

Cabinet

Tuesday 2 February 2021
11.00 am

Online/Virtual: This meeting will be livestreamed on Southwark Council's YouTube channel here: <https://www.youtube.com/user/southwarkcouncil>

Membership

Councillor Kieron Williams
Councillor Jasmine Ali

Councillor Evelyn Akoto
Councillor Stephanie Cryan
Councillor Helen Dennis
Councillor Alice Macdonald
Councillor Leo Pollak
Councillor Rebecca Lury
Councillor Catherine Rose
Councillor Johnson Situ

Portfolio

Leader of the Council
Deputy Leader and Cabinet Member for
Children, Young People and Schools
Public Health and Community Safety
Jobs, Culture and Skills
Social Support and Homelessness
Communities and Equalities
Housing
Finance and Resources
Leisure, Environment and Roads
Climate Emergency, Planning and
Transport

INFORMATION FOR MEMBERS OF THE PUBLIC

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Contact

Paula.thornton@southwark.gov.uk or virginia.wynn-jones@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Councillor Kieron Williams

Leader of the Council

Date: 25 January 2021



Cabinet

Tuesday 2 February 2021
11.00 am

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Order of Business

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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

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 public questions is midnight Wednesday 27 January 2021.	
6.	MINUTES	1 - 17
	To approve as a correct record the minutes of the open section of the meeting held on 19 January 2021.	
7.	DEPUTATION REQUESTS	
	To consider any deputation requests. The deadline for the receipt of a deputation request is midnight Wednesday 27 January 2021.	
8.	PETITION: END THE 24/7 CLOSURES AROUND DULWICH VILLAGE JUNCTION AND MELBOURNE GROVE AND IMPLEMENT AN AREA-WIDE, CAMERA-CONTROLLED PERMIT SCHEME THAT ALLOWS FAIR AND REASONABLE ACCESS	18 - 23
	To consider a petition from local residents in respect of road closures in Dulwich.	
9.	LEDBURY ESTATE TOWERS - LEDBURY TOWERS RESIDENTS' BALLOT	24 - 58
	To agree to proceed to a resident ballot for the final option.	
10.	POLICY AND RESOURCES STRATEGY 2021-22	To follow
	To consider recommendations relating to the policy and resources strategy 2021-22.	
11.	POLICY AND RESOURCES STRATEGY: CAPITAL MONITORING REPORT, INCLUDING CAPITAL PROGRAMME UPDATE 2020-21 (MONTH 8)	To follow
	To approve the virements and variations to the general fund and housing investment programme and the inclusion in the programme of new capital bids.	
	To also agree and note issues relating to the month 8 capital monitoring programme.	

Item No.	Title	Page No.
12.	AYLESBURY REGENERATION PROGRAMME: DELIVERY OF NEW COUNCIL HOMES ON THE FIRST DEVELOPMENT SITE	To follow
	To approve the detailed delivery arrangements with Notting Hill Genesis for the delivery of council homes at the First Development Site (Phase 1b/1c) of the Aylesbury Estate.	
13.	EMPTY HOMES ACTION PLAN	59 - 69
	To note the proposed actions set out in the report to return empty homes to use.	
14.	GATEWAY 1 - ACCESS AGREEMENT FOR TRANSPORT FOR LONDON FRAMEWORK CONTRACTS	70 - 83
	To approve the council entering into agreements with Transport for London (TfL) for access to their Surface Transport Infrastructure Construction (STIC) framework agreement and to their Highways Maintenance and Projects framework agreement (HMPF).	
15.	GATEWAY 3 - VARIATION DECISION: EXTENSION OF THE AGENCY WORKER CONTRACT	To follow
	To approve the extension of the agency worker contract with Comensura Limited for a period of one year commencing 1 April 2021.	
	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."	

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PART B - CLOSED BUSINESS

16. MINUTES

To approve as a correct record the closed minutes of the meeting held on 19 January 2021.

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

Date: 25 January 2021



Cabinet

MINUTES of the OPEN section of the Cabinet held on Tuesday 19 January 2021 at 11.00 am. Online/virtual meeting.

PRESENT: Councillor Kieron Williams (Chair)
Councillor Evelyn Akoto
Councillor Jasmine Ali
Councillor Stephanie Cryan
Councillor Helen Dennis
Councillor Alice Macdonald
Councillor Rebecca Lury
Councillor Leo Pollak
Councillor Catherine Rose
Councillor Johnson Situ

1. APOLOGIES

All members were present.

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

The chair gave notice of the following late items:

- Item 7: Deputation requests
- Item 8: Covid-19: Update on local infection and response
- Item 10: Impact of Brexit on Southwark – Progress report
- Item 11: Policy and Resources Strategy 2021-22 to 2023-24 update.

Reasons for urgency and lateness will be specified in the relevant minutes

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

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

ANNOUNCEMENT BY THE CABINET MEMBER FOR CLIMATE EMERGENCY, PLANNING AND TRANSPORT

Councillor Johnson Situ, cabinet member for Climate Emergency, Planning and Transport was able to announce the council's next step on Climate Emergency work. In addition to other commitments, the council would aim to ensure that by September next year all council buildings and housing blocks would be powered by 100% renewable energy with work to be undertaken with schools to also progress. Local residents and businesses would be similarly encouraged.

5. PUBLIC QUESTION TIME (15 MINUTES)

1. Richard Aldwinckle

Why have Southwark stated in the Streetspace FAQ July 2020 that 'people who [...] cycle visit their high streets [...] typically spend more money over time than people who come by car' when the latter point is flatly contradicted by the referenced source, TFL 2013 (pages 54-55) and by the experience of Dulwich traders (see Phase 1 Objections)?

Response by Councillor Catherine Rose, Cabinet Member for Leisure, Environment and Roads

Transport for London (TfL) have published research which shows that walking and cycling improvements boost high street and local town centres and can increase retail sales by up to 30%. TfL's research found that on average, people who walk and cycle take more trips to the high street each month, and people who walk to the high street spend up to 40% more than people who drive. More information is available in this TfL report: 'Walking & cycling: the economic benefits' <http://content.tfl.gov.uk/walking-cycling-economic-benefits-summary-pack.pdf>

In recent years many public realm schemes have been built to help high streets. More pavement space and two new pedestrian crossings have recently been built in Camberwell town centre. Railton Road was closed in Herne Hill and since then businesses have flourished, and there is now space

for a popular farmer's market which has become the busiest day for the shops here.

2. Caroline Connellan

Dulwich Village Ward Councillors have repeatedly asserted that a permit scheme would in due course be implemented to allow access through the restrictions, why did Southwark state in the Streetspace FAQ that 'Allowing a resident permit system does not support [this] commitment to reduce shorter car journeys.'

Response by Councillor Catherine Rose, Cabinet Member for Leisure, Environment and Roads

The traffic measures now in place are designed to encourage alternate means of travel such as cycling or walking.

Allowing local residents permits to access camera controlled traffic restrictions would not support our commitment to reducing shorter car journeys.

However, we are actively working on a solution to support Blue Badge holders and other vulnerable residents, whose overall needs will also be given additional consideration as part of the imminent review of the Dulwich Village LTN measures.

3. Marianne Kavanagh (Question asked by Richard Aldwinckle on Marianne Kavanagh's behalf)

Please can Southwark say when (which month) the review of Dulwich Village Phase 1 & 2 ETOs will be and confirm that it will accept and implement the results of the review's survey (and not mirror the actions of Croydon Council who have dismissed the results of their own consultation)?

Response by Councillor Catherine Rose, Cabinet Member for Leisure, Environment and Roads

The review of the Dulwich Low Traffic Neighbourhood (LTN) schemes, including Dulwich Village, East Dulwich and Champion Hill, is anticipated to commence in the first half of February. Prior to this, all stakeholders will be provided with a clear timeline and summary of the scope of the review.

The council will take full consideration of the results of the review on any recommendations concerning the future of the Low Traffic Neighbourhood schemes and our wider strategy for a Low Traffic Southwark.

4. **Matt Reynolds**

Given recent negative comments in the press, attributable to a Southwark Labour councillor in relation to LTNs, are these still a key component of Southwark's plans to address the climate emergency? If not what alternatives will be immediately actioned that can be achieved in terms of budget/impact to meet the objectives of the Low Traffic Borough Plan?

Response by Councillor Catherine Rose, Cabinet Member for Leisure, Environment and Roads

Low Traffic Neighbourhoods (LTNs) have been, and continue to be a key component of our commitment to achieving our objectives of a Low Traffic Southwark.

A number of LTNs have been introduced as trials in response to both the Covid-19 pandemic and local priorities. Our most recent LTNs have been delivered in partnership with Guy's and St. Thomas' Charity. In addition to this, each term more school streets are being rolled out, creating safer spaces and cleaner air for children in Southwark.

The monitoring and evaluation of all these schemes provide important data and real insights that help shape our future policies and help deliver the structures to becoming a low traffic borough. This work is being developed currently and will build upon Southwark's Movement Plan and other transport, infrastructure and public realm strategies - <https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/transport-policy/policy-and-guidance-documents/movement-plan>

For many years, LTNs such as school streets have encouraged modal shift to sustainable and zero carbon forms of transport. This helps reduce car use and ownership, which can lower vehicle emissions and help improve air quality, this is fundamental to underpinning our commitment to tackling the Climate Emergency.

Each questioner was provided with the opportunity for a supplemental question and Councillor Catherine Rose, cabinet member for leisure, environment and roads responded at the meeting.

6. **MINUTES**

RESOLVED:

That the minutes of the meeting held on 8 December 2020 be approved as a correct record and signed by the chair.

7. DEPUTATION REQUESTS

The report had not been circulated five clear days in advance of the meeting. The chair agreed to accept this item as urgent (the requests had been received in line with the council's constitutional deadline for the receipt of deputation requests).

RESOLVED:

1. That the following deputation requests be heard:
 - Canada Estate Tenants and Residents Association
 - Tustin Community Association (the tenants and residents association for Tustin Estate)
 - Extinction Rebellion Southwark group.
2. A representative from each of the above deputations addressed cabinet for five minutes and questions were asked of each deputation for a period of five minutes.

8. COVID-19: UPDATE ON LOCAL INFECTION RATE AND RESPONSE

It was not possible to circulate this report five clear days in advance of the meeting. The chair agreed to accept this item as urgent so that cabinet could take account of the latest health, social care and wider impact data following the move to a national lockdown on 6 January 2021. In doing so and noting the report, cabinet could put in place any immediate, necessary next steps on policy and resource direction for the council, where required.

RESOLVED:

1. That the latest position on Southwark's COVID infection rate (Appendix 1 of the report) and overall local response following the move to national lockdown on 6 January 2021 be noted.
2. That all residents, staff, schools, partners, volunteers, providers, suppliers and all in our community be thanked for their continuing work and dedication in supporting our residents and businesses through the pandemic safely.
3. That condolence is expressed to all those who have lost loved ones at this time, noting that work continues as part of the local humanitarian response.
4. That the early progress on the vaccination programme roll out be welcomed and stands ready for the council to support future roll out to residents.

9. TUSTIN ESTATE LOW RISE PROGRAMME - CONFIRMATION OF UNDERTAKING A TUSTIN ESTATE RESIDENTS' BALLOT

RESOLVED:

Decisions of the Cabinet

1. That the detailed resident engagement to date be noted and that the Tustin Community Association and the Resident Project Team be thanked for their work to date.
2. That it be agreed to proceed to a Resident Ballot for the final option, on the basis of the proposals and commitments within the Landlord Offer Document, for the Tustin Estate Low Rise Programme in February 2021. The final option is as described below.

Redevelopment of the low-rise homes with:

- The demolition and replacement with new homes of Bowness House, Heversham House, Hilbeck Close, Kentmere House & Ullswater House
 - Retention of the houses in Manor Grove with improvements to the tenanted homes
 - New houses in between the houses on Manor Grove itself
 - A new park in the centre of the estate
 - A new Pilgrims' Way School
 - New retail and business spaces on the Old Kent Road and Ilderton Road.
3. That the proposals align with the Great Estates programme for redevelopment proposals and as such the below five tests will be achieved be noted.
 1. a positive ballot on any new estate regeneration (as per the commitment in the Council Plan 2018-2022)
 2. a net increase in social rent homes alongside increased density, to meet the acute need of families on our waiting list
 3. a right to remain for all rehoused tenants and leaseholders, for keeping communities together
 4. intensive co-design of redevelopment proposal, to become co-authors of a new estate plan

5. a clear rationale for any redevelopment proposal, including an explanation of how this would increase housing supply (based on comprehensive density modelling) and/or a transparent stock condition survey.
4. That authority be delegated to the director of housing in consultation with the cabinet member for housing to make any necessary amendments to the Landlord Offer document in advance of the Resident Ballot.
5. That a further report on the outcome of the ballot in March 2021 and a further report on the consequent delivery programme and financial implications be received in July 2021.
6. That a variation to the Housing Investment Programme, making provision for the estimated costs of developing the delivery programme and assessing financial implications in advance of the cabinet report in July be agreed.

Decision of the Leader of the Council

7. That authority be delegated to the cabinet member for housing to confirm a dedicated Tustin Estate Local Lettings Policy subject to a majority vote in favour of the redevelopment option.

(**NOTE:** The above decisions were subject to an urgent implementation request which was agreed by the chair of overview and scrutiny committee. These decisions are therefore not subject to call-in and can be implemented immediately).

10. IMPACT OF BREXIT ON SOUTHWARK - PROGRESS REPORT

It was not possible to circulate this report five clear days in advance of the meeting. The chair agreed to accept this item as urgent as cabinet had requested a further progress report on Brexit impact and preparedness ahead of a further cross-party Brexit panel, which is planned to take place on Thursday 28 January 2021.

RESOLVED:

Decisions of Cabinet

1. That it be noted that the transition period came to end at 11pm GMT on 31 December 2020 and that a new Trade and Cooperation Agreement is now in place between the EU and the UK.
2. That the beginning of the UK's new relationship with the EU comes at a time of great uncertainty, with the UK still in the grip of the COVID-19 pandemic and the borough under national lockdown restrictions be noted.
3. That progress on ongoing local work in preparing for, and adjusting to, the UK's exit from the EU be noted, and it be agreed that the cross-party Brexit

panel should continue to be convened through 2021 as necessary to continue this work.

Decision by the Leader of the Council

4. That future decisions on the £300,000 Brexit fund to be delegated to the cabinet member for jobs, culture and skills (in consultation with the strategic director of finance and governance).

11. POLICY AND RESOURCES STRATEGY 2021-22

It was not possible to circulate this report five clear days in advance of the meeting. The chair agreed to accept this item as urgent as the council were committed to publishing budget proposals at the earliest possible opportunity to ensure they were available to the public for comments and questions. Under the council's constitution, there is a requirement for the overview and scrutiny committee to review and challenge budget proposals and this is due to take place on 27 January 2021.

RESOLVED:

1. That the provisional local government finance settlement published on 17 December 2020 (paragraphs 30 – 42 of the report) be noted.
2. That it be noted that, as reported to cabinet on 17 December 2020 and recognising the continued uncertainty for local government funding, the intention remains for the council to prepare a balanced one-year 2021-22 budget for approval by cabinet in advance of council assembly on 24 February 2021.
3. That the current budget options proposed to help achieve a balanced budget 2021-22 be noted (Appendices B to E of the report).
4. That the proposed increase in the adult social care precept in 2021-22 of 3% in line with the government flexibility be noted.
5. That it be noted that, in recognition of the spending pressures in services, particularly those that protect and support vulnerable people, the proposed increase of 1.99% to the Southwark element of the council tax, is in line with the government threshold.
6. That it be noted that the budget proposals for 2021-22 contained within the report include:
 - Estimated general grant resources of £152.519m, an increase of £0.202m from 2020-21
 - Hew homes bonus grant of £8.201m, a reduction of £6.157m from

2020-21

- Social care grant of £13.199m, an increased of £3.184m from 2020-21
 - Estimated retained business rates growth of £18.961m, a decrease of £5.778m over 2020-21
 - Estimated council tax revenue of £123.024m, including £3.515m from the adult social care precept and £2.332m from the 1.99% council tax increase
 - A net contribution to the brought forward deficit on the collection fund chargeable to the 2021-22 budget of £1.505m
 - Provision for an increase in the pay bill and contractual inflation of £4.200m (excluding social care)
 - Retention of the contingency budget in the sum of £4m to mitigate underlying budget risks.
 - A one-off contribution from the adult social care resilience reserve to mitigate underlying budget risks in the service of £0.8m
 - A contribution from reserves of £5.0m.
7. That the current budget options to help achieve a balanced 2021-22 budget be noted that include:
- Efficiency savings of £12.045m (Appendix B of the report)
 - Other savings impacting on services of £2.741m (Appendix D of the report).
8. That it be noted, in order to ensure that the base budget is on a secure financial footing a number of commitments are proposed for 2021-22 totalling £16.757m (Appendix E of the report) and a net reduction in income generation target of £0.446m (Appendix C of the report).
9. That it be noted that the current budget proposed for 2021-22 is balanced after the incorporation of updated proposals, a 4.99% council tax increase and a contribution from reserves of £5.0m.
10. That the forecast public health grant of £27.466m and net savings of £0.684m (Appendix F of the report) be noted.
11. That the dedicated schools allocation of £352.5m and the continued deficit on high needs provision (paragraphs 63-65 of the report) be noted.
12. That it be noted that the planned London Counter Fraud Hub will not now proceed and therefore the contribution of £1m has been released back to the Devolution reserve.
13. That the the allocation of £0.250m from the London Devolution Reserve for anti-fraud activity be approved.
14. That the allocation of £0.5m from the London Devolution Reserve to ensure food poverty in Southwark is tackled be approved.

15. That the allocation of £0.3m from the London Devolution Reserve for Southwark Stands Together project costs be approved.
16. That the allocation of £0.1m from the London Devolution Reserve for the Community Hub Covid-19 support to ensure the voluntary sector is supported be approved.
17. That it be noted due to the significant financial risk, the London Business Rates Pool is unlikely to continue in 2021-22 (paragraph 86 of the report).
18. That the fees and charges as set out in Appendix G (paragraphs 110 – 112 of the report) be approved.
19. That the departmental narratives (Appendix A of the report) and the equality analyses provided for the budget proposals be noted.
20. That it be noted that overview and scrutiny committee will consider this report on 25 January 2021 and that any recommendations arising will be incorporated into the final report to cabinet on 2 February 2021 for recommendation to council assembly on 24 February 2021.
21. That it be noted the Greater London Authority (GLA) precept is unlikely to be approved until 25 February 2021 necessitating the establishment of a council tax setting committee to formally set the 2021-22 council tax.

12. HOUSING REVENUE ACCOUNT - FINAL RENT-SETTING AND BUDGET REPORT 2021-22

RESOLVED:

1. That a rent increase of 1.5% for all directly and tenant managed (TMO) housing stock within the housing revenue account (HRA) (including estate voids, sheltered and hostels) be agreed with effect from 5 April 2021. This is the maximum permitted under the Rent Standard 2020.
2. That with regard to other HRA-wide charges, it be agreed that tenant service charges, comprising estate cleaning, grounds maintenance, communal lighting and door entry maintenance be increased as set out in paragraphs 16 and 17 of the report with effect from 5 April 2021.
3. That the proposed changes to sheltered housing service charges as set out in paragraph 18 of the report be agreed with effect from 5 April 2021.
4. That the changes to charges for garages and other non-residential facilities as set out in paragraph 19 of the report be agreed with effect from 5 April 2021.

5. That there be no increase to district heating and hot water charges as set out in paragraph 20 of the report, with effect from 5 April 2021.
6. That the HRA budget proposals set out in the report be agreed and that it be noted that these changes ensure a balanced budget is set as required by statute.
7. That the commitments made last month December 2020 be reaffirmed to ensure that savings made are primarily based on efficiencies, and where staffing reductions form part of any said savings, that due consultation and process is followed with trade unions.

13. COMMUNITY INVESTMENT PLANS - ALLOCATION OF LOCAL CIL SOUTHWARK - PHASE 2

RESOLVED:

1. That the community investment plans for Camberwell Green, Champion Hill, Dulwich Hill, Dulwich Village, Faraday, Goose Green Newington, Old Kent Road, Peckham, Rye Lane, South Bermondsey, and St Giles be approved.
2. That it be noted that a further report will be submitted to cabinet within 6 months to reflect on lessons learned from the process to develop community investment plans with recommendations for the future.

14. CONSULTATION ON PROPOSALS FOR THE PRIVATE RENTED SECTOR 2021 - 2026

RESOLVED:

1. That the approvals set out in the 7 April 2020 cabinet report, titled 'Consultation on Proposals for the Private Rented Sector 2020 – 2026', which includes recommendations relating to the proposed Gold Standard be rescinded.
2. That the public consultation on the proposals for changes to the Southwark's mandatory licensing scheme be approved.
3. That the the public consultation on the council's proposals for the additional licensing scheme in Southwark for 5 years from 2021-22 be approved.
4. That the public consultation on the council's proposals for the selective licensing scheme to operate in Southwark for 5 years from 2021-22 be approved.

5. That the public consultation on the proposed Gold Standard Charter be approved.
6. That the financial commitment made from the London Devolution Reserve to support the development of a Renters' Union be noted and that work be undertaken to allow a Renters' Union to be established in Southwark in 2021.
7. That a Southwark private renters forum be formally constituted.

15. ACQUISITION OF LAND FOR THE PURPOSE OF BUILDING NEW COUNCIL HOMES AT ROBERTS CLOSE, CANADA WATER

RESOLVED:

1. That it be confirmed that the council will exercise its option to acquire the affordable housing to be built at Roberts Close, Canada Water.
2. That pursuant to s17 of the Housing Act 1985, the council acquires a long leasehold interest in the land edged red on the plan at Appendix A of the report in accordance with the principal terms set out substantially in paragraph 16 of the report and fully in paragraph 4 of the closed version of the report
3. That authority to agree detailed terms of the transaction be delegated to the director of regeneration.

16. LAND AT CANADA WATER

RESOLVED:

1. That the council freehold land at Canada Water shown outlined and cross hatched on the plan at Appendix 1 of the report be appropriated for planning purposes (to the extent that it is not already held for those purposes) in accordance with section 122 of the Local Government Act 1972 ("the LGA 1972") to facilitate the carrying out of the development proposals for the area.
2. That the significant recent progress with the Canada Water project with the grant of full planning permission for the Masterplan; the entering into of the 500 year head lease; and confirmation of the start of enabling works that will see the relocation of the petrol filling station and the building a new electrical substation to serve the project and the wider area be noted.
3. That the announcement of the first pre-let for the project and that TEDI-London has chosen Canada Water as the location for their new engineering

higher education campus be welcomed.

17. VOLUNTEER POLICY

RESOLVED:

Decisions of the Cabinet

1. That the draft volunteer policy set out in the report be agreed.
2. That the council adopts the following key commitments:
 - Our recruitment will be open, transparent and fair so that all residents have equal access to the opportunities available
 - All volunteers will be provided with a volunteer agreement which will set out the purpose of the role, describe the tasks and hours and days of volunteering role and any learning and development goals for the volunteer
 - The volunteer will have a named supervisor and be supported to deliver their role and provided with an induction to the organisation and a volunteers handbook
 - The volunteer will be reimbursed for travel and provided with expenses for lunch where they are required to work more than four hours.
3. That it be noted that volunteering is not a substitute for paid work and volunteers are never a substitute for a paid member of staff. The process of involving volunteers in our work should be mutually beneficial and the systems set out in the handbooks should support us to achieve this.
4. That it be noted that the criteria for volunteering includes work that is a short term project or initiative to carry out a specific task or time limited exercise, a new idea being tested, some additional research for a team, or additional service that staff are unable to deliver, or bringing an additional skill to the service. Volunteers can also act as independent advocates or support individual members of the community.
5. It is important to note the key role volunteering has in supporting people build their confidence and grow their wellbeing and Southwark can play a key role in this for residents though they way in which we construct and develop our volunteering opportunities.
6. That the guidance for managers which guides services in how to deliver best practice for volunteer roles and the volunteer handbook which sets out the rights and responsibilities for the volunteer be noted.

7. That it be agreed next steps should be to:
 - Sign the volunteer best practice charter with a civic ceremony
 - Include in the engagement annual report a section on volunteering in the council which also captures the equalities monitoring information about our volunteers
 - Use the annual review to ensure that our work on volunteers with the council is aligned with the Volunteer Strategy Action Plan.
 - Highlight to teams Southwark Stars awards and Civic awards which enable us to publically celebrate the commitment volunteers make
 - Draft a chapter in the manager's guidance on safeguarding when young people are volunteers
 - Work with colleagues and external organisations such as Community Southwark and Thomas Carlton Centre to develop an accreditation process for our volunteers.
8. That the measures outlined in the report and the handbook and guidance addresses the actions required because of the BDO audit of volunteering at the council be noted.
9. That it be noted that the policy and handbook underpin the principles in the volunteering strategy which are as follows:
 - *Volunteering must be voluntary* – It must be a choice freely made by individuals under no duress.
 - *Volunteering is not a substitute for paid work* – The contribution of volunteers must add value but not be a substitute for work that should be paid.
 - *Volunteering is not free* –Volunteering is time freely given but it is not cost free. For volunteering to be meaningful volunteers need to be well supported and investment in volunteer management is important and valued. Volunteers should not be at a financial loss because of volunteering and out of pocket expenses where possible should be reimbursed.
 - *Volunteering is mutually beneficial* – Volunteering must be both a positive experience for the individual and also help to further the aims of the organisation.

Decision of the Leader of the Council

10. That authority be delegated to the cabinet member for equalities and communities to approve any final amendments to the volunteer handbook or

guidance.

18. UPDATE ON FAIRER FUTURE PROCUREMENT FRAMEWORK

RESOLVED:

1. That the refreshed Fairer Future Procurement Framework (FFPF), at Appendix 1 of the report be approved.
2. That the update on actions taken to enhance the council's commitment to social value in procurement be noted.
3. That the approval of minor and consequential amendments to the FFPF (e.g. new targets following the finalisation of the council's Climate Change Strategy) be delegated to the director of law and governance, in consultation with the cabinet member for finance and resources.

19. CORPORATE ASSET MANAGEMENT PLAN 2021

RESOLVED:

1. That the refreshed Asset Management Plan contained in Appendix 1 of the report, as a key strategic document alongside the council's other resource policies and the central strategy for the management of the council's non-dwellings property holdings be approved.
2. That the Investment Strategy contained in part 6 of the new Asset Management Plan be noted and agreed.

20. RESPONSE TO CARE HOME QUALITY ASSURANCE RECOMMENDATIONS

RESOLVED:

That the responses to the recommendations set out by the health and social care scrutiny commission in their report on care home quality assurance be noted.

21. RESPONSE TO HOUSING SCRUTINY COMMISSION REPORT INTO DISTRICT HEATING

RESOLVED:

That the responses provided within the report to each of the housing scrutiny commission recommendations be noted.

22. AUTHORISATION OF DEBT WRITE-OFFS OVER £50,000 FOR NATIONAL NON DOMESTIC RATES - EXCHEQUER

RESOLVED:

That approval be given to write off a debt of £92,397.63 deemed irrecoverable under the council's policy.

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.

23. MINUTES

The minutes of the closed section of the meeting held on 8 December 2020 were approved as a correct record and signed by the chair.

24. ACQUISITION OF LAND FOR THE PURPOSE OF BUILDING NEW COUNCIL HOMES AT ROBERTS CLOSE, CANADA WATER

The cabinet considered the closed information relating to this item. Please see item 15 for the decision.

25. AUTHORISATION OF DEBT WRITE-OFFS OVER £50,000 FOR NATIONAL NON DOMESTIC RATES - EXCHEQUER

The cabinet considered the closed information relating to this item. Please see item 22 for the decision.

The meeting ended at 1.10pm.

CHAIR:

DATED:

DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 17 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, WEDNESDAY 27 JANUARY 2021.

WITH THE EXCEPTION OF ITEM 9, 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: 2 February 2021	Meeting Name: Cabinet
Report title:		End the 24/7 closures around Dulwich Village junction and Melbourne Grove and implement an area-wide, camera-controlled permit scheme that allows fair and reasonable access	
Ward(s) or groups affected:		Dulwich Hill, Dulwich Village, Dulwich Wood and Goose Green	
From:		Proper Constitutional Officer	

RECOMMENDATION

1. That the cabinet consider a petition from local residents relating to a request to reverse road closures in Dulwich and implement a camera-controlled access permit scheme.

BACKGROUND INFORMATION

2. A petition containing 500 signatures or more maybe presented to the cabinet. A petition can be submitted by a person of any age who lives, works or studies in Southwark. Petitions must relate to matters which the council has powers or duties or which affects Southwark.
3. At the meeting, the spokesperson for the petition will be invited to speak up to five minutes on the subject matter. The cabinet will debate the petition for a period of up to 15 minutes and may decide how to respond to the petition at the meeting.

KEY ISSUES FOR CONSIDERATION

4. A petition containing 547 signatures (as at 14 January 2021) has been received from local residents
5. The petition states:

“We the undersigned petition the council to end the 24/7 closures around Dulwich Village junction and Melbourne Grove and implement an area-wide, camera-controlled permit scheme that allows fair and reasonable access.

We support Southwark Council's stated aim of reducing through traffic and air pollution in Dulwich. We have been asking the council for months to discuss a socially just and equitable way of achieving this. The current closures in the Dulwich area are unfair, undemocratic, and discriminate against the most vulnerable.

Any scheme must be based on robust monitoring of air pollution and traffic.

Traffic displacement and access issues are harming the health and well-being (physical, social and economic) of large numbers of people, both young and old."

Community impact statement

6. The Southwark constitution allows petitions to be presented by members of the public and can be submitted by a person of any age who lives, works or studies in Southwark.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Environment and Leisure

7. The areas referred to, and the measures installed, are shown on the plans attached in Appendices 1-3.
8. The traffic measures are designed to encourage alternative means of travel such as cycling or walking, and allowing local residents to have permits to access camera controlled traffic restrictions would not support the council's commitment to reducing shorter car journeys.
9. The council is actively working on a solution to support Blue Badge holders and other vulnerable residents, whose overall needs will also be given additional consideration as part of the imminent review of the Dulwich Village LTN measures.
10. The review of the current measures will be robust, transparent and wide ranging and will allow all views to be considered before the council makes a decision on any changes to the current controls. It is anticipated that the review will start in in February.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Cabinet procedure rule 2.13 on petitions	160 Tooley Street, London SE1 2QH	Paula Thornton 020 7525 4395
Link (copy and paste into browser): http://moderngov.southwark.gov.uk/documents/s90825/Cabinet%20procedure%20rules%20May%202019.pdf		
Link for petition on the council's web site: http://moderngov.southwark.gov.uk/mgEPetitionListDisplay.aspx?bcr=1		

APPENDICES

No.	Title
Appendix 1	Dulwich Village/Calton Grove junction
Appendix 2	Melbourne Grove (south)
Appendix 3	Melbourne Grove (north) and adjacent junctions

AUDIT TRAIL

Lead Officer	Chidilim Agada, Head of Constitutional Services	
Report Author	Paula Thornton, Constitutional Officer	
Version	Final	
Dated	20 January 2021	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Strategic Director of Environment and Leisure	Yes	Yes
Director of Law and Governance	No	No
Strategic Director of Finance and Governance	No	No
Date final report sent to Constitutional Team		20 January 2021







Item No. 9.	Classification: Open	Date: 2 February 2021	Meeting Name: Cabinet
Report title:		Ledbury Estate Towers - Ledbury Towers Residents' Ballot	
Ward(s) or groups affected:		Old Kent Road	
Cabinet Member:		Councillor Leo Pollak, Housing	

FOREWORD - COUNCILLOR LEO POLLAK, CABINET MEMBER FOR HOUSING

Following a public meeting held by the council in response to concerns raised about fire safety in July 2017, an urgent investigation and report from Arup discovered that strengthening works required during their construction of the four tower hadn't taken place, resulting in the gas supply being switched off and a programme of works planned. After further structural investigations, and a subsequent options appraisal in late 2019 showing a range of refurbishment infill and redevelopment options, the council has worked closely with residents to safeguard the future of the estate while committing that any resident who wants to remain on the estate would have the option to do so. A 'whittling down' survey of these options towards the end of last year saw a clear majority for option D, which was for a phased redevelopment of the towers, starting with Bromyard House first and the building of to 333 new homes.

This report commits the council to running a yes/no Residents' Ballot on this final option in March 2021. It also details the council's Landlord Offer, detailing plans for phased redevelopment and a net increase in council housing prioritised for estate residents, as well as commitments to improved open space and play areas on the estate, larger safer and more energy efficient homes with private outdoor space, and a guaranteed right to return for all tenants and leaseholders, (including to non-residents leaseholders as per our commitment predating the GLA guidance on estate regeneration ballots) .

Needless to say, the final decision lies with Ledbury residents and the council will abide by residents' decision, as per the Great Estates terms for redevelopment proposals adopted in December 2018.

I want to put on record my deep thanks to the Ledbury Resident Project Group and TRA, together with the officers whose close collaboration to date has helped create this exciting new option for the evolution of the Ledbury estate.

RECOMMENDATIONS

Recommendations for the Cabinet

1. To note the detailed resident engagement to date and thank the Ledbury Resident Project Group for their work to date.
2. To note that the proposals align with the Great Estates programme for redevelopment proposals and as such the below five tests will be achieved.
 - a positive ballot on any new estate regeneration (as per the commitment in the Council Plan 2018-2022).
 - a net increase in social rent homes alongside increased density, to meet the acute need of families on our waiting list;
 - a right to remain for all rehoused tenants and leaseholders, for keeping communities together;
 - intensive co-design of redevelopment proposal, to become co-authors of a new estate plan;
 - a clear rationale for any redevelopment proposal, including an explanation of how this would increase housing supply (based on comprehensive density modelling) and/or a transparent stock condition survey
3. Agree to proceed to a Resident Ballot for the final option, on the basis of the proposals and commitments within the Landlord Offer Document, for the Ledbury Towers in March 2021. The final option is that the Towers will be demolished in phases, starting with Bromyard House first and replaced with up to 333 homes.
4. Agree to delegate authority to the Strategic Director of Housing and Modernisation in consultation with the Cabinet Member for Housing any amendments to the Landlord Offer document in advance of the Resident Ballot.
5. Agree to receive a report on the outcome of the ballot and a further report on the consequent delivery programme and financial implications in July 2021.
6. Agree to a variation to the Housing Investment Programme, making provision for the estimated costs of developing the delivery programme and assessing financial implications in advance of the Cabinet report in July.

Recommendations for the Leader of the Council

7. Agree to delegate to the Cabinet Member for Housing the authority to approve a dedicated Ledbury Estate Local Lettings Policy subject to a majority vote in favour of the redevelopment option in the Resident Ballot.

8. Agree to delegate to the Cabinet Member for Housing the authority to agree a bespoke shared equity lease for the existing leaseholders in the Ledbury Towers which will allow sub-letting.

BACKGROUND INFORMATION

9. Back in July 2017 the council held a public meeting to respond to residents' concerns about fire safety on the estate. Following an urgent investigation by structural engineers Arup, it was discovered that strengthening works on the Large Panel Structure of the towers had not been completed as previously thought. Southwark Council immediately switched off the gas supply and began a programme of works to make the towers safer for residents. Since then the council has been working closely with residents to discuss the future of the Towers. The council has been committed to making sure any resident who wants to remain on the estate had the option to do so and to work with residents on any final decision.
10. The Cabinet received reports on the response to the emergency situation on the Ledbury Estate on 19 September 2017, 12 December 2017, 6 February 2018, 16 July 2019, 29 October 2019 and 17 December 2019.
11. The four tower blocks are large panel system construction, built by Taylor Woodrow between 1968 and 1970 and are former GLC properties which transferred to Southwark Council in 1982. There are four 14 storey towers (Bromyard, Peterchurch, Skenfrith and Sarnsfield) comprising of 56 homes each on the Ledbury Estate. There are 224 properties in total.
12. In October 2018 the Cabinet agreed that the four high rise blocks should be refurbished and that land immediately adjacent to those blocks be used to build new homes subject to further investigations into the strengthening solutions.
13. In October 2019, Cabinet received a report on the outcome of the intrusive structural investigations undertaken by structural engineers, Arup. The report recommended much more extensive works than their previous report. Therefore Cabinet agreed that the options appraisal process on the future of the Ledbury Towers be reopened and a further report be received setting out the outcome of the resident consultation on the options appraisal process, based on the same red lines used for previous options appraisal.
14. Of the original 190 council tenanted homes, 167 are now empty homes. 15 of the original 34 leasehold properties are also empty, as the Council has bought them back from the leaseholders concerned.
15. As a result of the current situation with the COVID-19 pandemic, 103 of the empty properties in 3 of the 4 Towers have been utilised as temporary accommodation for those Southwark residents who were living in shared temporary accommodation. This made it difficult for those residents to comply with the government guidelines on social distancing.

16. Following the Cabinet decision on 17 December 2019, the Options appraisal process was reopened on the Ledbury Estate to allow for the options developed by residents in 2018 to be revisited following the additional recommendations that Arup have made to strengthen the blocks in their report dated 24 October 2019.
17. The options that were re-considered by residents were:
 - Option A - **strengthening the four towers**
 - Option B - **strengthening the four towers, and building between 87 and 130 new homes.**
 - Option C – **a mix of strengthening of one or more of the towers; and the demolition of the others and replacing them with new homes.**
 - Option D – **demolition of the four towers and replacement with new homes.**
18. The consultation was underway with residents working with Hunters on re-visiting new build and infill options to be put alongside strengthening and refurbishing options for the existing residents of the Towers and those tenants who have moved, to choose a preferred option, when it was paused in March at the start of the current COVID-19. This delay had a knock on effect on coming to a final decision on the future of the Towers and the subsequent commencement and completion of the works.
19. In July 2020 the consultation resumed through information in the weekly Ledbury newsletters and one to one phone calls replacing the face to face contact.
20. In October 2020, a household survey on the options took place. It was managed by an independent organisation, Open Communities, who act as Independent Tenant and Leaseholder Advisor on the Ledbury Estate.
21. The options survey sought to identify one preferred option that had resident support via a single transferable vote and to understand resident opinion on a housing block by housing block basis as well as by tenure.
22. Because of the previous consultations held with the Ledbury Towers residents in response to the emergency situation in June 2017, the ballot was not held in accordance with the GLA's requirements. This was because it would have excluded the residents with a right to return, and the non resident leaseholders who were promised in 2017 that they would have a say on the future of the Towers, which was before the GLA set out their rules on a residents Ballot.
23. The household survey on the options went to the 198 qualifying households (permanent tenants, tenants who have moved and have the

right to return, resident leaseholders and non-resident leaseholders) on 8 October 2020, with a deadline of 28 October 2020 for the receipt of the completed survey forms.

24. 101 papers were returned out of a possible 198 (51%) of which 7 were spoilt. There were 94 completed and counted papers (47%). This can be broken down as follows:
- remaining tenanted households - 75% - 18 out of 24 voted
 - tenanted households who have moved with the right to return - 39% - 61 out of 154 voted
 - remaining resident leaseholder households - 8 out of 9 voted - 89%
 - non-resident leaseholders - 70% - 7 out of 10 voted

A number of those families that have moved from the Towers advised us that they did not take part in the survey as they are very happy with their new home and have no intention of returning.

25. The results of the Options Survey were:
- Option A - 14% of the households voted for this as their first preference.
 - Option B - 15% of the households voted for this as their first preference.
 - Option C - 11% of the households voted for this as their first preference.
 - Option D - 61% of the households voted for this as their first preference.

Therefore the option of demolition of the four towers and replacement with new homes is the preferred option that will go through to the Resident's Ballot.

26. In addition all the residents and homeowners in the low rise properties on the Ledbury Estate, and the residents nearby on Commercial Way and Ledbury Street were written to with a copy of the Options Information Pack, inviting their views or concerns on the proposals.
27. The resident ballot will ask residents '*Are you in favour of the proposal for the re-development of the Towers on the Ledbury Estate?*' Where a majority of eligible residents vote 'yes' in favour of the proposals, it will be recommended to proceed with these proposals.
28. These recommendations will be subject to detailed financial appraisal which will be reported back to Cabinet in July 2021.
29. At the moment there are three different sub options of alternative layouts for the demolition and rebuild of the existing four towers. If there is a positive vote for the redevelopment of the Towers, and this is approved by Cabinet in July, architects will be appointed to consult further with residents on the designs to develop a final option that will go forward for planning permission.

KEY ISSUES FOR CONSIDERATION

Resident Ballot

30. As the Council supports the use of a Resident Ballot on estate regeneration and renewal, and in line with the consultation strategy adopted to date, a Resident Ballot comprising the following electorate will be held.
- remaining tenanted households in the Towers - 23 households
 - tenanted households who have moved from the Towers with the right to return - 155 households
 - remaining resident leaseholder households in the Towers - 9 households
 - non-resident leaseholders in the Towers - 10 properties

Because of the promises made to residents in 2017 as to who will be consulted on the future of the Towers, prior to the GLA Ballot requirements that were introduced in 2018, the Resident Ballot will not fully comply with GLA Estate Regeneration Ballots, and an exemption has been applied for to ensure eligibility for GLA grant funding.

31. In addition to a ballot, just like the Options Survey that was undertaken, the Landlord Offer Document will be sent directly to all the residents and homeowners in the low rise properties on the Ledbury Estate, and the residents nearby on Commercial Way and Ledbury Street inviting them to let the Council know their views or concerns on the proposals.
32. Estate Regeneration Resident Ballot requirements mean there is no minimum turnout needed, the result will be based on a simple majority, the ballot is conducted by an independent organisation and voter eligibility criteria apply.
33. The Council supports the proposals and as such will campaign for a positive vote in favour of the final option / proposals.
34. The results on the ballot will be presented to Cabinet in July 2021.

Delivery

35. The delivery programme for the outcome of the Resident Ballot will be presented to Cabinet in July 2021 including:
- A financial appraisal
 - A procurement strategy
 - Resourcing plan
 - An updated Resident Engagement Plan
36. The delivery programme will provide for the duration of the programme allowing for flexibility and change.
37. If residents vote yes in the Resident' Ballot in March 2021, the draft

timetable to deliver the residents' choice will be:

- Secure design team, build contractor and planning permission – spring 2021 to summer 2022
- Phase 1 – summer 2022 to summer 2024
 - Demolition of Bromyard House
 - Build Replacement Homes
- Phase 2 – winter 2024 to winter 2027
 - Demolition of Peterchurch, Sarnsfield and Skenfrith Houses
 - Build Replacement Homes

Policy implications

38. The option presented in the Resident Ballot (option D) will align with the Council Plan, Housing Strategy and Great Estates programme and the Protocol for Consideration of New Homes, Charter of Principles.
39. The detailed design of the redeveloped estate will also align with National, Regional and Local Planning policy frameworks including the Old Kent Road Area Action Plan (OKR AAP).
40. The design options will also be considered in light of the Council's Climate Emergency Declaration. The carbon footprint associated with the redevelopment will be modelled against the existing baseline and will include a calculation of the option against the uplift of carbon associated with delivering the number of homes in the redevelopment option.
41. Commitments established in the Landlord Offer Document (see Appendix 1) detail a proposed local lettings policy specific to the Ledbury Estate. The principles of the policy are outlined in the Offer Document, and reflect the promises made to residents when the emergency first arose in the summer of 2017.
42. The promises made to residents and homeowners in 2017 included a promise that all leaseholders would not be charged for the cost of the works to strengthen the towers. This promise included non-resident leaseholders. The cost of this strengthening work would exceed the cost of the building of a new home, therefore offering non-resident leaseholders the option of a shared equity property in a redevelopment option was financially beneficial to the Council. The current standard shared equity lease though prohibits a property being sublet, therefore nullifying the offer made that no leaseholder would be put in a worse position as a result of the works. Therefore it is proposed to offer a bespoke lease only for the existing Ledbury Towers leaseholders to allow them to continue to sublet their property in a new development.

Community impact statement

43. Section 149 of the Equality Act, lays out the Public Sector Equality Duty (PSED) which requires public bodies to consider all individuals when carrying out their day to day work – in shaping policy, in delivering

services and in relation to their own employees. It requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities. The council's Approach to Equality ("the approach") commits the council to ensuring that equality is an integral part of our day to day business.

44. An Equality and Health Impact Assessment (EHIA) will be carried out independently and will focus on the potential effects, including health effects, likely to be experienced by those living and working in the community in light of their 'protected characteristics' under the Equality Act 2010. It will identify any differential or disproportionate effects, both positive and negative, on those with protected characteristics from the programme and from the options and sets out mitigation or enhancement measures that the council can put in place. It looks at these factors ahead of confirming decisions and policy. This will be completed and included in the July 2021 cabinet report, and the equalities impact of the sub-options for the final design will be considered as part of the ongoing design development and resident engagement process.

Resource implications

45. The cost of Option D will be financed from a blend of sources including GLA grant, Housing Revenue Funding (HRA) and borrowing and sales from private homes.
46. The estimated cost of Option D (redevelopment of the towers) is between £72.4 to £94 million depending, on the new homes provided - an average of between £291,974 to £312,528 for each home. These costs allow for the replacement of the 205 Council homes, the replacement of 19 leaseholder homes and the construction of up to an estimated additional 109 new homes with 50% of new additional homes being council homes and 50% being private for sale homes. It is anticipated that the redevelopment will attract grant funding of up to £27.8m and generate receipts of £26m from the sale of private homes.
47. The shared equity lease offer for existing leaseholders will provide the council with a capital receipt upon the purchase of a share in a property by the leaseholder and the council will forego for an unknown period of time the capital receipt for the remainder of the property retained by the council. The council will, however, at a later date receive a further capital receipt either on the sale of the council's remaining share in the property, or through the redemption of the charge held against the property. This later capital receipt will also benefit from any uplift in value in the property market over the period, and so provide benefit to the Council in the longer term. There will be a small impact in terms of additional disturbance costs associated with the council's commitment to covering increased SDLT costs to the leaseholder. As there are only 18 leaseholders eligible to take up the shared equity offer, the financial impact to the council will not be significant.

48. Staffing for the delivery of the outcome of the Resident Ballot will be presented in the delivery programme due to be presented to Cabinet in July 2021.

Consultation

49. The recommendation to proceed with a Resident Ballot is based on a resident-led decision making process.
50. The delivery programme will provide for ongoing consultation and engagement with residents in the Towers, former residents of the Towers with a right to return and stakeholders of the estate.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

51. The GLA requires councils carrying out certain estate regeneration projects to conduct a resident ballot process, to be eligible for GLA funding for the project. The proposal described in this report would engage those requirements.
52. The requirements are set out in section 8 of the GLA's capital funding guide. In most respects the ballot process described in the report will meet these requirements, for example in that the ballot will be conducted by an independent ballot, and the result will be decided by a simple majority of residents who participate. However the proposed criteria for eligibility to participate in the ballot are not identical to the criteria set out in the capital funding guide. The council has sought an exemption from the GLA by relying on the exception in the capital funding guide relating to demolition which is required to address safety concerns.
53. The report explains the detailed resident engagement process which has led to the indication of support for the proposal described as Option D. The report notes that consultation will continue in relation to the detailed design of the estate in the event that this is approved by the Resident Ballot (subject to detailed financial appraisal and confirmation by Cabinet). This process is at least as comprehensive as the approach taken on previous regeneration projects and so satisfies the legitimate expectations that residents may have in that regard.
54. Under s.105 Housing Act 1985 the council is obliged to maintain arrangements to enable those of its secure tenants who are likely to be substantially affected by the proposed demolition to be informed of the proposals and to make their views known; and to take their representations into account. The report explains that all current residents of the Towers, tenants who have relocated, and non-resident leaseholders, have been included in the consultation process.

55. Under Part 6 of the Housing Act 1996, an authority must have a scheme for determining priorities and procedures in the allocation of its housing (e.g. selection of secure tenants) and must not allocate housing except in accordance with that scheme (ss159 and 166A HA 1996). The council's Part 6 scheme gives effect to the legal requirement to give preference to certain groups of applicants, together with additional groups as a result of council priorities. However the council may depart from this scheme where it instead puts in place a local lettings policy which prioritises particular groups of applicants for particular properties (s.166A(6) HA 1996) provided that the cumulative effect of such schemes does not displace the system of reasonable preference set out in the Part 6 allocation scheme.
56. 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. Relevant protected characteristics for the purposes of the Equality Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
57. An Equality and Health Impact Assessment has been commissioned and the report confirms that its findings will inform the council's implementation of the option chosen by residents in the ballot.

Strategic Director of Finance and Governance (H&M 20/121)

58. This report seeks Cabinet approval to proceed to a Resident Ballot for the final option for the Ledbury Towers as outlined in this report. Although the report's recommendations do not give rise to any immediate financial implications, the outcome of the Ballot, should it proceed, will. In view of this, the report also recommends a variation to the council's Housing Investment Programme based on the estimated costs of developing the delivery programme. There will be a further report to Cabinet in July 2021 on the consequent delivery programme and financial implications, including a detailed financial appraisal.
59. As outlined in the financial implications section of this report, any outcome from the Ballot will form part of the Council's Housing Investment Programme and will be met by HRA resources supporting that Programme. If selected, the recommended option will incur significant capital expenditure, which is likely to necessitate a review of the overall Housing Investment Programme to ensure that it remains affordable and sustainable.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Cabinet reports: Appointment of Keepmoat for emergency works at Ledbury Estate. 19 September 2017	Constitutional Team, 160 Tooley Street, London SE1 2QH	Paula Thornton 020 7525 4395
Web link: http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=5751&Ver=4 (Item 19)		
Ledbury Estate – next steps update. 6 February 2018	Constitutional Team, 160 Tooley Street, London SE1 2QH	Paula Thornton 020 7525 4395
Web link: http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=5755&Ver=4 (Item 8)		
Ledbury Estate – Arup structural survey report. 12 December 2017	Constitutional Team, 160 Tooley Street, London SE1 2QH	Paula Thornton 020 7525 4395
Web link: http://moderngov.southwark.gov.uk/documents/s72761/Report%20Southwark%20Councils%20Buy-Back%20Offer%20for%20Ledbury%20Towers%20Leaseholders.pdf		
The way forward: Ledbury Estate high rise blocks. 30 October 2018	Constitutional Team, 160 Tooley Street, London SE1 2QH	Paula Thornton 020 7525 4395
Web link: http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=6085&Ver=4 (Item 14)		
Ledbury Towers Update. 16 July 2019	Constitutional Team, 160 Tooley Street, London SE1 2QH	Paula Thornton 020 7525 4395
Web link: http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=6085&Ver=4 (Item 14)		
Ledbury Towers Arup Structural Survey Report. 29 October 2019	Constitutional Team, 160 Tooley Street, London SE1 2QH	Paula Thornton 020 7525 4395
Web link: http://moderngov.southwark.gov.uk/documents/s85459/report%20ledbury%20towers%20arup%20structural%20survey%20report.pdf		
Ledbury Towers Arup Structural Survey Report. 17 December	Constitutional Team, 160 Tooley Street,	Paula Thornton 020 7525 4395

Background Papers	Held At	Contact
2019	London SE1 2QH	
Web link: http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=6571&Ver=4 (Item 24)		
Overview and Scrutiny reports – Ledbury Estate update. 15 November 2017.	Overview and Scrutiny Team. 160 Tooley Street	Shelley Burke 020 7525 7344
Web link: http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=308&MId=5794&Ver=4 (Item 6)		
Ledbury Estate – Management Responses to recommendations of the Independent Review of the Ledbury. 23 July 2018	Overview and Scrutiny Team. 160 Tooley Street, London SE1 2QH	Shelley Burke 020 7525 7344
Web link: http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=308&MId=6162&Ver=4 (Item 4)		

APPENDICES

No	Title
Appendix 1	Landlord Offer Document

AUDIT TRAIL

Cabinet Member	Councillor Leo Pollak, Housing	
Lead Officer	Michael Scorer, Strategic Director of Housing and Modernisation	
Report Author	Mike Tyrrell, Director for Ledbury Estate	
Version	Final	
Dated	20 Jan 2021	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	Yes	
Date final report sent to Constitutional Team	21 January 2021	

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APPENDIX 1

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 - Summary commitments to former Council Tenants in the Towers who have the right to return
 - Summary commitments to Leaseholders
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 - My Estate - Issues for all permanent residents
 - Issues for all permanent Ledbury Towers Council Tenants who currently reside in the towers
 - Issues for former Ledbury Towers Council Tenants who now live elsewhere but who have the right to return
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- 7) Contact us

FOREWORD

Cllr. Leo Pollak

[Insert]

Chair of the Ledbury Tenants & Residents Association

The Ledbury Tenants & Residents Association (TRA) has been working to support residents in the four Towers since the emergency situation arose in the summer of 2017.

The TRA have always wanted the residents of the Towers to make the decision on the future of their homes. The extensive consultation that has been undertaken with residents and former tenants with a right to return has now resulted in the proposal to provide new homes on the site of the existing four Towers.

The TRA can not tell you how to vote, as we believe that is up to each household. All we can do is to encourage you to read this booklet which sets out the commitments should you vote for new homes, and to encourage you to take part in the vote.

INTRODUCTION

This booklet

This booklet contains details of the 'Landlord Offer', Southwark Councils offer to you, the Ledbury Estate Towers permanent tenants, leaseholders and former tenants with the right to return. It includes:

- commitments to you
- plans and designs
- details of how to vote

Please read this booklet carefully so that you fully understand the proposals before you vote. This booklet has been designed to contain all the information you need to make an informed decision about whether you are in favour of the redevelopment of the Ledbury Estate Towers or not. Residents who need translation or help to read this document, please contact the Ledbury Team on 020 7732 2886 or email ledburyhousingteam@southwark.gov.uk.

The Final Option

Under this option all four the Towers will be demolished in phases, starting with Bromyard House first and replaced with up to 333 homes.

The new homes will not be built all at once, but in phases and each phase will take around 2 years to build.

After new homes are built to replace the council homes in the Towers that are demolished, half of the extra homes built will be council homes at council rents. First priority for the new homes will go to Ledbury Towers Tenants and Leaseholders, and those former tenants with a right to return. The new build homes will be bigger than the existing 2 and 3 bed roomed homes and will all have a private outdoor space such as a balcony or patio. The 1 bed roomed homes for existing tenants, leaseholders and those former tenants with a right to return will be the same size as the existing Ledbury Towers 1 bedroom flats, and will all have a private outdoor space such as a balcony or patio.

The ballot will be determined on a simple majority of those who vote. If the majority vote 'yes' the redevelopment of the towers will be taken forward. Your vote is important. We encourage each eligible household to vote.

If residents vote yes in the Residents' Ballot in March 2021, the work does not stop there. That will be the point at which Southwark Council will know exactly what residents and former residents want; and we will then have to sort out the finances required to deliver the promises.

The COVID-19 response has had a significant impact on the council's finances. Like other councils across the country, and Central Government, Southwark Council has

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had to divert funds to help support our local community and businesses during the pandemic.

As a result we know we will have to look at a range of funding to re-provide the existing homes and the additional new homes. This could be made up of loans, the sale of half of the additional new homes, financial contributions from private developments on the Old Kent Road and grants from the Greater London Authority (GLA). The Grant from the GLA will be in excess of £20million and this requires the work to start by September 2022.

Your questions

If you have questions about the Landlord Offer or anything else that you feel would help you decide, then please contact either Southwark Council on 020 7732 2886 or email ledburyhousingteam@southwark.gov.uk; or your Independent Tenant and Homeowner Advisor, Neal Purvis from Open Communities on Freephone 0800 073 1051 or at neal.purvis1@btinternet.com.

SUMMARY

Our Key Commitments to you

These commitments to you represent a guarantee from the Council for these policies. More details are available in the Detailed Commitments section.

- **A new home for every permanent tenant, leaseholder and former tenants with a right to return:** If you want to remain on the Estate we will offer you a new home in the new development that meets your housing needs. You will have your own private outdoor space.
- **Dedicated support team:** We will help you to understand the proposals, the best options for you and support your home.
- **A commitment to council ownership:** All the new rented homes on the estate will be owned and managed by Southwark Council.
- **A fair and flexible offer to homeowners:** We are committed to ensuring no homeowners are worse off financially as a result of this offer. We will offer both resident and non-resident homeowners the option to sell your homes to us at an independently verified price plus a regulatory home loss payment up to the point that a contract is let to build the replacement homes. Homeowners will be eligible to buy a property in the new development on a leasehold basis. If homeowners cannot purchase outright, ownership options for homeowners include shared ownership, shared equity and equity loan. We will cover all reasonable costs incurred as a result of sale/shared equity arrangements.
- **A commitment to quality:** All new homes will be built to the latest standards as set out in current Building Regulations, planning policy and Southwark New Homes Design Guide. For existing residents all new homes will be as big, or bigger, than your current home and it will also have a large enough outdoor space for your household to use together. All homes will be energy efficient.

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- **Help when moving:** We will also pay all reasonable removal expenses (as part of a 'disturbance fee') and help with arranging your move and setting up your home.
- **We will minimise disruption:** We will make every effort to limit disruption to you and your household.
- **Your rent will be a council rent:** All the new rented homes on the estate will be owned and managed by Southwark Council and will have Council rent levels, but the levels of rent are determined by property values, and as the new builds will be of higher value, the rent will be proportionally higher.
- **Your tenancy will stay the same:** Your tenancy rights will be the same when you return to your new home as they are now.
- **You will receive compensation:** For remaining residents in the Ledbury Towers, we will pay you a home loss payment for the loss of your home plus actual costs incurred as a result of moving.
- **Compensation for home improvements:** If you are a Council tenant and have made improvements to your home, we will compensate you for them providing they were carried out with Southwark Council's permission.
- **Provision of parking:** Resident car owners who currently have a parking permit will have a parking permit for the redeveloped estate.
- **Tackling overcrowding:** Tenants who are overcrowded or want to downsize in the low rise blocks will be offered homes to meet their housing need as part of this regeneration.
- **Protecting the community:** There will be a local lettings policy for the estate so that after re-housing all those residents and homeowners whose homes are demolished, the additional new homes developed will in the first place be for all tenants on the wider estate in need.
- **Dedicated Ledbury design review panel:** We want residents to develop the designs and the delivery of homes with the architectural team and the building contractors.
- **Ongoing consultation and communication:** We will consult you on proposals for the new development throughout the process, using a range of methods so you can influence things in ways that best suit you.

Summary commitments to remaining Council Tenants in the Towers

- You will be **offered** a new council home on the estate. If you want to live in the replacement block on the site of your current home, you will have to move temporarily to an alternative new home whilst your replacement home is built.
- We will work with you to **pre-allocate** a home based on your needs.
- Your **rent** will remain a Southwark Council rent. New council rents for new homes will apply. This is consistent with the approach across Southwark. We are committed to making sure rents stay as low as possible.
- Your **tenancy** will not change. Your tenancy rights will remain the same and be with Southwark Council.
- Your **service charges** are based on the cost of providing services. We are committed to making sure service charges stay as low as possible and any increases will be phased over five years.

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- Your **council tax** is based on the value of your property. As the value of the property is likely to be higher your council tax band will likely be higher resulting in a higher council tax costs
- Your **energy bills** will be based on what you use and an energy meter will be installed inside your home. The new homes will be more energy efficient than the homes in Ledbury Towers.
- Your **water bills** will be based on what you use and a water meter will be installed inside your home.
- You are entitled to **home loss compensation**. This is a statutory payment set in law. Tenants get a payment of £6,500 (this is reviewed annually).
- You are entitled to **disturbance costs**. Residents will be reimbursed for reasonable costs related to removals costs, adjustments to curtains and carpets and disconnection and connection of services such as phones, TV and the redirection of post.
- The **right to buy** will apply when you move to your new home.

Summary commitments to former Council Tenants in the Towers who have the right to return

- You will be offered a new council home on the estate.
- We will work with you to offer you a home based on your needs ahead of the homes being built.
- Your tenancy will not change. Your tenancy rights will remain the same and be with Southwark Council.
- Your rent will remain a Southwark Council rent. New council rents for new homes will apply. This is consistent with the approach across Southwark. We are committed to making sure rents stay as low as possible.
- Your service charges are based on the cost of providing services. We are committed to making sure service charges stay as low as possible and any increases will be phased over five years.
- Your council tax is based on the value of your property. As the value of the property is likely to be higher your council tax band will likely be higher resulting in a higher council tax costs
- Your energy bills will be based on what you use and an energy meter will be installed inside your home.
- Your water bills will be based on what you use and a water meter will be installed inside your home.
- You are entitled to disturbance costs. Residents will be reimbursed for reasonable costs related to removals costs, adjustments to curtains and carpets and disconnection and connection of services such as phones, TV and the redirection of post.
- The right to buy will apply when you move to your new home.

Summary commitments to leaseholders

- If you want you can still **sell** your property to us as soon as you are ready.

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- If you want to remain on the estate you will be offered a new leasehold **property** on the estate. The lease will be for 125 years.
- You will have the option to buy it outright or to **purchase** through shared ownership, shared equity or equity loan. Currently there are differences between the leases for shared ownership, shared equity and your current lease in Ledbury Towers, To see a specimen copy of the new leases, contact the Ledbury Team. You are strongly advised to read your current lease very carefully, to compare with the conditions of the new leases
- You will be offered an **independent market valuation** of your home.
- You will be given a **home loss payment** of 10% of the market value of your home for resident leaseholders and 7.5% for non resident leaseholders.
- You are entitled to **disturbance costs**. Residents will be reimbursed for reasonable costs related to legal fees, stamp duty tax, surveyors fees, mortgage application and breakage fees, specialist adaptations, removals costs, adjustments to curtains and carpets and disconnection and connection of services such as phones, TV and the redirection of post.

VOTING

There is no minimum turnout needed and the result will be based on a simple majority – in other words whichever vote (yes or no) receives the highest number of votes will decide if the scheme goes ahead or not. The ballot will:

- be run by an independent organisation;
- you can vote anonymously either in favour or against the proposals;

Who will be running the independent ballot?

The ballot will be independent and carried out by Open Communities. Open Communities have been working on the estate as the Independent Tenants and Homeowners Advisors. Open Communities will share the results with Southwark Council. Southwark Council will **not** be able to see how individuals have voted. Open Communities will be responsible for:

- Securely posting the ballot papers to eligible households
- Receiving and counting the votes
- Verifying that all votes have been casted legitimately
- Issuing the result

Open Communities can be contacted on freephone (0800 073 1051) and enquiries@opencommunities.org.

Who can vote?

Households who are able to vote on the future of the Ledbury Estate Towers are:

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- Households who are Council tenants who remain living permanently in the Towers
- Households who are Council tenants who have moved from the Ledbury Towers and have the right to return
- Resident leaseholder households.
- Non Resident leaseholders.

What question will be on the ballot paper?

The question is:

"Are you in favour of the proposal for the re-development of the Towers on the Ledbury Estate?"

How do I complete the ballot paper?

If you want to vote 'yes' in favour of the proposal place an x in the box marked yes.

If you want to vote 'no' against the proposals, place an x in the box marked no.

You may only vote once – Open Communities checks and verifies every individual ballot paper and online vote to ensure that eligible households only vote once. If a household tries to vote more than once, their vote will not be counted.

How do I cast a vote?

You will be able to vote using either of the following methods:

- Post the completed ballot paper back to Open Communities in the pre-paid envelope provided.
- Vote online using the security codes listed on your ballot paper.
- Use the ballot box in the Ledbury TRA Hall

When can I vote?

You can vote between Wednesday 3 March 2021 and Friday 26 March 2021. The vote lasts for 23 days and closes at 5pm on Friday 26 March 2021. If you are voting by post, your postal vote must be received by Open Communities by Tuesday 30 March 2021.

You will receive your ballot paper by post from Open Communities. Once you have your ballot paper you can cast your vote using the methods stated above.

If you are voting by post, your ballot paper must have arrived at Open Communities by the deadline to be counted. Please make sure you send your vote back with plenty of time to arrive as any ballot papers received after Tuesday 30 March 2021 will not be counted under any circumstances.

When will I find out the result?

All residents will receive a newsletter in the week commencing Monday 5 April 2021 to confirm the result and the next steps.

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What happens after the ballot?

A 'Yes' vote

If the ballot result is in favour of the final option, we will deliver this option with resident input.

A 'No' vote

If the ballot result is against the final option, we will discuss this with the Ledbury Resident Project Group.

THE PROPOSAL - OUR OFFER TO YOU

The Proposal

The proposal is the demolition of the four towers and replacement with new homes.

Under the proposal there are 3 alternative versions whereby all the Towers will not be demolished all at once, but in phases, starting with Bromyard House and replaced with up to 333 homes. If residents vote Yes in the Residents Ballot, further consultation will take place on which version is taken forward.

The new homes will be built in phases and each phase will take around 2 years to build.

After replacing the council homes in the Towers that are demolished, half of the extra homes built will be council homes at council rents. First priority for the new homes will go to Ledbury Towers Tenants and Leaseholders, and those former tenants with a right to return. The new build homes will be bigger than the existing 2 and 3 bedroomed homes and will all have a private outdoor space such as a balcony or patio. The 1 bedroomed homes for existing tenants, leaseholders and those former tenants with a right to return will be the same size as the existing Ledbury Towers 1 bedroomed flats, and will all have a private outdoor space such as a balcony or patio.

[Insert Masterplan drawings of the three versions]

Design Principles

The Residents' Project Group have told us what they want from the design and construction of new homes and we will continue to work with them to ensure that the new homes meet residents' needs and inspirations.

All new homes will:

- Be built to high fire safety standards
- Be designed to be secure for residents inside their individual homes, with safe and secure blocks and common areas
- Have windows that provide high levels of sound proofing, are easy to open and close, and designed to be easily cleaned
- Provide privacy for residents from neighbours and from the street
- Have letterboxes on the front door of each flat, no communal letter boxes

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- Have effective noise insulation easy to adjust ventilation to all rooms
- Have solid walls, and fixed ceilings in communal areas
- Be designed to take account of the specific needs of residents with health issues.
- Have easy to use individual controls for all year round central heating systems
- Involve residents throughout the design and construction process in the choice of building materials fixtures, and finishes, and monitoring of the construction process
- Provide sufficient open space for each household in gardens, patios, balconies or winter gardens
- Provide communal open space that is safe, secure, accessible to residents of different ages, and easy to maintain.
- Provide a variety of homes with open plan and separate kitchens and living spaces so residents have a choice
- Have choices for Ledbury residents on flooring and decor in their new kitchen and bathroom,
- Meters to be accessible to residents on the same floor as their home
- Be designed to minimise the need and cost for future maintenance
- Provide refuse disposal areas easy to use and accessible for all residents
- Space for parking for deliveries and contractors.
- Lifts that call at every floor, large enough for furniture

The Estate - Key Benefits

The proposal will provide:

- New replacement homes for all council tenants who still live in the Towers, Council tenants who have moved and have the right to return, resident leaseholders, and non-resident leaseholders
- New homes for those Council tenants living in overcrowded accommodation on the wider Ledbury estate
- Improved open space in the centre of the estate with space for play and relaxation
- Improvements to the estate frontage along Old Kent Road
- Safety improvements as you move through the estate and into your home

[View through from Old Kent Road through to school]

[View from Commercial Way to the new homes on the site of Bromyard House]

Your Home – Key Benefits

- **The 2 and 3 Bedroomed homes will be bigger**
If you live in a 2 or 3 bedroomed flat will be bigger. If you live in a one bedroom flat will be the same size. At a minimum homes will be:

Can we have the graphics in here from page 16 of the options booklet
- **Your homes will have private outdoor space**
All homes will have a balcony, front garden or rear garden. The size of your outdoor space depends on the number of bedrooms you have. In a:

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- 1 bedroom home you will have a balcony at a minimum of 5m² (54 square feet).
 - 2 bedroom home you will have a balcony at a minimum of 7m² (75 square feet).
 - 3 or more bedroom home you will have a balcony at a minimum of 9m² (97 square feet).
- **Your homes will be more energy efficient and reduce carbon emissions**
Your homes will be designed to be more energy efficient and reduce carbon emissions in its construction and as you live in it each day. Homes will be well insulated and connected to a communal heating system. You will have individual control of the amount of heat you use in your home and designed for efficient water use.
 - **Your homes will be safe and secure**
Your homes, like your estate, will be designed to improve safety and minimise opportunities for crime.

Your move

- Southwark Council will ensure one move for the households who remain in the Towers, unless residents request two moves for a specific property.
- A local lettings system will be used to prioritise moves based on housing need and medical need. A dedicated team will support residents through each step of the process. The principles of the local letting system are as follows:
 - All households will not need to bid for homes.
 - Households will be pre-allocated a new home on the Ledbury Estate after planning permission has been granted. This means that ahead of time, households will know: the exact home they will be moving to; they will know the timetable for building that home; and will be able to choose from the available colour finishes for their new home
 - Residents who want to move to a home on the same floor, location and aspect will have highest priority
 - If residents want to move to a higher or lower floor, this will be possible in line with prioritisation.
 - Prioritisation will be based on housing need, medical need and how long you have lived on the estate

Council tenants

- Council tenants will be allocated a home based on housing need.
- Prioritisation will be based on housing need, medical need and how long you have lived on the estate
- If you are currently in a larger property than you need, you will be eligible for the same sized property and if you want to downsize you can.
- After rehousing existing tenants, leaseholders and those former tenants with a right to return, overcrowded families, those under

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occupying and in other housing need on the wider Ledbury Estate can move to larger new build homes using a choice based bidding system, as these homes will be ring fenced first to existing Ledbury tenants.

Leaseholders

- Leaseholders will be allocated a home based on the size of their current home.
- Prioritisation will be based on housing need, medical need and how long you have lived on the estate
- If you are a resident leaseholder and overcrowded, you will be eligible for a larger property
- If you are currently in a larger property than you need, you will be eligible for the same sized property and if you want to downsize you can.

Your Community

- **Skills and job training for residents**

Southwark Council will require that the contractors building the new homes will have:

- an apprenticeship programme that is linked to a wide range of opportunities in both the local area and London wide.
- a local employment programme that means that all jobs are advertised locally on the estate.

- **Community participation in the design and delivery process**

Southwark Council will support the use of a Ledbury Estate Design Review Panel formed of representatives from across the estate alongside of experts to design and deliver the proposals in line with resident needs and preferences. Residents will be involved throughout the design and construction process in the choice of building materials fixtures, and finishes, and monitoring of the construction process.

- **Dedicated support team**

Southwark Council will continue to have a dedicated team to help with rehousing; to work with you on the local lettings policy, compensation and other support you may need.

This team will also work with the Ledbury Tenants & Residents Association to support residents, existing and new, to meet each other via social events to integrate new residents into the community.

When will work start

- The estimated timeframe for delivery of the programme is as below.

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Preparation Spring 2021 – Summer 2022	18 months for: <ul style="list-style-type: none"> Secure design team to work with residents on design, build contractor and planning permission negotiations with leaseholders to continue pre-allocations confirmed with all residents
Phase 1 Summer 2022 – Summer 2024	2 years for: <ul style="list-style-type: none"> Demolition of Bromyard House Build Replacement Homes
Move – Residents Summer 2024 – Autumn 2024	6 months to move: <ul style="list-style-type: none"> Residents from Peterchurch, Sarnsfield and Skenfrith Houses to move into new homes on the site of Bromyard House on either a permanent or temporary basis depending on their choice of final home. Tenants with a right to return who have chosen a new home on the site of Bromyard House move on on a permanent basis
Phase 2 Winter 2024 – Winter 2027	2 years for: <ul style="list-style-type: none"> Demolition of Peterchurch, Sarnsfield and Skenfrith Houses Build Replacement Homes
Move – Residents Winter 2027	3 months to move: <ul style="list-style-type: none"> Residents temporarily housed in the new homes on the site of Bromyard House move into new permanent homes on the site of Peterchurch, Sarnsfield and Skenfrith Houses. Tenants with a right to return who have chosen a new home on the site of Peterchurch, Sarnsfield and Skenfrith Houses on a permanent basis. The remaining new homes in the new build properties are advertised through choice based lettings exclusively for tenants in need on the wider Ledbury Estate.

How will this timetable fit in with the planned works for the low rise homes on the Ledbury Estate

- It was planned that in 2023 Southwark Council would be commencing the Quality Homes Improvement Programme (QHIP) Works on the low rise Ledbury Estate blocks. The works under this programme will include external redecorations, window & general repairs to the fabric of the building where necessary, and internal kitchen and bathroom renewals to tenanted properties which meet the QHIP criteria. A Resident Project Group will be set up to work with Officers who will be delivering these works.
- The COVID-19 response has had a significant impact on the council's finances. Like other councils across the country, and Central Government,

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Southwark Council has had to divert funds to help support our local community and businesses during the pandemic.

- The original programme was due to be commence in 2023 and complete by 2025. This is likely to be delayed as the QHIP is being reviewed as part of an Asset Management Refresh in 2021, Although, the two year programme will still be completed whilst the Ledbury Tower redevelopment is ongoing, and therefore both schemes will have to have regard to any impact they have on each other.

DETAILED COUNCIL COMMITMENTS

Commitments to permanent tenants

1. **Ensuring standards** - Southwark Council is committed to maintain and improve the estate in line with Southwark Council's Great Estates Programme.
2. **Minimising disruption** - we will make every effort to limit disruption to you and your household
3. **Protect your tenancy** - your tenancy rights will remain the same in existing or new homes.
4. **Commitment to quality** – all new homes will be built to the latest Southwark Council Homes Design Standards and building regulations.
5. **Dedicated support** – the Ledbury team will continue to communicate and support residents with the works programme.
6. **Option to return** – all tenants have a guaranteed option to return to a new Council home on the Ledbury Estate.
7. **Prioritising those in housing need** - Existing tenants on the wider Ledbury Estate in housing need (through having a health priority, being overcrowded or wanting to move to a smaller home) will receive priority for the new homes on the estate, once all the existing Ledbury Towers tenants, leaseholders and those former tenants with a right to return are housed.
8. **Receive compensation** – For those residents who are still residing in the Towers a payment of £6,500 (increased annually in line with inflation) and actual costs incurred (for both the temporary and permanent move) as a result of moving will be paid. For example removals, disconnection and re-connection, installation of TV and phone.

Commitments to leaseholders

1. **Ensuring Standards** - Southwark Council is committed to maintain and improve the estate in line with Southwark Council's Great Estates Programme.
2. **Minimising Disruption** - Southwark Council will make every effort to limit disruption to you and your household.

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3. **Commitment to quality** – all new homes will be built to the latest standards and building regulations.
4. **Dedicated Support** – a team will be created to communicate and support residents with the works programme as well as bidding.
5. **Receive compensation package**- a home loss payment of 10% of the market value of your home for resident leaseholders and 7.5% of the market value of your property for non resident leaseholders, plus costs incurred as a result of moving.
6. **Independent market valuation** – the independent surveyor, paid for by Southwark Council will be able to advise you and negotiate with Southwark Council's surveyor on your behalf.
7. **Offer of a home on the estate** – this could be a shared ownership, shared equity, an equity loan or a council tenancy, that will happen once the new homes are built and at that point there will be a new replacement 125 year lease granted for your new in exchange for your current lease.
8. **Commitment to ensuring you are no worse off** – Southwark Council will work with you to ensure we keep to this commitment.

My Estate - Issues for all permanent residents

1. **How will the estate change?** The estate will change significantly with all the Towers coming down (in two phases and not all at once). New green spaces will be created, for play and relaxation.
2. **How long will works take?** It is estimated that works will commence in 2022 starting at Bromyard House. The redevelopment of the Bromyard House site will be completed by 2024. Work to the site of the other 3 Towers will start in 2024 with an estimated completion date of 2027.
3. **How many new homes will there be?** Up to 109 additional new homes will be built. All existing council homes will be replaced and 50% of the additional homes will be Council Homes. After rehousing the remaining residents and those tenants with a right to return we can rehouse those living in overcrowded homes on the rest of the estate and support downsizing.
4. **Will there be any change to the size of my home?** Yes. Design standards have changed dramatically in recent years. The London Plan means that all new homes are bigger than they have been in the recent past. Southwark's own New Council Homes Design Standards are even higher. New replacement homes will all have outdoor patios or balconies and the sizes of the homes will be at least as follows:
 - a. Two Bedroomed, 4 person flat – 70.8m² (753 square feet)
 - b. Three Bedroomed, 6 person flat – 97.8m² (1022 square feet)

As the one bedroomed flats are currently larger than the new design guide, the replacement one bedroomed flats for Ledbury residents will have to be at least as large as they currently are.

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In addition there are a number of rules for new homes which include:

- c. A flat with two or more bedspaces has to have at least one double (or twin) bedroom
 - d. In order to provide 1 bedspace, a single bedroom has a floor area of at least 7.5m² (80 square feet, it used to be 50 square feet) and is at least 2.15m (7 feet) wide
 - e. In order to provide two bedspaces, a double or twin bedroom has a floor area of at least 11.5m² (123 square feet, it used to be 110 square feet)
 - f. Gross Internal Area for flats include enough space for one bathroom and one additional WC in homes with 3 or more bedrooms.
 - g. The minimum floor to ceiling height is 2.5m (8.2 feet) for at least 75% of the Gross Internal Area.
 - h. The width of the main living area should be 2.8m and 3.2m for homes built for five people or more.
 - i. All private balconies should be at least 8% of the overall floor space of the property and at least 1.5m deep and at least 1.5m wide.
 - j. All homes should provide for direct sunlight to enter at least the living room or bedroom for part of the day.
 - k. Living areas and kitchen dining spaces should preferably receive direct sunlight.
5. **How will the green spaces change?** Trees will be protected and / or replaced. New green spaces will be created for play and relaxation.
 6. **What will happen to the football pitch?** The football pitch will be moved to a new position on the estate.
 7. **What will be done to improve the energy performance of the homes?** New homes will meet latest energy standards and we will aim to achieve net zero carbon targets.
 8. **Will I be able to park my car?** Residents with a parking permit will continue to be able to park their car on the estate

Issues for all permanent Ledbury Towers Council Tenants who currently reside in the towers

My Home

1. **Will I have to move?** Yes, however not all the Towers will come down at the same time. We will build new homes on the site of Bromyard House first so that the majority of residents can make one move from their existing home to their new home. If you want to move back to a home on the site of your existing home, then you can move to a new home on the site of Bromyard House temporarily.
2. **Will my tenancy change?** When you move to a new property your tenancy rights will remain the same.
3. **What size home will I be eligible for?** You will be entitled to a new home the same size as you currently occupy or if you are overcrowded that is appropriate

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to the size of your family. Therefore if you are currently overcrowded you will get a larger home. If you want to downsize, you can.

4. **Are new homes bigger than existing homes?** All new homes will be based on new space standards and building regulations. Flats with the same number of bedrooms will be bigger than you currently have (except one bedroomed flats will be of the same size) and include private outdoor space.
5. **Will I have the opportunity to use my right to buy?** Right to Buy will no longer apply when a decision has been taken to demolish homes but it will once again apply when tenants move into their new homes.

My Finances

6. **Will my rent change?** Council rent levels for new build properties will apply. As new build homes are normally bigger than existing homes and built to a much higher standard, rents are usually higher as they are based on values. However this could be partially off set by them having lower heating costs as a result of better insulation.
7. **Will my service charge change?** Charges are based on the cost of providing services that are delivered. If additional services are provided within the new blocks, service charges may change. We are committed to making sure service charges are kept as low as possible. If there are increases in service charge amounts we would agree a phased introduction of the increase over a period of five years.
8. **Will my Council Tax charges change?** Council Tax bands are established by the value of the home, and new build homes will be of a higher value than existing properties. This may therefore increase the Council Tax burden on residents. For example at Sylvan Grove on the other side of the Old Kent Road, the new flats were two Council Tax bands higher than at Ledbury..
9. **Will my household bills change?** In all new homes your water will be metered, which usually means smaller bills for smaller householders and larger bills for bigger households. This is a requirement by law. It is reasonable to suggest that homes connected to the new district heating system and built to new building standards will have lower energy bills.
10. **Will I get financial help if I move?** Tenants have the right to a home loss payment. This is a statutory payment that is set out in law and cannot be changed. Tenants get a payment of £6,500 (this is reviewed on 1st October each year). Other costs such as removal vans, disconnection and reconnection of services, phone and TV installation, redirection of post and adjustments to carpets and curtains will be paid.
11. **How will Southwark Council afford to do these works?** Southwark Council will use multiple methods to finance works including borrowing money from Central Government; investing rents we receive from homes and commercial properties; sales receipts from new private homes; and grant payments from the Greater London Authority to put towards the cost of building additional council homes.

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Issues for former Ledbury Towers Council Tenants who now live elsewhere but who have the right to return

My Home

1. **Will I have to move?** No. You simply have the right to return to the site of the Ledbury Towers. Under this option when the plans for the new homes are ready you will be offered the chance to move back.
2. **Will my tenancy change?** When you move to a new property your tenancy rights will remain the same.
3. **What size home will I be eligible for?** You will be entitled to a new home the same size as you currently occupy or if you are overcrowded that is appropriate to the size of your family. Therefore if you are currently overcrowded you will get a larger home. If you want to downsize, you can.
4. **Are new homes bigger than the existing homes in the Ledbury Towers?** All new homes will be based on new space standards and building regulations. Flats with the same number of bedrooms will be bigger than you currently have (except one bedroomed flats will be of the same size) and include private outdoor space.
5. **Will I have the opportunity to use my right to buy?** Right to Buy will apply when tenants move into their new homes.

My Finances

6. **Will my rent change?** Council rent levels for new build properties will apply. As new build homes are normally bigger than existing homes and built to a much higher standard, rents are usually higher as they are based on values. However this could be partially off set by them having lower heating costs as a result of better insulation.
7. **Will my service charge change?** Charges are based on the cost of providing services that are delivered. If additional services are provided within the new blocks, service charges may change. We are committed to making sure service charges are kept as low as possible. If there are increases in service charge amounts we would agree a phased introduction of the increase over a period of five years.
8. **Will my Council Tax charges change?** Council Tax bands are established by the value of the home, and new build homes will be of a higher value than existing properties. This may therefore increase the Council Tax burden on residents. For example at Sylvan Grove on the other side of the Old Kent Road, the new flats were two Council Tax bands higher than at Ledbury.
9. **Will my household bills change?** In all new homes your water will be metered, which usually means smaller bills for smaller householders and larger bills for bigger households. This is a requirement by law. It is reasonable to suggest that homes connected to the new district heating system and built to new building standards will have lower energy bills.
10. **Will I get financial help if I move?** Removal costs such as removal vans, disconnection and reconnection of services, phone and TV installation, redirection of post and adjustments to carpets and curtains will be paid.

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11. **How will Southwark Council afford to do these works?** Southwark Council will use multiple methods to finance works including borrowing money from Central Government; investing rents we receive from homes and commercial properties; sales receipts from new private homes; and grant payments from the Greater London Authority to put towards the cost of building additional council homes.

Issues for Resident Ledbury Towers Leaseholders

My Home

1. **Will I have to move?** Yes, all leaseholders will be required to move.
2. **Will I be offered an alternative home on the Estate?** Resident homeowners will be able to buy a property in the new development, and will be offered other options if they cannot purchase outright. These include shared equity, shared ownership with Southwark Council or an equity loan with Southwark Council.
3. **Will I be able to let my new property out ?** There will be a bespoke shared equity lease for the existing leaseholders in the Ledbury Towers which will allow sub-letting.
4. **What if I want my new property finished to a different standard?** All the new homes will be of the same standard. If a homeowner wants a higher standard, before the works commence, an agreement can be made to only finish the home without the final fit out works undertaken, so that the homeowner can finish the new home off at their own expense, which will be reflected in the valuation.
5. **Can I sell my home to the Council?** Leaseholders can take up the offer to sell their homes, up to the point of Southwark entering a contract in the summer of 2022 to build the new homes, as it is planned that the homes will be built to the bespoke needs of the leaseholders and any change to the specification of a particular home after the contract is let could lead to additional costs for the Council.
6. **Would the leaseholders owning a new property on the Ledbury Estate be granted a National House Builders' Council certificate?** Yes all new homes will receive a National House Builders' Council certificate.
7. **What happens if I don't want to move?** We aim to negotiate the buy back of your property by agreement, but if this is not possible Southwark Council have the ability to purchase your home under a Compulsory Purchase Order (CPO) subject to confirmation by the Minister for Housing, Communities and Local Government.

My Finances

8. **What costs am I entitled to?** Whether you choose the option of moving to a new home on the estate or to move to somewhere else after selling your home to Southwark Council you will be entitled to a home loss payment equivalent to 10% of the value of your property as well as disturbance payments intended to compensate you for certain costs that you may incur as a result of having to move home. These include: legal, stamp duty tax, surveyors fees, mortgage

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application and breakage fees, removal costs, specialist adaptation costs, altering soft furnishings and moveable fittings and fixtures, disconnection and reconnection of services and appliances, re-direction of post and their expenses that may be considered appropriate and agreed with Southwark Council.

9. **How will the value of my property be agreed?** An independent chartered surveyor will carry out a market valuation on your behalf for your property. Your independent surveyor will then discuss this with Southwark Council. The market valuation offered to homeowners is based “upon what the land might be expected to realise if sold in the open market by a willing seller. In assessing the open market value of your land you are assumed to be a willing seller. However, it is assumed that you would only be willing to sell at the best price which you could reasonably achieve in the open market.
10. **Am I entitled to my own surveyor?** Homeowners are encouraged to obtain their own valuation completed by a chartered surveyor who will act for you. Southwark Council will pay for the surveyor, where costs are reasonable.
11. **What happens if I cannot come to an agreement with Southwark Council?** If the valuations of the independent and council surveyors differ significantly and there is no prospect of reaching an agreement, then with the agreement of all owners of the property, and Southwark Council, the parties can seek to resolve the dispute through alternative dispute resolution (ADR).
12. **What if I can't afford a new property or don't have enough equity to buy a new home on the Estate?** We will conduct a financial appraisal and will work with you to find a solution that enables you to stay on the estate and in homeownership and / or offer of a council tenancy where this is your preference.
13. **Will my service charge change?** Charges are based on the cost of providing services that are delivered. If additional services are provided within the new blocks, service charges may change. We are committed to making sure service charges are kept as low as possible. If there are increases in service charge amounts we would agree a phased introduction of the increase over a period of five years.
14. **Will the service charge for maintenance change?** With all parts of homes, blocks and estate being new costs associated with repairs or works to the roof, lifts or other parts being in good condition, service charges could be expected to be lower than they currently are.
15. **Will my Council Tax charges change?** Council Tax bands are established by the value of the home, and new build homes will be of a higher value than existing properties. This may therefore increase the Council Tax burden on residents. For example at Sylvan Grove on the other side of the Old Kent Road, the new flats were two Council Tax bands higher than at Ledbury.
16. **Will my household bills change?** In all new homes your water will be metered, which usually means smaller bills for smaller householders and larger bills for bigger households. This is a requirement by law. It is reasonable to suggest that homes connected to the new district heating system and built to new building standards will have lower energy bills.

Issues for non Resident Ledbury Towers Leaseholders

My Property

1. **Will I have to move?** Yes, all leaseholders will be required to move.
2. **Will I be offered an alternative property on the Estate?** Non-resident homeowners will be able to buy a property in the new development, and will be offered other options if they cannot purchase outright. These include shared equity, shared ownership with Southwark Council or an equity loan with Southwark Council.
3. **Will I be able to let my new property out ?** There will be a bespoke shared equity lease for the existing leaseholders in the Ledbury Towers which will allow sub-letting.
4. **What if I want my new property finished to a different standard?** All the new homes will be of the same standard. If a homeowner wants a higher standard, before the works commence, an agreement can be made to only finish the home without the final fit out works undertaken, so that the homeowner can finish the new home off at their own expense, which will be reflected in the valuation.
5. **Can I sell my home to the Council?** Leaseholders can take up the offer to sell their homes, up to the point of Southwark entering a contract in the summer of 2022 to build the new homes, as it is planned that the homes will be built to the bespoke needs of the leaseholders and any change to the specification of a particular home after the contract is let could lead to additional costs for the Council.
6. **Would the leaseholders owning a new property on the Ledbury Estate be granted a National House Builders' Council certificate?** Yes all new homes will receive a National House Builders' Council certificate.
7. **What happens if I don't want to move?** We aim to negotiate the buy back of your property by agreement, but if this is not possible Southwark Council have the ability to purchase your property under a Compulsory Purchase Order (CPO) subject to confirmation by the Minister for Housing, Communities and Local Government.

My Finances

8. **What costs am I entitled to?** Whether you choose the option of moving to a new property on the estate or to move to somewhere else after selling your home to Southwark Council you will be entitled to a home loss payment equivalent to 7.5% of the value of your property as well as disturbance payments intended to compensate you for certain costs that you may incur as a result of having to move home. The include: legal, stamp duty tax, surveyors fees, removal costs, specialist adaptation costs, altering soft furnishings and moveable fittings and fixtures, disconnection and reconnection of services and appliances, re-direction of post and their expenses that may be considered appropriate and agreed with Southwark Council.

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9. **How will the value of my property be agreed?** An independent chartered surveyor will carry out a market valuation on your behalf for your property. Your independent surveyor will then discuss with Southwark Council. The market valuation offered to homeowners is based “upon what the land might be expected to realise if sold in the open market by a willing seller. In assessing the open market value of your land you are assumed to be a willing seller. However, it is assumed that you would only be willing to sell at the best price which you could reasonably achieve in the open market.
10. **Am I entitled to my own surveyor?** Homeowners are encouraged to obtain their own valuation completed by a chartered surveyor who will act for you. Southwark Council will pay for the surveyor, where costs are reasonable.
11. **What happens if I cannot come to an agreement with Southwark Council?** If the valuations of the independent and council surveyors differ significantly and there is no prospect of reaching an agreement, then with the agreement of all owners of the property, and Southwark Council, the parties can seek to resolve the dispute through alternative dispute resolution (ADR).
12. **What if I can't afford a new property or don't have enough equity to buy a new property on the Estate?** We will conduct a financial appraisal and will work with you to find a solution.
13. **What if I can not afford to pay any Capital Gains Tax that may be due?** We will conduct a financial appraisal and will work with you to find a solution, that could include reducing the equity share in the new property to help pay the tax, without affecting the ownership of the property.
14. **Will my service charge change?** Charges are based on the cost of providing services that are delivered. If additional services are provided within the new blocks, service charges may change. We are committed to making sure service charges are kept as low as possible. If there are increases in service charge amounts we would agree a phased introduction of the increase over a period of five years.
15. **Will the service charge for maintenance change?** With all parts of homes, blocks and estate being new costs associated with repairs or works to the roof, lifts or other parts being in good condition, service charges could be expected to be lower than they currently are.
16. **Will my Council Tax charges change?** Council Tax bands are established by the value of the home, and new build homes will be of a higher value than existing properties. This may therefore increase the Council Tax burden on residents. For example at Sylvan Grove on the other side of the Old Kent Road, the new flats were two Council Tax bands higher than at Ledbury.
17. **Will my household bills change?** In all new homes your water will be metered, which usually means smaller bills for smaller householders and larger bills for bigger households. This is a requirement by law. It is reasonable to suggest that homes connected to the new district heating system and built to new building standards will have lower energy bills.

Contact Us

If you have questions about the Landlord Offer or anything else that you feel would help you decide, then please contact either:

Southwark Council on 020 7732 2886 or email
ledburyhousingteam@southwark.gov.uk

or your Independent Tenant and Homeowner Advisor, Neal Purvis from Open Communities on Freephone 0800 073 1051 or at neal.purvis1@btinternet.com.

If you require translation services or someone to read it to you then please contact Southwark Council on 020 7732 2886 or email
ledburyhousingteam@southwark.gov.uk.

Draft

Item No. 13.	Classification: Open	Date: 2 February 2021	Meeting Name: Cabinet
Report title:		Empty Homes Action Plan	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Leo Pollak, Housing	

FOREWORD - COUNCILLOR LEO POLLAK, CABINET MEMBER FOR HOUSING

With 14,000 households on our council housing waiting list, private rents averaging over £20,000/annum, the council currently housing over 3,000 homeless households and house prices far exceeding Southwark residents' incomes, our efforts to build new council homes and securing affordable housing through the planning system need to be matched with similar efforts to bring empty homes in our borough back into use.

In spite of applying the maximum allowable premium on council tax and the investments made through our empty homes initiative, Southwark has continued to see a rise in long-term empty homes, each and every one of which representing a unacceptable wasted resource in the midst of a housing crisis, as well as often blighting neighbourhoods and attracting anti-social behaviour.

This report marks the beginning of a process of Southwark Council redoubling its effort to tackle the scourge of unused housing in our borough. It commits us to offering enhanced grants and proactive support for bringing private homes in disrepair back into use. It creates a new rolling fund for making compulsory purchases. It signals a further effort to bring forward the refurbishment of void council properties in blocks marked for redevelopment for use as temporary accommodation, further to the almost 1000 council homes we use to house homeless residents. It also seeks to draw more strongly on the intelligence of our communities, making it much easier for residents to initiate an investigation into a suspected empty home, and to improve our data on underutilised housing stock in the borough.

We are requesting a full resource and capacity review for the council to meaningfully assess what's needed to bring down the numbers of empty homes in the borough, as well as a further addendum in the coming weeks providing a broader evidence base showing the drivers of empty homes and the range of circumstances owners find themselves in, to support the development of our strategy.

Crucially, we will also work closely with community groups to make the case nationally for the powers and resources councils need to meaningfully tackle empty homes problems in their area – a simpler quicker and cheaper compulsory purchase process for long-term empty homes; lifting the caps of council tax premium placed on empty homes; new planning powers requiring occupation a given period after completion (or reversion to the council); and a review of the expansive definition of 'second homes' whose exemptions so often reveal investment properties, holiday homes and short-term lets.

I would urge all owners of empty homes in the borough – be they buy-to-leave investors, accidental owners, or developers and housing associations hesitating on what to do with their completed homes - to approach the council where many solutions can be found to meet the housing needs of our residents.

RECOMMENDATIONS

1. To instruct officers to review the resources required to deliver the Empty Homes Action Plan, including the capital requirement needed from the Housing Investment Programme.
2. To agree the following proposed actions, which will be included in a new Empty Homes Action Plan, to bring empty homes back in to use and increase the supply of homes for homeless households in Southwark: (see paragraphs 35-44 for further detail)
 - a. Maximise use of empty homes designated for redevelopment
 - b. Explore offering enhanced grants tied to long-term leasing
 - c. Plan proactive purchase and repair of empty homes
 - d. Further consider use of Empty Dwelling Management Orders
 - e. Improve the data on empty homes
 - f. Raise awareness and provide advice on options to bring properties back in to use
 - g. Incentivise property owners to let their homes through the council's social lettings agency to homeless families.
3. To make representations to government concerning the limitations of legal powers and national policy with regard to the ability of local authorities to take action to return empty properties to use.

BACKGROUND INFORMATION

4. London is facing a housing crisis. At a time when tens of thousands of families across the capital are reliant on temporary accommodation or on waiting lists for a suitable home, it has never been more important to tackle the issue of empty homes. This is a London-wide challenge and Southwark Council is playing its part to address the issue, but national action is also needed to tackle the problem.
5. The number of empty homes is rising across the country and most local authorities have experienced increases in the number of empty homes. Bringing empty homes back into use won't solve the housing crisis by itself, but the council is committed to clamping down on empty homes which are a needless waste and a lost resource, particularly in an area where there is high demand and significant levels of housing need. Empty homes can also create a serious blight on a neighbourhood.
6. The council is committed to 'Take action to reduce the number of empty homes in our borough, so more local people can move into them', as set out in the

Borough Plan 2018-2022.

7. This report provides an update on the complex nature of returning empty homes to use, the current position in Southwark and the steps proposed to increase the number of homes returned to use.
8. The total number of empty homes will vary from day-to-day, as there will be homes that are going through the usual transactional process of being vacated, refurbished and re-let or sold. The focus of this report is on those longer-term homes, which have been empty for six months or more.
9. There are a number of means to bring empty homes back into use from informal measures to the use of enforcement powers, which includes Enforced Sales, Empty Dwelling Management Orders and Compulsory Purchase Orders.
10. Only a small number of owners willingly choose to leave their homes empty. The starting point with owners is to provide advice on guidance on how properties can be returned to use, the benefits of doing so and the support that is available for them to do so. The council provides a number of grants and loans to support owners returning their homes to use. Enforcement action is seen as a last resort if property owners are unwilling or unable to bring their homes back into use.

Empty Homes in Southwark

11. The number of empty homes has historically been derived from council tax records. This is not a completely reliable measure of empty homes.
12. The council will be undertaking research and evidence gathering to develop a more detailed understanding of empty homes in the borough, with the aim of improving and strengthening the approach to capturing and tracking information on empty homes.
13. As at the most recent reconciliation of records, completed in October 2020, there were 3,720 empty homes in Southwark, of which 2,358 were empty for 6 months or more. The proportion of empty homes in the borough is around 2.7%, which is in line with the average percentage of vacant homes in England, though higher than the London average of 2%.
14. The number of recorded longer-term empty properties, vacant for 6 months or more, has increased since last year. Homes can be left empty for a variety of reasons such as the high cost of repairs, issues that have arisen mid redevelopment, probate issues, poor pricing and marketing of the home, difficulty in finding tenants and so on. It is possible that this is, in part, linked to the pandemic; some people intending to move to the borough including students have not been able to move due to restrictions, and others will have moved out.

Private empty homes

15. Approximately 1,300 long-term empty homes are in the private sector. The council has taken action to tackle private empty homes, doing all we can with the levers available to us, but there are limits to the extent that local government can intervene in the private market.
16. From 2013 local authorities were empowered to charge a premium on longer-term empty homes – 200% for properties empty for 2 years and 300% for those empty for 5 years or more. Southwark campaigned for government to introduce this empty homes levy and has applied this discretionary power. 1,009 properties in the borough are subject to this premium.
17. The council already takes steps to work with landlords to encourage and support them to bring empty homes back into use. This includes providing a range of grants and support, including tenancy arrangements and administrative provision.
18. During the COVID-19 pandemic, the council wrote to all landlords in the borough to encourage them to consider using any empty properties to help rehouse key workers and vulnerable people.
19. While there are some options for enforcement of empty homes as set out below, there are significant limitations to local authorities' enforcement powers.

Options for Enforcement Action

20. Enforced Sale Procedure. Local Authorities can force the sale of homes, although there are complexities to this. The reasons for an enforced sale include:
 - Outstanding council tax debt; and
 - Other outstanding debt on the property due to works carried out in default.
21. Empty Dwelling Management Orders (EDMOs). EDMOs were introduced in the Housing Act 2004, and allow Local Authorities to take over management of empty properties without taking over ownership. However, formal approval for an EDMO must be obtained from the First Tier Tribunal, who will need to be assured that the property has been vacant for two years or more; and the property is the cause of nuisance to the community, or a cause of antisocial behaviour. There are number of other exclusions where an EDMO cannot be used.
22. The first step in the EDMO process is the granting of an interim EDMO for a 12 month period. During this time the Local Authority must work with the owner to agree a route to returning the property back into use. The Local Authority can then move to a final EDMO. This lasts for up to 7 years. This will allow for the local authority to carry out necessary works and take over management of the property. Rent can be charged and any costs accrued can be offset against this revenue.

23. The EDMO process is complex. National statistics are not published on the number of EDMOs that have been granted. The last published information indicated that there were very few EDMOs in place across the country.
24. Compulsory Purchase Order. Where it can be proven that no other means is available to a Local Authority which will result in the property being returned to use, the Local Authority can seek to use Compulsory Purchase Orders (CPO). The CPO powers are used as a final option and are governed by legislation and must be in accordance with Government guidance. Any CPO must be in the public interest and must be confirmed by the Secretary of State.

Council Void Properties

25. As the largest stock holding council in London with over 55,000 council homes, and one of the largest social landlords in the country, empty council homes will be a factor in the overall empty homes in the borough. At the point of writing there were 1,047 empty council homes, which equates to approximately 28% of the total empty homes in the borough. The majority of these empty homes are part of major redevelopment and refurbishment programmes, such as the Aylesbury estate, Ledbury and Maydew. A breakdown is provided below:
 - 569 homes are awaiting redevelopment, primarily as part of the Aylesbury regeneration scheme, with the Aylesbury currently hosting 317 households in temporary accommodation
 - 233 are part of significant refurbishment schemes (Ledbury Towers and Maydew House), with 103 void flats at the Ledbury currently being used as temporary accommodation, and Maydew House works have contractor appointed, pre-construction surveys currently progressing, with full works due to commence Spring/Summer 2021
 - 114 homes are having works carried out to so that they can be re-let
 - 31 homes are in the process of being let
 - 55 other properties including new build homes to be let, homes that have been decanted for major works.
26. 80% of empty council homes are either part of major regeneration / refurbishment programmes or designated for disposal. Where possible, suitable homes subject to longer-term regeneration plans are used to house our homeless families as temporary accommodation. The remaining routine 'churn' of council voids makes a small contribution to the proportion of empty homes in the borough.
27. The council's void disposal policy was amended in December 2020, raising the threshold for sales values, explicitly requiring the receipts to be earmarked for new housing investment, for a demonstrable net increase in habitable room space from reinvested sums, including like-for-like replacements.
28. In the development of the Temporary Accommodation Action Plan a review of supply options is underway to look at ways of providing more homes for homeless families. As part of this exercise a number of empty homes on the Aylesbury regeneration scheme will be considered in terms of whether they can

be brought back into use as temporary accommodation before redevelopment.

Housing Association Empty Homes

29. There are 306 housing association voids in Southwark of these 128 are long-term voids, empty for 6 months or more. These are relatively small numbers representing around 1.7% of housing association stock in the borough.

The Empty Homes Team

30. Private sector empty homes initiatives are managed within the Private Sector Housing and Adaptations Team within Asset Management.
31. The Empty Homes Initiative (EHI) works with owners of privately owned empty properties, helping them to find solutions to bringing their empty property back into residential use.
32. The EHI has typically focused on the longer-term empty properties, as these often cause the most nuisance, blight neighbourhoods and attract anti-social behaviour. Given the nature of these cases they often take considerable time to bring back into use and require the most resources. Southwark Council has some of the oldest private sector stock in London and a large number of heritage buildings, therefore the costs associated to bringing these types of long-term properties back into use is often very high. The EHI also deals with all empty properties as they are reported to us as a preventative measure to ensure that the property does not then become a long-term empty.
33. The work involves: tracing empty property owners where properties have been reported to the council and/or identified by the Empty Homes Project Officer, investigation to confirm the property is indeed empty and negotiations on how to bring about the property's reuse. Each stage can often be very lengthy due to a range of factors such as: owners not being resident within the borough or indeed the country; the complexity of the issues causing the properties to be empty; or the owner's unwillingness or resistance to make a decision on what to do.
34. The EHI promotes a range of grants and loans to help owners bring their properties back into use. These grants and loans act as a contribution towards the overall cost of works that property owners carry out and this is paid as a lump sum on satisfactory completion of the works.

KEY ISSUES FOR CONSIDERATION

35. To help further reduce the number of vacant homes in the borough the council is developing this new Empty Homes Action Plan as set out below:
36. Maximise use of empty homes designated for redevelopment. As part of the Temporary Accommodation Supply Action Plan a review of empty homes awaiting redevelopment will be carried out to maximise the number of homes available for homeless households.

37. We will also work with other landlords and developers to lease empty homes at local housing allowance levels, to increase the supply of affordable homes for homeless and key worker households. A generic time-limited template lease is being developed as part of the Temporary Accommodation Supply action plan.
38. Explore offering enhanced grants tied to long-term leasing. Councils have provided enhanced levels of grant and cheap loans to bring empty homes back into use to be used as temporary accommodation to house homeless families. This in turn could reduce reliance on expensive and unsuitable forms of temporary accommodation. This will remain part of our action plan but may require additional funding.
39. Plan proactive purchase and repair of empty homes. The council will make provision in its capital programme to purchase homes where the owner is unable to make an empty home suitable for occupation.
40. Further consider use of Empty Dwelling Management Orders. EDMOs can be used to bring in long-term empty properties back into use and to take over control of that home. The council can carry out essential work and then let the home. Refurbishment and management costs can be recouped from the rental stream. EDMOs can only be used for properties that have been empty for more than 2 years. As explained in paragraph 21, EDMOs are complex tools to use and there are many restrictions and requirements to consider. They can be expensive to bring into effect. Few councils have managed to deliver EDMOs successfully. Nevertheless, we will consider how we can make these work as it is one of the few enforcement tools available to the council.
41. Improve the data on empty homes. We will establish an empty homes reporting line through the council's switchboard. We will improve the information available online, including online reporting, as well as through email. This data will help inform future actions.
42. Raise awareness and provide advice on options to bring properties back in to use. The council will organise a vacant homes publicity campaign to encourage owners to work with the council to bring properties back into use.
43. Incentivise property owners to let their homes through the council's social lettings agency to homeless families. The council will be consulting on a new zero cost private rented sector license fee as part of the refreshed Private Rented Sector Licensing Scheme. The new Platinum standard, will be for landlords letting their homes at Local Housing Allowance rate through the council's lettings agency with a guaranteed income stream, full insurance cover and repairs coverage, and assurances their property will be returned to the landlord in equal or superior condition
44. Campaigning for changes to legislation and national policy. Legislation and policy limit the effectiveness of local action to return empty homes to occupancy. It is clear that the current system does not go far enough to dissuade owners of empty properties. The council will lobby national

government for the following powers and resources, and encourage community partners to add their voice.

- Simpler, swifter and more cost effective enforcement powers. The enforcement powers that local authorities have are limited, are complex and costly to use. Compulsory Purchase Orders on empty homes can be expensive, with often abortive costs associated with them, and will typically take many years to secure. The rules governing how and when Empty Dwelling Management Orders can be used are far too restrictive and in need of reform if they are to become a viable tool for local authorities to return homes to use.
- Use of planning powers to revert property to local authority's affordable housing supply where vacant. Current planning powers do not allow for planning consent to require homes to be occupied.
- Greater flexibility over council tax premiums on empty homes. The council has fully applied the current discretionary maximum of 300% to apply council tax premiums for long term empty homes. Government should allow unlimited council tax premiums on empty homes and greater flexibility to enable local authorities to charge the premium on homes empty for less than 2 years. We will also seek further flexibilities to charge premiums on second homes.
- Resources – the council's housing revenue account (HRA) is historically under-resourced and rent restrictions including a forced rent reduction for four years have significantly reduced the amount of money available to repair and maintain homes, leading to more properties needing major works in order to ensure they are safe to return to occupancy. In the private sector, resources are also stretched and a targeted government grant or loan to help owners of empty homes return them to use would provide a source of funding to enable repairs to bring property up to lettable standard.

Next steps

45. Officers will develop a standalone Empty Homes Action Plan, using the actions agreed in this report, which will be published on the council's website.
46. Officers will review the resources required to deliver the Empty Homes Action Plan, including identifying a capital fund for the compulsory purchase and refurbishment of long-term empty homes. We will seek to support the efforts to supply homes for homeless households in Southwark.
47. The council will make representations to government concerning the limitations of legal powers and national policy with regard to the ability of local authorities to take action to return empty properties to use.

Policy implications

48. In December 2020 Southwark Council agreed the new Southwark Housing Strategy 2020. This contained a commitment to tackling empty homes and making better use of existing properties. This included an action to develop an empty homes action plan.

Community impact statement

49. The Empty Homes Action Plan should benefit all communities through reducing the number of vacant homes in the borough and therefore ensuring more homes are used to house our local residents. The action plan should not have any negative impacts in relation to any of the protected characteristics under the Equality Act.

Resource implications

50. There are many teams that will contribute to the delivery of the action plan including:
- The Council Tax team that produce the empty homes returns
 - The Private Sector Housing and Adaptations Team within Asset Management leading on initiatives and enforcement
 - The Regeneration Team, Resident Services and Housing Solutions working together on use of vacant council homes awaiting redevelopment for use as temporary accommodation
 - External Affairs in supporting the lobbying campaign; and
 - The Private Sector Enforcement team in Environment and Leisure.
51. There are no immediate resource implications from this report. Where possible the council will reduce any resource implications from the action plan through use of its own communications tools, and use of existing staff.

Legal implications

52. There are no direct legal implications arising from this report. There may be further work required to fully understand the legal implications if the council decides to use enforcement powers such as Empty Dwelling Management Orders to address issues with particular properties. This would be covered in a separate report as required.

Financial implications

53. As stated in the next steps section of the report, officers will review the resources required to deliver the Empty Homes Action Plan, including identifying a capital fund for the compulsory purchase and refurbishment of long-term empty homes.

Consultation

54. The council consulted on the Southwark Housing Strategy 2020 as set out in

the Cabinet report to agree the Housing Strategy in December 2020. The Empty Homes Action Plan will assist in part with the delivery of the housing strategy. There are no plans for further consultation at this stage.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

55. The report summarises the limited 'last resort' legal powers available to a local authority to deal with empty properties in its area. Legal advice should be sought from the director of law and governance and her team at an early stage on the development of any policies or strategies to support the action plan involving the use of legal powers and on legal action contemplated on specific properties.
56. Cabinet members, when making a decision on the recommendations in this report are required to have due regard to the public sector equality duty (PSED) in section 149 of the Equality Act 2010. This duty requires the council to consider all individuals when carrying out its functions. Specifically, to have due regard to the need to eliminate discrimination, harassment, victimisation or other prohibited conduct; advance equality of opportunity and foster good relations between people with protected characteristics and those who do not. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Cabinet members are referred to the Community Impact statement in paragraph 49.

Strategic Director of Finance and Governance (H&M 20/125)

57. This report is seeking cabinet approval to agree the proposals set out in this report to deliver the empty homes action plan. Implementing and delivering the action plan to bring empty homes back into occupation will require both revenue and capital resources and a review is now necessary to determine the level of resources that are needed. These will be reflected in the respective revenue and capital budgets once identified, considered and approved.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark's Borough Plan 2020 - 2022		
Link: please copy and paste into browser: http://moderngov.southwark.gov.uk/documents/s92006/Appendix%20A%20Southwarks%20Borough%20Plan%202020.pdf		
Southwark Housing Strategy 2020		
Link: please copy and paste into browser: http://moderngov.southwark.gov.uk/documents/s92380/Appendix%20A%20-%20Southwark%20Housing%20Strategy%202020.pdf		

APPENDICES

No.	Title
None	

AUDIT TRAIL

Cabinet Member	Councillor Leo Pollak, Housing	
Lead Officer	Michael Scorer, Strategic Director of Housing and Modernisation	
Report Author	Perry Singh, Strategy & Business Support Manager,	
Version	Final	
Dated	21 January 2021	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member		
Date final report sent to Constitutional Team	21 January 2021	

Item No. 14.	Classification: Open	Date: 2 February 2021	Meeting Name: Cabinet
Report title:		Gateway 1 – Access Agreement for Transport for London Framework Contracts	
Ward(s) or groups affected:		Borough wide	
Cabinet Member:		Councillor Catherine Rose, Leisure, Environment and Roads	

FOREWORD – COUNCILLOR CATHERINE ROSE, CABINET MEMBER FOR LEISURE, ENVIRONMENT AND ROADS

During 2019 / 2020 Transport for London carried out competitive tenders to appoint contractors to two new framework agreements to carry out their surface transport construction works. These frameworks have been made available to all London Boroughs and Greater London Authority affiliated organisations through an access agreement. The two framework agreements are the Highways Maintenance and Projects framework agreement and the Surface Transport Infrastructure Construction framework agreement. The framework agreements commence on 1 April 2021 for an initial duration of eight years.

This report seeks the approval of Cabinet for the council to enter in to access agreements with Transport for London for these frameworks. There is no direct cost to the council to enter in to the framework agreements. The benefit of entering in to the framework agreements is to give the council greater options for delivering infrastructure projects and improvements over and above the council’s own highway works contracts.

The approach set out will ensure that Southwark Council can ensure the best possible construction delivery option in terms of price, quality, programme and social value and I recommend this report to the Cabinet.

RECOMMENDATION

1. That the Cabinet approves the council entering into agreements with Transport for London (TfL) for access to their Surface Transport Infrastructure Construction (STIC) framework agreement and to their Highways Maintenance and Projects framework agreement (HMPF) from 1 April 2021 for an initial duration of eight years for potential future award of construction projects following comparison of price, quality, programme and social value with the Council’s appointed contractor for highways maintenance and projects works.

BACKGROUND INFORMATION

2. TfL carried out a competitive tender procedure with negotiation during 2019 / 2020 to appoint contractors to commence new framework agreements on 1 April 2021 to replace their current London Highway Alliance Contracts. Under the framework agreements all London Boroughs and Greater London Authority (GLA) affiliated organisations can enter into an access agreement with TfL to appoint the contractors on the frameworks.
3. Works under the STIC framework will cover all capital delivery improvements on highways, structures and drainage assets. TfL intend to appoint five contractors under the STIC framework and each contractor will have to be willing and capable of working anywhere in London. Boroughs can appoint any of the contractors following a mini competition.
4. Works under the HMPF framework will cover all routine and reactive repairs on the highway network including footway replacement and carriageway resurfacing maintenance schemes. This framework is split into three areas within London – north, central and south – and Southwark is within the central area. TfL have appointed one contractor per area and Boroughs can directly award works to the contractor appointed to their area or carry out a mini competition between all three contractors.
5. The council has a construction works contract with FM Conway Ltd to provide the construction delivery of project works on highways, structures and drainage assets. The Southwark Council Highways Division will manage all the works contracts and contractors, whether they be FM Conway Ltd appointed directly under the Southwark Highways Works Contract or a contractor appointed under one of the TfL framework agreements.

Summary of the business case / justification

6. The purpose of the council accessing these framework agreements is to ensure the council receives best value in the delivery of infrastructure improvement schemes on their highways, structures and drainage assets.
7. At the time of the decision to tender the Southwark Highways Works Contract ("the Southwark Contract") no final decision had been taken by TfL regarding their proposals for highway maintenance and works contracts on the expiry of their London Highway Alliance Contracts (LoHAC). This helped the council decide at the time that procurement of new contracts was essential for the continued delivery of this core service.
8. Once details of any proposed construction work have been issued to the appropriate framework contractors their proposals can be assessed against each other and against FM Conway Ltd proposals.
9. Prior to the consideration of appointing a TfL framework contractor council officers will undertake a project appraisal to determine which delivery model is the most likely to provide the most advantageous outcome for the council.

The contractor offering the most advantageous proposal for that particular project can be awarded the works.

10. This report does not commit the council in spending any additional money. There is no direct cost to the council to enter the access agreement to the framework agreements with TfL.
11. Improvements to the highways network will help the council achieve a number of their Fairer Future Commitments. Improvements to the footways and cycleways will encourage residents and visitors to adopt a more sustainable mode of transport than a motor vehicle, to help provide a greener borough and encourage more active and a healthier life. A number of highway improvement schemes are implemented alongside other initiatives to help create a vibrant Southwark.
12. The works in scope can be summarised as follows:
 - Construction works to highways, structures and drainage assets
 - Infrastructure improvement / major maintenance schemes
 - Capital project delivery
 - Carriageway resurfacing
 - Footway renewal.

STRATEGIC SERVICE DELIVERY OPTIONS AND ASSESSMENT

13. This delivery option is in addition to the current Southwark Contract between the council and FM Conway Ltd. That contract commenced in July 2020 and is proposed to last until March 2026 with an option to extend the contract by any period up to two years at the council's discretion.
14. Any scheme where the construction works align to the scope of the STIC framework can be sent to the five STIC framework contractors on a call-off request form. Each contractor can decide to opt-out of the process by notifying the Borough within two days of receiving the call-off request form. Those contractors wishing to proceed then issue a call off proposal to the council within 20 days of receiving the call-off request form. The council can then compare the call off proposals received from each contractor with the Southwark Contract. Following assessment of each proposal the council can award the construction works to the contractor demonstrating the best proposal for the council. All awards of works will be processed in accordance with Contract Standing Orders.
15. All construction works could be awarded directly to FM Conway Ltd under the Southwark Contract. It is the council's intention that the majority of routine works and schemes are awarded directly to FM Conway Ltd under this contract. However, although this contract was awarded following a competitive tender process, this does not guarantee the optimum delivery option for some elements of work and major construction schemes particularly where complex temporary traffic management arrangements are

required. The terms of the Southwark Contract expressly permit the council to deliver all or any part of the contracted works itself or through a third party.

KEY ISSUES FOR CONSIDERATION

Options for delivery route

Do Nothing

16. It is feasible to utilise the Southwark Contract to deliver these works. The scope of this contract will cover a significant portion of the expected construction works. This contract was awarded following a competitive tender process to the most economically advantageous tenderer at that time. However, the TfL framework agreements have been tendered more recently and may be more competitive in terms of prices or may provide additional benefits. Therefore, this delivery option is not recommended.

Voluntary Sector / Not for Profit organisations

17. There are no known voluntary sector or not for profit organisations that provide the required works. Therefore, this delivery option is not recommended.

Tender each scheme

18. Each works package could be competitively tendered. There is a possibility this process would provide the most economically beneficial outcome to the council in terms of cost, quality and social value for the construction works themselves. Each tender package could be written with the particular requirements of that scheme in mind. However, significant officer resource would be needed to prepare tender documents for each construction package. Full tender documentation would be needed for each scheme along with resources to manage the tender process and tenderers clarifications and queries. Once tenders are received they need to undergo a compliance check and be fully evaluated to assess the most beneficial tender. The tender process would add months on to the overall programme for each scheme. The flexibility of the scheme would be reduced as no significant design or delivery method changes could be made after the tender had been issued without attracting a price variation for which there would be no benchmark cost. Therefore, this delivery option is not recommended.

Procure the works through a Framework

19. TfL is commencing two new framework agreements in April 2021. The frameworks will be open for any London Borough or GLA / TfL associated organisation to join. There will be two separate frameworks that would be suitable for use for highway construction works. The contractors on both of these frameworks will have been appointed following a rigorous competitive tender process in line with TfL procurement regulations and policy. If a Borough wishes to procure a contractor to carry out some works under these

frameworks, the Borough can undertake a “mini-competition” inviting all the contractors on the appropriate framework to take part. This process is much quicker than a competitive tender for each scheme as the only information provided by the contractors is scheme specific information. Therefore, this option is recommended for approval to proceed.

Proposed procurement route

TfL Highways Maintenance and Projects Framework and TfL Surface Transport Infrastructure Construction Framework

20. Southwark Council enter into access agreements with TfL for consideration of selecting the contractors who have been appointed by TfL on these frameworks. The access agreements do not commit Southwark to any spend via the frameworks and there is no direct cost to Southwark for entering into the access agreements.
21. When the construction phase of project improvement works approaches officers can determine if the construction works are best aligned to the HMPF or STIC frameworks.
22. Following the selection of the most appropriate framework officers can make an assessment using the tender information supplied by each contractor and any previous experience of the contractors. This will assess if it is likely that any of the TfL framework contractors will offer a more economically beneficial solution than the Southwark Contract.
23. If the assessment determines that a more economically beneficial solution may be provided under the TfL framework agreement then officers will prepare documents for a mini-competition of those framework contractors. These are based on standard TfL templates and the design drawings will have to be completed by this stage whichever delivery option is taken. A call off request form and all relevant documents and information will be issued to each of the contractors on that framework.
24. A TfL framework contractor has the option to withdraw from the mini-competition process by advising the council within two days of receiving the call off request form. If they wish to be considered the contractor submits a call off proposal within 20 working days (or other period as agreed) of the receipt of the call off request. As TfL framework contractors cannot increase their rates provided in the framework tender submission, the council will have confidence of the maximum cost of the construction works by the TfL framework contractor during the officers’ initial assessment.
25. The council will then assess each call off proposal received against the Southwark Contract. This evaluation will be carried out as determined by the call off proposal and will be in line with the council’s Contract Standing Orders.

26. Once the most beneficial delivery option has been determined, the appropriate award will be made in line with the requirements of the relevant contract or framework.
27. The estimated total value of the Southwark Contract for maintenance works over the full five years and nine months initial duration plus two year extension is £15.9m. The estimated total value of the Southwark Contract for project works over the full five years and nine months initial duration plus two year extension is £55.4m. The details of the budgets are shown in the table below:

Table 1 – Estimated values of construction works budgets (at Dec 2020)

Year	£000's				
	LBS Highway Capital	TfL CW4 / R2P	TfL LIP (m'ance) 3 rd party	TfL LIP (schemes) 3 rd party	Dev't 3 rd party
2021/22	2,000	4,000	750	1,000	750
2022/23	3,400	3,000	750	2,000	750
2023/24	3,400	5,000	750	2,000	750
2024/25	4,000	3,000	750	2,500	750
2025/26	4,000		750	2,500	750
2026/27	4,000		750	3,000	750
2027/28	4,000		750	3,000	750
Total	24,800	15,000	5,250	16,000	5,250
	66,300				

Identified risks for the framework agreement

28. The identified risks are listed below:

Table 2 – Risk table

No	Risk	Risk rating	Mitigation
1	Challenge from / relationship with FM Conway	M	FM Conway have been advised of Southwark's intentions and have accepted the reasons for doing so and are willing to work collaboratively with the council. The Southwark Contract tender and contract documents clearly state the contract is non-exclusive and there is no guarantee of volume or value of work. Southwark Highways have had a relationship and have worked collaboratively with FM Conway for several years and it is unlikely this will

No	Risk	Risk rating	Mitigation
			change.
2	Delivery via TfL framework may not be as efficient as the Southwark Contract	L	There will be no direct costs to the council for carrying out mini-competitions of the TfL framework contractors. There will be resource costs to carry out the mini-competition and evaluation, but this may be mitigated by more competitive works delivery. If delivery is deemed more efficient via the Southwark Contract then that option will be used.
3	Differing specifications and requirements of TfL framework	L	The TfL framework documents will be checked by relevant officers and any differences to the price, quality and social value requirements in the Southwark Contract will be highlighted. To ensure fair competition any differences can be addressed on the call off request document.
4	Possible TUPE liabilities.	L	As this is a framework agreement between TfL and the contractors it is highly unlikely there will be any TUPE liabilities to the council.
5	TfL framework contractors do not wish to work for Southwark	L	This is a possibility as they have the right to “opt-out” of works for Boroughs. However, there are up to eight contractors on the TfL frameworks and it’s highly unlikely they will all opt out. Meetings will be held with the TfL framework contractors soon after award stage to highlight works that are on offer.
6	Mini competitions will delay the start of the construction phase	L	The mini competitions will delay the start of the construction phase by around four weeks. A Task Order under the Southwark Contract can be issued for any schemes that cannot tolerate this delay.
7	As the mini competition can not be undertaken until the final design is complete, the opportunity for the contractor to support the design (and buildability) is lost.	L	Where deemed necessary by the project team a contractor can be appointed to undertake Early Contractor Involvement with the designers.
8	Implication of “Covid 19” working restrictions on delivery and there is	L	The TfL framework tenders were submitted prior to social and working restrictions being imposed because of the Covid 19 pandemic. There is an Early

No	Risk	Risk rating	Mitigation
	the potential of claims for additional costs to cover these restrictions		Warning Notice process in place as part of each framework agreement for any issues that may impact the programme, quality or price of the works.
9	The quality of work may be variable	L	As no single contractor is guaranteed work it is likely they will make best efforts to provide high quality.
10	Due to continued uncertainty over trading arrangements with the EU it may be difficult to procure any specialist services from companies based in the EU	L	This would be a rare occurrence as the UK has a very high calibre of specialist technical services in this industry.

Key / Non Key decisions

29. As the works may involve a strategic procurement and will have a significant impact upon any ward within the Borough, this is a key decision.

Policy Implications

30. Having an effective construction delivery service is an important component of delivering the council plan and fairer future commitments. In particular theme 3 – a greener borough, theme 5 – a healthier life and theme 8 – a vibrant Southwark will benefit from this service.

Procurement Project Plan (Key Decisions)

Activity – Gateway Approval	Complete by:
Enter Gateway 1 decision on the Forward Plan	17/07/2020
DCRB Review Gateway 1	04/12/2020
CCRB Review Gateway 1	17/12/2020
Brief relevant cabinet member (over £100k)	26/11/2020
Notification of forthcoming decision – despatch of Cabinet agenda papers	25/01/2021
Approval of Gateway 1: Procurement strategy report	02/02/2021
Scrutiny Call-in period and notification of implementation of Gateway 1 decision	15/02/2021

Activity – Access Agreements with TfL	Complete by:
Detailed review of TfL framework documentation	26/02/2021
Access Agreements with TfL	15/03/2021
Initial discussions with framework Contractors	26/03/2021
Start of TfL framework service period	01/04/2021
Initial TfL framework completion date	31/03/2029
TfL framework completion date – (if full extension(s) exercised)	31/03/2033

TUPE/Pensions implications

31. It is unlikely that entering into call off contracts under these frameworks will present implications under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) or pensions implications for the council. Each call-off will be a new contract for discrete works, separate from project work being delivered under the Southwark Contract and there will be no existing contractor delivering the work being procured. TUPE should not apply on the expiry of the call-off contract as the works will have been completed. However, the position would need to be reviewed in the event that during the course of a call-off contract the council has to appoint a replacement contractor or in the unlikely event that the risk of an ongoing service provision change evolves.

Development of the tender documentation

32. No tender documentation is required and TfL have provided template access agreements and call off request forms for use by Boroughs. These documents have been reviewed by officers to ensure the council's interests are protected and they comply with council policy. Once the access agreements have been executed the call off contract documents will be issued to Southwark and these will be reviewed by appropriate officers prior to use in line with the access documents.

Advertising the contract

33. All advertising of the framework agreements has been carried out by TfL.

Evaluation of Call off Proposals

34. All call off proposals received for each scheme will be evaluated for cost, quality, programme and social value in line with the details set out in the call off request and the TfL framework agreement.
35. All contract awards under the TfL framework agreements will be made following the completion of a Gateway 2 report and approved in compliance with council's Contract Standing Orders.

Community impact statement

36. People in all areas of the borough are affected by the quality of the public highway and its assets.
37. All construction works will be completed to the specification and quality required by the council and will generate benefits for all sections of the community, including those who have a protected characteristic as defined in the Equality Act 2010.

Social Value considerations

38. 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 framework contractors must comply with the requirements of the Social Value Act as required by the framework agreement.

Economic considerations

39. As the council explores ways it can continue to deliver value for money, it is essential that it makes even better use of its resources to meet the needs of residents and businesses in the borough. Entering into access agreements with the TfL framework contractors will help the council demonstrate it is keeping its options open to ensure best value delivery.

Social considerations

40. Only providers who demonstrate compliance to the Southwark Council Fairer Future Procurement Framework will be invited to enter into a mini-competition for any work contract.
41. The TfL frameworks have specific requirements for Contractors (including their sub-contractors and suppliers where applicable) with regards to:
 - Compliance with London Living Wage
 - Diversity and Inclusion
 - Annual reports on female / BAME pay comparisons
 - Apprenticeships
 - Staff training and development
 - Responsible procurement
 - Job creation (social mobility)
 - Membership of Considerate Contractor Scheme.

Environmental/Sustainability considerations

42. The new agreements and service provision will adhere to industry best practice on sustainability and all material arising from highways works will be recycled and re-used in the borough whenever possible.
43. The call off request forms will set out the need for the completion of specific project / works related environmental assessments including impact on fauna, flora, soil and water and installation of required control measures where necessary.
44. The contract specifications demand the latest Euro standard engines on new fleet in this contract, and encourage more sustainable forms of transport where this is feasible.
45. The use of dust suppression techniques for all construction activities will be a contractual requirement. Road planers will be fitted with systems using computer controls to manage suppression whilst minimising water consumption.

Plans for the monitoring and management of the contracts

46. The TfL framework works will be managed by officers from the Highways Division.
47. The framework agreement includes an appendix relating to performance management. A series of KPIs are split into three groups. These are being further developed by TfL during the framework mobilisation period. There are a series of consequences for contractors failing the KPIs ranging from increased reporting obligations to termination.
48. Where construction works have a duration in excess of a year the contractors appointed under the framework agreement will be asked to provide an annual report in line with the Contract Standing Orders.

Staffing/procurement implications

49. Alongside the start of the new professional services contracts the highways design team will be enhanced by the transfer of some currently out-sourced staff into the council's employment under the TUPE regulations. This enhanced design team will have the capacity to carry out the additional administrative duties to compile call off request forms, carry out the call off process, evaluate the call off responses and award the works to the most beneficial contractor. With the proposed enhancement of the design team this workload will be manageable within the existing Highways structure.

Financial implications

50. There are no financial implications arising from this report. There is no direct cost to the council to enter into access agreements with TfL and no

commitment for the council to award any works via the framework agreements. Call off requests will only be completed when scheme funding has been secured.

Legal implications

51. Please see the concurrent report of the Director of Law and Democracy.

Consultation

52. No formal consultation is required.

Other implications or issues

53. There are no other implications or issues arising from this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance and Governance (EL20/042)

54. This report requests that Cabinet approves council entering into agreements with Transport for London (TfL) for access to their Surface Transport Infrastructure Construction (STIC) framework agreement and to their Highways Maintenance and Projects framework agreement (HMPF) from 1 April 2021 for an initial duration of eight years.

55. The Strategic Director of Finance and Governance notes that there are no financial implications arising from this report at this stage.

56. The Strategic Director of Finance and Governance notes that staffing and any other running costs connected with these recommendations are to be contained within existing departmental budgets.

Head of Procurement

57. This report seeks approval from Cabinet for the council to enter into an agreement with TfL for STIC services from 1 April 2021 for a period of eight years until 31 March 2029. Cabinet notes that signing the agreement does no commit the council to any financial implications.

58. Cabinet notes this report was tender by TfL under EU Public Procurement Regulations 2015 allowing local authority to join, this is also in line with the council's contract standing orders (CSO).

59. A comparison will be undertaken between the TfL and HMPR frameworks for any highways works to ensure council receives value for money and subject to a GW2 process.

60. Management and monitoring of this framework is detailed in paragraphs 46 to 48.

Director of Law and Governance

61. This report seeks approval to enter into agreements with Transport for London for access to their Surface Transport Infrastructure Construction and Highways Maintenance and Projects frameworks, as summarised within paragraphs 3 and 4.
62. Those frameworks have been procured by TfL in compliance with the (EU) Public Contracts Regulations 2015.
63. The council is expressly entitled to procure highway works using the new frameworks and may do so after having entered into a formal access agreement for each framework at nil cost.
64. The terms of those access agreements and the conditions of contract which will govern any works orders that may be “called-off” the frameworks have been reviewed and are considered acceptable for the council’s purposes. However, at this stage there is no obligation on the council to commit expenditure and any decision to use either framework will be based upon the outcome of the assessment process explained in paragraphs 14 and 15.
65. The relevant TUPE implications are detailed in paragraph 31.

BACKGROUND DOCUMENTS

Background Documents	Held At	Contact
None		

APPENDICES

No	Title
None	

AUDIT TRAIL

Cabinet Member	Councillor Catherine Rose, Cabinet Member for Leisure, Environment and Roads	
Lead Officer	Mick Lucas, Director of Environment	
Report Author	Jason White, Highways Consultant	
Version	Final	
Dated	19 January 2021	
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 Governance	Yes	Yes
Director of Exchequer (For Housing contracts only)	N/a	N/a
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		21 January 2021

CABINET AGENDA DISTRIBUTION LIST (OPEN)**MUNICIPAL YEAR 2020-21**

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