning purposes and is for the time being held for the purposes for which it was so acquired/appropriated the authority may dispose of the land to such person in such manner and subject to such conditions as appear to them to be expedient in order to:
 - (a) secure the best use of that or other land and any buildings or works which have, or are to be, erected, constructed or carried out on it (whether by themselves or by any other person); or
 - (b) secure the erection, construction or carrying out of it on any buildings or works appearing to them to be needed for the proper planning of the area of the authority.
61. The consent of the Secretary of State is also required where the disposal is to be for a consideration less than the best and reasonably be obtained, except for:
 - (a) the grant of a term of seven years or less; or
 - (b) the assignment of a term of years of which seven years or less are unexpired at the date of the assignment.
62. The report consents in paragraph 12 that the council is satisfied that it has obtained the best consideration that can reasonably be obtained with the terms agreed with the adjoining owner.

Strategic Director of Finance and Governance (FC18/038)

63. This report is requesting cabinet to approve the appropriation of the land shown edged in black in Appendix 1, which is no longer required for housing purposes for planning purposes to facilitate the development proposals as detailed in the report. The report is also requesting cabinet to approve the sale of this land to the adjoining landowner. Full details of the recommendations are contained in paragraphs 1-4.
64. The strategic director of finance and governance notes that the above land has been declared surplus to requirements by the Housing and Modernisation department. It is also noted that this development proposal will provide 35% affordable housing in accordance with the housing policy and will also enable the re-provision of better community and sport facilities for local residents.

65. The strategic director of finance and governance also notes that the transfer of the freehold land to the adjoining landowner is subject to the planning permission being granted with a legal agreement to deliver 35% affordable housing across the development and a covenant will be placed on the council land to bind any successive owners to this affordable housing requirement. It is noted that the council is satisfied that it has obtained best consideration with the financial terms agreed on this proposal.
66. Full details of the financial implications are contained within the closed version of this report but it is noted that the proposed land appropriation between the housing revenue account and the general fund is proposed to occur in such a way that it will have a neutral financial impact.
67. Staffing and any other costs relating to this report to be contained within existing departmental revenue budgets.



Background Papers	Held At	Contact
Council Assembly report of 25 February 2015 adopting the council plan	Southwark Website	Paula Thornton 020 7525 4395
Link : http://moderngov.southwark.gov.uk/mgConvert2PDF.aspx?ID=75950&ISATT=1#search=%22council%20plan%22d		

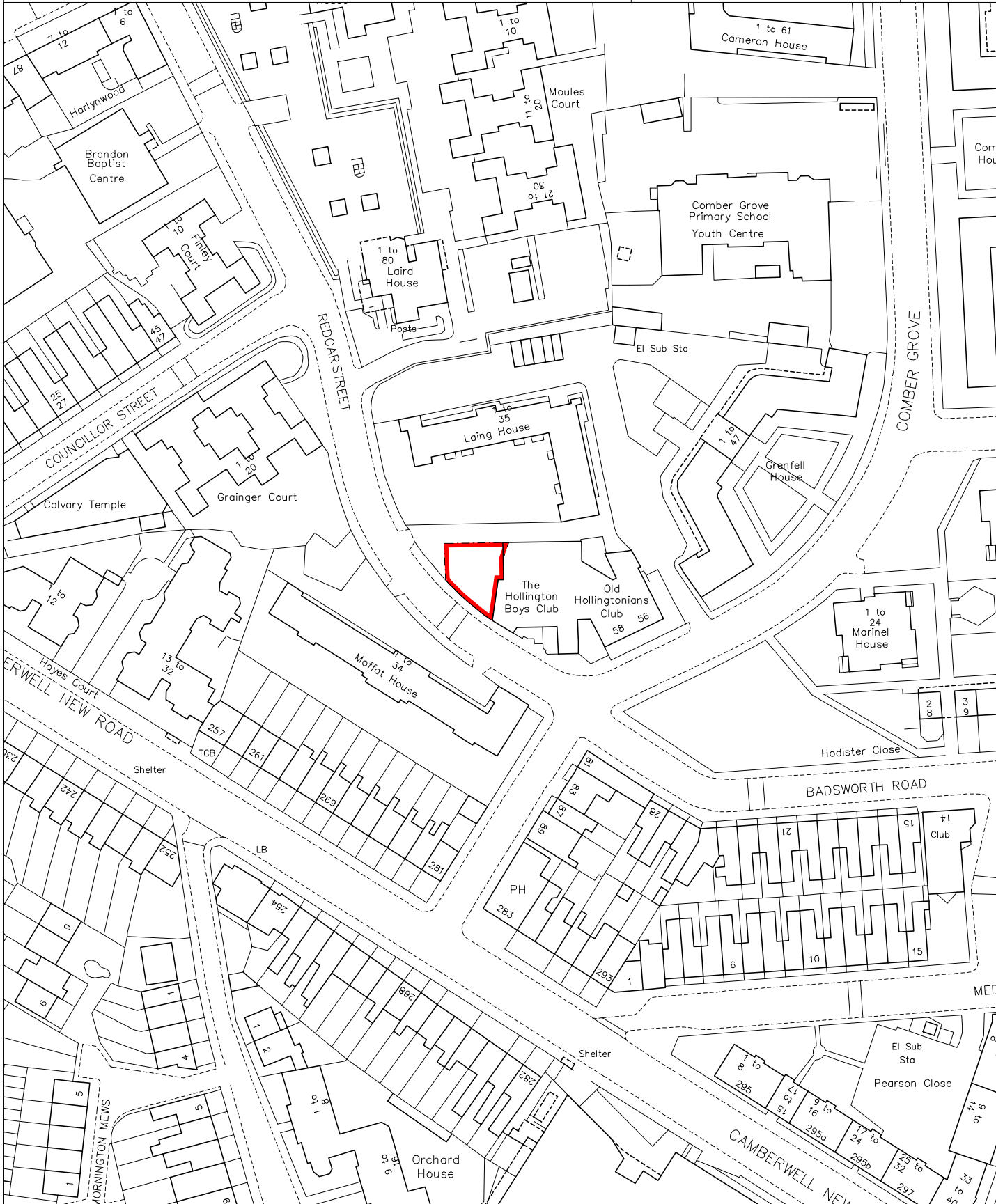
APPENDICES

No	Title
Appendix 1	OS plan showing the council-owned land edged in black
Appendix 2	Appropriation of the land shown edged in black at Appendix 1 for purposes set out in s226 of the Town and Country Planning Act 1990 and the rationale for appropriation

AUDIT TRAIL

Cabinet Member	Councillor Victoria Mills, Member for Finance, Performance and Brexit	
Lead Officer	Kevin Fenton, Strategic Director of Place and Wellbeing	
Report Author	Marcus Mayne, Principal Surveyor	
Version	Final	
Dated	12 March 2018	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		1 March 2019

	TITLE. Land adjacent to Hollington Club, at 56 to 60 Comber Grove, SE5.		
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APPENDIX 2

Appropriation of the land shown edged in black at Appendix 1 for purposes set out in s226 of the Town and Country Planning Act 1990

Background to appropriation

1. Under section 122 (1) of the Local Government Act 1972 the council may appropriate land for any purposes for which it is authorised to acquire land when the land is no longer required for the purposes for which it is held.
2. Under section 226 (1) (a) and 227 of the Town and Country Planning Act 1990, the Council may acquire land if they think the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land. This would include development of a nature proposed for the council land. The power in section 226 (1) (a) is subject to subsection (1a) of section 226. This requires that the acquiring authority must not exercise the power unless it considers the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of economic, social and environmental and well-being of the area for which the acquiring authority has administrative responsibility.
3. There are clear economic, social and environmental benefits associated with the proposed development set out below:
 - New quality housing
 - New better community and sports facilities
 - Revenues generated from the sale of the adjoining owner's land to be re-invested into the running of the new facilities
 - Better educational attainment
 - Employment opportunities generated from running the new Hollington Club and from the construction of the development
 - Secure cycle parking to encourage a healthier mode of transport to and from the new facility
 - Better social inclusion and wider community participation.
4. The council may appropriate land for the purposes of the development that it already owns if that land is no longer required for its current purposes for the reasons set out below and it is not needed in the public interest for those purposes. The land can therefore be appropriated for planning purposes from its current use to facilitate the proposed development.
5. Where land has been appropriated for planning purposes, section 203 of the Housing and Planning Act 2016 applies such that the erection, construction or carrying out or maintenance of any building or work on the land (by the council or person deriving title from the council) is authorised if it is done in accordance with planning permission, notwithstanding that it interferes with particular private rights such as restrictive covenants or easements.
6. The effect of triggering section 203 is that private rights are effectively overridden and converted into a compensatable claim pursuant to s204. The level of compensation for interference with a right or breach or

restrictive covenant is assessed on the basis of the loss in value of the claimant's land as a consequence of the interference or breach of covenant.

7. The principle behind the use of a power such as section 203 is that a claimant cannot secure an injunction to frustrate the development from happening and their remedy translates into a claim for compensation.
8. In carrying out its due diligence, the council will make enquiries as to what rights might subsist over the land, which would include a physical inspection to see if there are any obvious rights and from researching title information at the Land Registry. This is because some rights may not be apparent from inspection and historic ones may not always be recorded at the Land Registry. The application of s203 to override third party rights therefore mitigates the risk.
9. 9. The right to claim compensation for the depreciation in value caused by the loss of a right is enforced against the owner of the land which in the case is the council.

Rationale for appropriating the council land for planning purposes

10. The council land is under-utilised and the requirement for new housing at affordable rent levels and new, better community and sports facilities would exceed the existing use of the land. In pursuance of the key commitments adopted in the Council Plan and the need to specifically address a need for new quality housing and better sports and community facilities in the area for residents, the council land has been identified to be redeveloped to accommodate such uses.
11. A planning application is yet to be submitted to the Local Planning Authority but one is expected to be submitted by the developer on behalf of the adjoining land owner for the proposed development sometime in spring 2019 following another round of community engagement with local residents.
12. Although it is extremely unlikely that there will be a significant impact on loss of rights to sun or day light from part of the development that occupies the council land to nearby residents from the consented development, appropriation will eliminate the risk of one or more of them applying to court for an injunction.
13. If an injunction is granted, the development will not proceed. The risk of an application for an injunction is such that it may result in a substantial risk contingency for the developer which might undermine construction costs.
14. In these circumstances, it is appropriate to utilise the powers of section 203 of the Housing and Planning Act 2016 to overcome this risk and enable the development to proceed
15. As mentioned, the council land is now required to be held for planning purposes to facilitate the proposed redevelopment associated with the grant of a planning consent. When council land has been appropriated for section 203 purposes it will continue to benefit from its over-riding provisions even if the land is no longer held for planning purposes.

16. The council land shown edged in black on the OS plan at Appendix 1 is therefore no longer required to be held for housing purposes. It is required to be held for planning purposes to facilitate the redevelopment proposals associated with the planning permission.

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