

Executive

Tuesday December 15 2009
Town Hall, Peckham Road, London SE5 8UB
7.00 pm

Membership

Councillor Nick Stanton
Councillor Kim Humphreys
Councillor Paul Kyriacou
Councillor Linda Manchester
Councillor Tim McNally
Councillor Adele Morris
Councillor David Noakes
Councillor Paul Noblet
Councillor Lisa Rajan
Councillor Lewis Robinson

Portfolio

Leader of the Council
Deputy Leader and Housing
Environment
Community Safety
Resources
Citizenship, Equalities and Communities
Health and Adult Care
Regeneration
Children's Services
Culture, Leisure and Sport

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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Contact

Paula Thornton on 020 7525 7221 or 020 7525 43957221 or email:
everton.roberts@southwark.gov.uk; paula.thornton@southwark.gov.uk
Webpage: <http://www.southwark.gov.uk>

Members of the committee are summoned to attend this meeting

Councillor Nick Stanton

Leader of the Council

Date: December 7 2009



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Executive

Tuesday December 15 2009
Town Hall, Peckham Road, London SE5 8UB
7.00 pm

Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
	MOBILE PHONES	
	Mobile phones should be turned off or put on silent during the course of the meeting.	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear working days of the meeting.	
3.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.	
4.	PUBLIC QUESTION TIME (15 MINUTES)	
	To receive questions from members of the public which have been submitted in advance of the meeting in accordance with the executive procedure rules.	
5.	MINUTES	1 - 9
	To approve as a correct record the minutes of the open sections of the meetings held on November 24 and 30 2009.	

Item No.	Title	Page No.
6.	DEPUTATION REQUESTS	10 - 16
	To consider the following deputation requests:	
	<ul style="list-style-type: none"> • Burgess Park Action Group in respect of the Aylesbury Area Action Plan • Tenants Council – Varying Southwark’s Conditions of Tenancy 	
7.	ADOPTION OF LOCAL DEVELOPMENT DOCUMENT: AYLESBURY AREA ACTION PLAN	17 - 24
	To consider the binding report of the Planning Inspector on the Aylesbury Area Action Plan and to consider and provide comments on the Aylesbury Area Action Plan and appendices.	
8.	VARYING SOUTHWARK’S CONDITIONS OF TENANCY	25 - 77
	To consider and agree in principle the changes proposed to the conditions of tenancy as laid out in Appendix 1 of the report subject to any amendments that may arise from the further consultation currently being undertaken. To also note the recommendations made by Tenant Council, the Area Housing Forums, the Tenants’ Working party, Southwark Group of Tenant Organisations and individual tenants as summarised in appendices 2 & 3 of the report.	
9.	SCRUTINY REPORT - REVIEW OF THE BUDGET AND POLICY FRAMEWORK	78 - 86
	To consider the comments of the Finance Director in response to the recommendations of scrutiny sub-committee A.	
10.	SCRUTINY REPORT - SOUTHWARK’S ENTERPRISE AND EMPLOYMENT STRATEGY	87 - 96
	To consider the comments of the Strategic Director of Regeneration and Neighbourhoods in response to the recommendations of scrutiny sub-committee A.	
11.	POLICY AND RESOURCES STRATEGY 2010/11-2012/13 - MEDIUM TERM RESOURCES STRATEGY AND LOCAL GOVERNMENT SETTLEMENT	97 - 106
	To note the provisional local government settlement for 2010/11 and request the Finance Director to report back to the Executive January 26 2010 meeting.	

Item No.	Title	Page No.
12.	LONDON COUNCIL'S GRANTS SCHEME 2010-2011	107 - 112
	To seek approval for Southwark Council's contribution to the London Council's Grants Scheme for 2010/2011.	
13.	FREEDOM PASS RENEWAL UPDATE	113 - 122
	To note the Freedom Bus Pass & Blue Badge Service improvement programme in response to the recommendations of the scrutiny committee. To also note the revised process for renewal and the delivery plan to address concerns in respect of client vulnerability.	
14.	GATEWAY 1 - PROCUREMENT STRATEGY APPROVAL - CORPORATE INSURANCE PROCUREMENT (EXCLUDING PROPERTY INSURANCE)	123 - 134
	To seek approval to the procurement strategy outlined in the report for the corporate insurance (excluding property insurance) procurement.	
15.	CANADA WATER PUBLICATION-SUBMISSION SUMMARY REPORT	135 - 151
	To consider the Canada Water Area Action Plan Publication/Submission Version (appendix A), the consultation plan (appendix B), the consultation report (appendix C), sustainability appraisal (appendix D) equality impact assessment (appendix E) and appropriate assessment (appendix F). To seek agreement to publish the Canada Water Area Action Plan Publication/Submission Version before submission to the Secretary of State.	
16.	RESPONSE TO THE MAYOR'S DRAFT TRANSPORT STRATEGY	152 - 161
	To agree the council's formal response to the 'Mayor's draft Transport Strategy as set out in appendix A of the report.	
17.	LOCAL AUTHORITY NEW BUILD PROJECTS	162 - 169
	To note the successful bids for the development of two local authority new build projects and to agree the financial arrangements for the project.	
18.	AUTHORISATION OF DEBT WRITE-OFFS OVER £50,000 FOR NATIONAL NON DOMESTIC RATES - CUSTOMER & CORPORATE SERVICES	170 - 173
	To seek approval to the write off of debts.	

Item No.	Title	Page No.
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| 19. | GATEWAY 1: PROCUREMENT STRATEGY: NEW MODEL FOR INTEGRATED COMMUNITY EQUIPMENT SERVICES (ICES) | 174 - 184 |
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To seek approval to the procurement strategy outlined in the report for the London Consortium Integrated Community Equipment Service Framework Contract.

OTHER REPORTS

The following items are also scheduled to be considered at this meeting:

- | | | |
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| 20. | MOTIONS REFERRED FROM COUNCIL ASSEMBLY ON NOVEMBER 4 2009 | |
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To consider motions referred on the following:

- Pedestrian Safety at junction of Lordship Lane and Dulwich Common
- Southwark Council Housing Crisis
- Freedom Pass Cuts
- Save the South London Line

Report to follow

- | | | |
|-----|---|--|
| 21. | APPOINTMENTS TO PANELS, BOARDS AND FORUMS 2009-10 (ADMISSIONS FORUM) | |
|-----|---|--|

Report to follow

DISCUSSION OF ANY OTHER OPEN ITEMS AS NOTIFIED AT THE START OF THE MEETING.

EXCLUSION OF PRESS AND PUBLIC

The following items are included on the closed section of the agenda. The Proper Officer has decided that the papers should not be circulated to the press and public since they reveal confidential or exempt information as specified in paragraphs 1 – 7, Access to Information Procedure Rules of the Constitution. The specific paragraph is indicated in the case of exempt information.

The following motion should be moved, seconded and approved if the executive 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.”

Item No.

Title

Page No.

PART B - CLOSED BUSINESS

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

22. MINUTES

To approve as a correct record the minutes of the closed section of the meetings held on November 24 and 30 2009.

23. AUTHORISATION OF DEBT WRITE-OFFS OVER £50,000 FOR NATIONAL NON DOMESTIC RATES - CUSTOMER & CORPORATE SERVICES

24. GATEWAY 1- PROCUREMENT STRATEGY APPROVAL LONDON CONSORTIUM INTEGRATED COMMUNITY EQUIPMENT SERVICE FRAMEWORK CONTRACT

Date: December 7 2009



EXECUTIVE

MINUTES of the Executive held on Tuesday November 24 2009 at 7.00 pm at the Town Hall, Peckham Road, London SE5 8UB.

PRESENT: Councillor Nick Stanton (Chair)
Councillor Kim Humphreys
Councillor Paul Kyriacou
Councillor Adele Morris
Councillor David Noakes
Councillor Paul Noblet
Councillor Lewis Robinson

1. APOLOGIES

Apologies for absence were received from councillors Linda Manchester, Tim McNally and Lisa Rajan.

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

The chair gave notice that the following items would be considered for reasons of urgency, to be specified in the relevant minute:

- Item 8 – Primary School Places in East Dulwich – Scrutiny Report
- Item 9 – Southwark Schools for the Future: Finance Update, Risk Management and Related Decisions
- Item 10 – Elephant and Castle – Heads of Terms

3. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were no disclosures of interests or dispensations.

4. PUBLIC QUESTION TIME (15 MINUTES)

There were no public questions.

5. MINUTES**RESOLVED:**

That the Minutes of the open section of the meetings held on October 14 and October 20 2009 be agreed as correct records and signed by the chair.

6. DEPUTATION REQUEST - ASTBURY ROAD AREA RESIDENTS ASSOCIATION

The executive received a deputation from the Astbury Road Area Residents Association. The deputation spokesperson Ms Wendy Rother raised concerns in relation to the day to day running of the semi-independent housing and support accommodation and the impact the actions of some of the young people entrusted in the managing agents care was having on local residents.

RESOLVED:

1. That the deputation be received.
2. That the comments of the strategic director of children's services be noted.
3. That the chief executive raise the matter with the Police Borough Commander and the strategic director of children's services liaise with Lewisham children's services department.
4. That the leader liaise with other local authorities via the London Council's network to establish whether this is a problem generally across London with a view to seeing what local authorities can do collectively.
5. That officers look at what action can be taken from an enforcement perspective.

6. DEPUTATION REQUEST - ASTBURY ROAD AREA RESIDENTS ASSOCIATION - COMMENTS OF THE STRATEGIC DIRECTOR OF CHILDREN'S SERVICES

This information was considered in conjunction with item 6 above.

7. REVIEW OF PRIMARY SCHOOL PLACES

RESOLVED:

1. That it be noted that the projected pressure for reception places in the south of the borough will be met by the addition of a combination of temporary and permanent reception places.
2. That it be noted that the position in the centre and the north of the borough will be kept under review by the strategic director of children's services with the addition of temporary and permanent reception places to be agreed with schools in the area based on the outcome of the 2010 admissions round.
3. That initial consultation on the permanent enlargement of Lyndhurst primary school from 1.5 to 2 form entry from September 2010 be agreed and it be noted that executive as the decision maker will receive a further report on this proposal.
4. That thanks be conveyed from the executive to Crampton, Goodrich and Lyndhurst primary schools for opening additional reception classes in 2009/10 and to the other primary schools who have offered to open additional reception classes in 2010/11.
5. That the offer of St Anthony's Roman Catholic primary school governing body to increase their admission number to 60 in September 2010 be welcomed and a report be brought back on the options appraisal.

8. PRIMARY SCHOOL PLACES IN EAST DULWICH - SCRUTINY REPORT

This item had not been circulated 5 clear days in advance of the meeting. The chair agreed to accept the item as urgent as it was desirable for the scrutiny report to be considered at the same meeting as the report on primary school places in the borough.

The chair of the overview and scrutiny committee, Councillor Fiona Colley presented the scrutiny report.

RESOLVED:

1. That the scrutiny report be noted and the comments of the strategic director of children's services be agreed as the executive's response to the overview and scrutiny committee recommendations.
2. That the report on the Greater London Authority demographics be considered at the same time as the scrutiny sub-committee report on the census.

9. SOUTHWARK SCHOOLS FOR THE FUTURE: FINANCE UPDATE, RISK MANAGEMENT AND RELATED DECISIONS

This item had not been circulated 5 clear days in advance of the meeting. The chair agreed to accept the item as urgent as the Council needed to issue contractual instructions to 4 Futures by the end of November 2009.

RESOLVED:

1. That executive notes that:
 - Phase 1 of the BSF programme has reached financial close within the affordability parameters previously approved by Executive.
 - funding has been secured from BSF schools from all phases to support the project.
 - Good value for money has been achieved when benchmarked by Partnerships for Schools.
 - Southwark won three awards at the recent Excellence in BSF awards, best local authority, best change programme and client design advisor of the year (Catherine Brownell).
2. That it be noted that residual revenue and capital affordability targets for Phase 2 and Phase 3 of the BSF programme are also within financial parameters previously approved by Executive.
3. Executive notes the additional £3.5 million of funding received from national government and welcomes the commitments made by Balfour Beatty Capital to achieve current BREEAM excellent on new build Phase 3 schools, and agrees to the release of £1 million of earmarked SSF capital contingency for the eco-school back into the general capital contingency.
4. Executive notes that further BSF reports will be prepared with decisions relating to the management and commitments of the SSF capital contingency, and further notes the timing of these reports in order to maintain the target delivery programme, as set out in section 3 of the report.
5. That approval be given for a budget of up to £200,000 to fund feasibility work required for Phase 3, and that this money is to be financed from:
 - £100,000 for Rotherhithe feasibility study, as previously approved in the primary capital programme; and
 - £100,000 reallocated from the unspent £250,000 commitment previously made from Council reserves to fund project management costs prior to financial close on Phase 1.

10. ELEPHANT AND CASTLE - HEADS OF TERMS

This item had not been circulated 5 clear days in advance of the meeting. The chair agreed to accept the item as urgent as the exclusivity period between the Council and Lend Lease was due to expire at the end of November 2009.

A decision on this issue was not made.

The issue is due to be further considered on Monday November 30 2009 at 6.00pm, at 160 Tooley Street, London SE1 2TZ.

EXCLUSION OF PRESS AND PUBLIC

It was moved, seconded and

RESOLVED:

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 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 section of the meeting.

11. MINUTES

The executive agreed as a correct record, the closed Minutes of the meetings held on October 14 and October 20 2009.

12. SOUTHWARK SCHOOLS FOR THE FUTURE: FINANCE UPDATE, RISK MANAGEMENT AND RELATED DECISIONS

The executive considered the closed information relating to this item. See item 9 above for decision.

13. ELEPHANT AND CASTLE - HEADS OF TERMS

A decision on this issue was not made. The meeting adjourned, to be reconvened on Monday November 30 2009 at 6.00pm, at 160 Tooley Street, London SE1 2TZ.

The meeting adjourned at 9.45pm

CHAIR:

DATED:

DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 21 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, DECEMBER 3 2009.

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



Executive

MINUTES of the OPEN section of the Executive meeting held on Monday November 30 2009 at 6.00 pm at 160 Tooley Street, London SE1 2TZ (reconvened from the meeting held on November 24 2009).

PRESENT: Councillor Nick Stanton (Chair)
Councillor Kim Humphreys
Councillor Adele Morris
Councillor David Noakes
Councillor Paul Noblet
Councillor Lewis Robinson

The executive considered the Elephant and Castle Heads of Terms item at its meeting on November 24 2009 (item 10 of the open agenda and item 13 of the closed agenda). During consideration of the item in closed session, the executive agreed to adjourn the meeting to enable clarification on some matters contained in the report and further negotiation on two specific issues.

The executive reconvened in closed session on November 30 2009. The following is a summary of the closed meeting.

1. APOLOGIES

Apologies for absence were received from Councillors Paul Kyriacou, Linda Manchester, Tim McNally and Lisa Rajan.

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

There were no additional late items.

3. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were no disclosures of interests or dispensations.

4. ELEPHANT AND CASTLE HEADS OF TERMS - ADDENDUM REPORT

The executive considered the additional information provided by officers in the closed addendum report. After consideration of the issues, the executive agreed the following:

1. That the changes to the terms set out in the main report and the additional officer advice contained in the addendum report be noted.
2. That the terms set out in the report as amended by the addendum report pertaining to a Heads of Terms agreement with Lend Lease Europe Ltd for the regeneration of the Elephant & Castle be agreed, and authority be delegated to the chief executive to sign the Heads of Terms agreement.
3. That the current exclusivity arrangements with Lend Lease Europe Ltd continue to remain in place until such time as may reasonably permit the signing of the Regeneration Agreement between the Council and Lend Lease Europe Ltd.
4. That officers report to executive to seek approval to enter into the Regeneration Agreement for the development no later than March 2010 and that officers report back on progress in January 2010.
5. That officers continue negotiations with Transport for London and the Greater London Authority to safeguard the viability of all phases of the project including the shopping centre.
6. That officers accelerate the demolition of Phase 1 (Rodney Road and Wingrave blocks) as soon as practically possible.
7. That the finance director be advised to incorporate within the refreshed capital programme the demolition of Phase 1.
8. That the approach to the identification and costing of options for the leisure centre in the Heads of Terms be noted, and Lend Lease Europe Ltd's commitment to using their expertise to assist with this process be welcomed.

The meeting ended at 6.45pm.

CHAIR:

DATED:

DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 20 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, DECEMBER 8 2009.

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

Item No.	Classification: Open	Date: December 15 2009	Meeting Name: Executive
Report title:		Deputation Requests	
Ward(s) or groups affected:		All	
From:		Strategic Director of Communities, Law & Governance	

RECOMMENDATIONS

1. That executive consider whether or not to hear a deputation from the Burgess Park Action Group in respect the Aylesbury Area Action Plan.
2. That executive consider whether or not to hear a deputation request from the Tenants Council in respect of the item on Varying Southwark's Conditions of Tenancy.

BACKGROUND INFORMATION

3. When considering whether to hear the deputation request, executive can decide to
 - Receive the deputation at this meeting or a future meeting; *or*
 - That the deputation not be received; *or*
 - Refer the deputation to the most appropriate committee/sub-committee.
4. A deputation shall consist of no more than six people, including its spokesperson. Only one member of the deputation shall be allowed to address the meeting for no longer than 5 minutes. After this time members may ask questions of the deputation for up to 5 minutes. At the conclusion of the questions, the deputation will be shown to the public gallery where they may listen to the remainder of the open section of the meeting.
5. Any relevant resource or community impact issues will be contained in the comments of the strategic director.

KEY ISSUES FOR CONSIDERATION

Burgess Park Action Group – Aylesbury Area Action Plan

6. A deputation request has been received from the Burgess Park Action Group in respect of Aylesbury Area Action Plan setting out a number of comments and suggested amendments in respect of the Aylesbury Area Action Plan.
7. The detail of this submission is set out in appendix A, a letter from the Burgess Park Action Group.

Tenants Council – Varying Southwark’s Conditions of Tenancy

8. Tenants Council have identified a number of concerns over the handling of the consultation with tenants as well as on several of the proposals as follows:
- “A number of tenants did not receive the Preliminary Notice of Variation, resulting in an Area Housing Forum (AHF) sending a motion on the matter to Tenant Council - which then was omitted from the agenda.
 - The Preliminary Notice of Variation (PNV) delivered to some properties only contained a brief summary of each proposed change, rather than its specific wording and the effect thereof, as required by Section 103(2)(b) Housing Act 1985 (as noted by Southwark Group of Tenants Organisations in its application to the Overview and Scrutiny Committee).
 - The officers’ reports to Area Housing Forums and Tenant Council an early tenancy agreement review (ahead of the ten-yearly review due in 2013) was justified solely on the basis of changes to legislation and Council policy. However the review contents were more wide-ranging than merited by those considerations. When this discrepancy was put to housing management at Tenant Council on 30th November tenant representatives were told the authority always had emphasised the 2004 Tenancy Agreement as a whole was ‘out of date’. However the initial tenancy agreement review papers did not state this, contrary to the “presumption in favour of openness” in the Constitution, Article 1.3(f).
 - Tenant representatives at different tenancy agreement review meetings requested independent legal advice but housing management and housing resident involvement took no action to help deliver this.”

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Comments from the Strategic Director of Regeneration and Neighbourhoods – Aylesbury Area Action Plan

9. The changes suggested by the deputation were presented to the planning inspector at the examination in public held in Sept 2009. At that time, the inspector considered the submission but chose not to make changes in his report issued in Oct 2009.
10. The council have to accept the planning inspector's binding recommendations as set out in paragraph 23 (2) and (3) of the Planning regulations 2004. Any changes, other than those the council are directed to make, to the publications/submission version that was considered by the inspector will mean the council cannot adopt the Area Action Plan.
11. The council has no reason not to adopt as per the inspector's report, the Area Action Plan has been deemed sound and in accordance with all statutory requirements. If the council do not adopt the Area Action Plan we would need to start the entire process again, which will have serious implications in the regeneration of the Aylesbury Estate.
12. Further implications of not adopting the Area Action Plan are as follows:

- If the council did not adopt the AAP that has local support we would need to explain why we have not taken the local opinions into account
- It has been considered sound by a planning inspector and we would need to explain why we did not consider this an important enough issue to adopt
- The council would lose the confidence of the HCA and funders over provision of new affordable and private housing with knock on effects for securing money to build new housing
- There would be reputational issues

13. Any party aggrieved by the adoption has the remedy of an appeal to the High Court within 6 weeks of the adoption on limited grounds, namely (i) it is not within the council's powers and / or (ii) that a procedural requirement/s has not been complied with (e.g. Sustainability Analyses, consultation).

Comments from the Strategic Director of Environment and Housing – Varying Southwark's Conditions of Tenancy

14. To follow

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Correspondence from the Astbury Road Area Residents Association/Tenants Council	160 Tooley Street London SE1	Everton Roberts 020 7525 7221 / Paula Thornton 020 7525 4395

APPENDICES

No.	Title
Appendix A	Letter from Burgess Park Action Group November 20 2009

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Team Manager	
Report Author	Paula Thornton, Constitutional Officer	
Version	Final	
Dated	December 3 2009	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Finance Director	No	No
Strategic Director of Regeneration and Neighbourhoods	Yes	Yes

Strategic Director of Environment and Housing	Yes	To follow
Executive Member	No	No
Date final report sent to Constitutional/Community Council/Scrutiny Team		December 7 2009

Appendix A

Burgess Park Action Group

November 20th 2009

Dear Everton

Re: The Burgess Park Action Group would like to request a deputation to speak at the December 15th meeting of the council's Executive on the discussion of the Aylesbury Area Action Plan.

Thank you for your time on the phone last week.

Whilst grateful to the council for already agreeing to restore various sections of the park removed from previous maps used to identify the boundary of Burgess Park in the AAAP following our representations, there are a number of outstanding issues that we would like to see addressed in how the AAAP impacts on Burgess Park and on the local environment.

We wish to request the executive to consider three items:

1/ We request the deletion of the section of the AAAP which inadvertently destroys the open space protection for the park provided by its current Metropolitan Open Land designation

2/ We request the maintenance of the Southwark Plan's provisions opposing high-rise tower blocks along the Albany Road and support the deletion of changes to this policy proposed in the AAAP.

3/ We request the Executive to postpone approval of the AAAP, until such time as officers are able to provide you with independent evidence on the potential catastrophic CO2 implications of the project, by outside independent analysts such as AEA or others.

Item 1/

We request the deletion of the section of the AAAP which inadvertently destroys the open space protection for the park provided by its current Metropolitan Open Land designation

i.e.PL8 states "***improvements in the park will encourage and celebrate sporting activities, education, bio-diversity and cultural diversity***".
without stating clearly that such improvements would be in relation to open space provision rather than built and thus significantly weakens the MOL open space

protections provided to the park by the current Southwark Plan.

The head of planning has already stated that any applications for building in the park would take both this policy and the MOL policy into account.

This is a real problem, as the Burgess Park Action Group over the last 17 years has fought off successfully 48 out of 50 proposals for building on the park; these included everything from huge indoor private tennis centres to the relocation of entire schools. It was only the precise wording that we along with the Peckham Society and The Camberwell Society fought to get into the two previous UDPs that saved the park from being covered numerous council related buildings.

We are sure you would agree that it would be tragic if lax language were to open the floodgates to successor administrations building on the park. As the council says it is genuinely committed to the planning protection of the park, then it should stay with the proven existing planning MOL status that the park enjoys and not compromise it with language that can be abused.

Item 2/

We request the maintenance of the Southwark Plan's provisions opposing high-rise tower blocks along the Albany Road and support the deletion of changes to this policy proposed in the AAAP.

The AAAP proposal to break from the provisions in the Southwark Plan for high rise housing to be only situated in Central Activities Zones and instead to allow the lining of almost the entire north boundary of Burgess Park with 10, 15 and 20 storey high-rise blocks has profound implications for the hundreds of thousands of annual users of the park.

Peckham and Walworth have thankfully among the lowest car-ownership in the UK. However, this means that for many of us, Burgess Park is the nearest we get to open countryside and parkland. To have the park's boundary destroyed by over-bearing huge tower blocks would be a travesty to the vision established so long ago by the Abercrombie Plan for a green lung for the inner-city. If not changed, the council will be in effect turning a precious and valued green-lung into an iron lung.

Indeed over 70% of written responses on this issue to the consultation on the AAAP opposed such high-rise landmark buildings.

To get across our point, we would like the executive members to take a moment to honestly imagine Dulwich Park boundary being lined with such 10-20 storey tower-blocks and what their response to such a proposal would be?

Item 3/

We request the Executive to postpone approval of the AAAP, until such time as officers are able to provide you with independent evidence on the potentially catastrophic CO2 implications of the project, by outside

independent analysts such as AEA.

We have serious concerns that the proposed demolition and rebuild of an estate only completed 32 years ago, has massive implications for the borough's carbon emissions that officers have completely failed to alert the executive to.

The carbon debt incurred by the original demolition and rebuild of the Aylesbury Area 30 years ago, will remain in the atmosphere for another 70 years.

The huge carbon debt proposed for yet another comprehensive demolition and rebuild will remain for 100 years.

At the recent public inquiry, council officers agreed that their definition of the proposed AAAP was a "zero carbon growth project" actually meant that the emissions from the estate after the demolition/rebuild would be the same ie zero carbon growth means the same as zero carbon reduction.

A Freedom of Information request revealed that officers had no idea whether the carbon emissions resulting from the demolition/rebuild would result in thousands or millions of tonnes.

It is therefore our view that the AAAP as proposed will potentially guarantee that Southwark instead of succeeding as a 10:10 council or of achieving its 2050 targets would be impossible.

Officers in response to submissions to the Core Strategy have so far refused to agree that large projects like the AAAP should have carbon projections for the existing buildings to be refurbished placed against the carbon projections for the demolition/ rebuild.

We therefore request the Executive to postpone approval of the AAAP, until such time as officers are able to provide you with independent evidence on the huge CO2 implications of the project, by outside independent analysts such as AEA.

Otherwise you are in danger of placing the council and the local Bermondsey MP in the ridiculous position of advocating CO2 reduction targets, whilst refusing to count one of the largest sources of CO2 emissions in the Borough, over the next two decades.

We look forward to a constructive outcome on these issues on the 15th December.

Many thanks

Donnachadh McCarthy
pp Burgess Park Action Group

Item No.	Classification: Open	Date: December 15 2009	Meeting Name: Executive
Report title:		Adoption of Local Development Document: Aylesbury Area Action Plan	
Ward(s) or groups affected:		East Walworth, Faraday, Newington, Grange, South Bermondsey, Peckham, Brunswick Park, Camberwell Green	
From:		Strategic Director of Regeneration and Neighbourhoods	

RECOMMENDATIONS

That the Executive:

1. Consider the binding report of the Planning Inspector on the Aylesbury Area Action Plan - final (appendix A) incorporating the binding recommendations of the Inspector.
2. Consider the Aylesbury Area Action Plan – final (appendix A) incorporating the binding recommendations of the Inspector, consultation plan (appendix B), consultation report (appendix C), sustainability appraisal (appendix D), equalities impact assessment (appendix E) and appropriate assessment (appendix F).
3. Recommend that the Council Assembly adopt the Aylesbury Area Action Plan - final (appendix A) incorporating the binding recommendations of the Inspector and the sustainability appraisal (appendix D).

BACKGROUND INFORMATION

4. The Aylesbury Area Action Plan (AAP) has been prepared under the new planning system and is a spatial plan that combines land use planning policies with an employment strategy, a health and services strategy, a transport strategy, an open spaces strategy and a business and delivery plan, to create a holistic plan for the regeneration of the estate and surrounding area.
5. The AAP was prepared over 2008 and 2009, and went through four stages of preparation and consultation (Issues and Options, Preferred Options, Revised Preferred Options, Publication/Submission).
6. The AAP was submitted to the Secretary of State in May 2009 for formal examination.
7. The Aylesbury Area Action Plan (AAP) has been through an Examination in Public (EiP) on September 2 and 3 2009 as required by the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning Local Development Regulations (England).
8. Under the terms of Section 20 (5) of the Planning and Compulsory Purchase Act 2004, the purpose of the EiP of a Development Plan Document is to determine:
 - a. Whether it satisfies the requirements of s19 and s24 (1) of the 2004 Act, the regulations under section 17 (7) and any regulations under section 36 relating to the preparation of the document; and

- b. Whether it is sound (in terms of paragraph 4.52 of Planning Policy Statement 12 – Local Spatial Planning (PPS12))
9. The AAP was examined independently by an Inspector at the EiP. The Inspector issued his report on 23 October 2009, which contains an assessment of the AAP in terms of the above matters, along with recommendations and the reasons for them, as required by s20 (7) of the 2004 Act.
 10. The Inspector has concluded that in paragraph 5.1 of the report , with the minor amendments recommended, which are set out in the annex, that:
 - The AAP can be considered sound,
 - It satisfies the requirements of s20 (5) of the Planning and Compulsory Purchase Act 2004 and that is accords with the advice in PPS12.
 11. These recommendations are binding on the council.
 12. The council has completed a 'Fact Check' of the Inspectors Report, in accordance with paragraph 4.29 of PPS12. The fact check has provided an opportunity to identify any factual errors and to seek clarification on any conclusions that are unclear. It did not provide any scope to question the Inspector's conclusions. The fact check was forwarded to The Planning Inspectorate on November 6 2009.
 13. Planning committee comments are provided as an addendum as they were considered on December 8 2009.

KEY ISSUES FOR CONSIDERATION

14. The AAP has been examined by an independent inspector and the council has received a binding report. His overall conclusion is that the AAP is sound and therefore there are no significant issues that need to be addressed.
15. Prior to the examination in public the council provided the inspector with a list of proposed changes to the AAP to provide updates due to changes during the consultation period. The most significant of these were that we alter the proportions of private and affordable housing in phases 1 and 4 to reflect funding proposals agreed with the HCA and also to amend the public sector funding requirement calculations. These proposals were agreed by IDM in May 2009. The inspector agreed with the council that these changes would improve the document and has confirmed that they should be incorporated into the final AAP.
16. We proposed these changes as they enabled us to keep the mix of affordable and private housing the same for the entire area. We increased the affordable housing and reduced the private housing in phase 1 to gain HCA funding to unlock development to make it viable. This has then been changed in phase 4 to reduce the affordable housing and increase the private housing by the same amount to keep the overall figures the same.
17. The inspector has recommended that we make these changes as follows.

3 Justified; Effective and Consistent with National Policy

(a) Tenure mix 3.7 In order to make the Action Area Plan sound, the following changes should be made: C1 Delete Policy BH3 and replace it with the text set

out in the Annex; C2 Delete Paragraph 3.3.8 and replace it with the text set out in the Annex;

C3 Delete Table A7.1 and replace it with the version in the Annex.

Issue (d) – Delivery and monitoring

3.23 In order to make the Action Area Plan sound, the following changes should be made: C5 Change the capital programme and funding shortfall figures in paragraphs 7.4.2 to £1.2bn and £169m respectively; C6 Change the capital programme and funding shortfall figures in paragraphs A7.1.24 to £1.2bn and £169m respectively and remove the last sentence referring to social housing grant; C7 Delete table A7.2 and replace it with the version in the Annex.

Monitoring 3.27

In order to make the Action Area Plan sound, the following changes should be made: C9 Delete the indicator for Policy PL2 in Section 2.3 which refers to the percentage of approvals meeting design requirements.

18. In addition to those changes proposed by the council, the inspector has recommended a very small number of additional changes. These are very minor in character. The most significant of these is that we clarify that any development in Burgess Park is for “open space activities”. This reference is not intended to change the policy, but simply draw attention to the fact that Burgess Park is Metropolitan Open Land. These are set out in detail below.

(c) Public transport 3.18 In order to make the Action Area Plan sound, the following change should be made: C4 Delete the last sentence of paragraph 5.3.3 and replace it with the following text: However, it will be necessary to raise PTALs further and improvements to the frequency of the existing bus services which run through the Core Action Area as well as new routes to Peckham and Elephant and Castle will be sought in Phase 4 in co-operation with TfL and with developer funding.

Burgess Park 3.25 In order to make the Action Area Plan sound, the following change should be made: C8 Policy PL8: second sentence after ‘designed to’ insert ‘...facilitate open space activities which will....’

19. The AAP has been brought forward in advance of the adoption of the Core Strategy Development Plan Document. The Inspector considers that the AAP focuses on a small part of the council’s area, and would not unduly prejudice future overall policy for the borough as a whole or for the adjoining communities.
20. The council does not have the opportunity to question the Inspector’s conclusions. The report is binding on the council, and it is up to the council to decide whether to adopt it or not.
21. Once adopted by Council Assembly (consideration is on January 27 2010) it will be a development plan in the council’s local development framework (LDF) and will be used as the basis for determining planning applications in the area. Together with the Core Strategy which is currently at the publication/submission stage, and other AAPs, it will replace the adopted Southwark Plan.
22. The AAP is needed at this time to facilitate the development of the Aylesbury Estate and the regeneration of the surrounding area, including Burgess Park in a sustainable manner ensuring that community impacts are taken into account.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

Functions and Responsibilities

23. This report is being brought before Members' of the Planning Committee under Part 3F of the Southwark Constitution 2008-9. It is within the function of Planning Committee to comment upon the adoption of local development framework documents (LDF's) and to make recommendations to the Executive in relation to such documents including this AAP.
24. Under Part 3B of the Constitution, the Executive has responsibility for formulating the Council's policy objectives and making recommendations to Council Assembly. More specifically, the function of approving preferred options of DPDs, which form part of the LDF, (including AAPs) is reserved to the Executive (Para 20, Part 3C).
25. The Aylesbury AAP is now at the adoption stage. By virtue of Regulation 4(1) , paragraph 3(d) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 ("the 2000 Regulations") (as amended by the **Local Authorities (Functions and Responsibilities)**) the approval of a DPD is a shared responsibility with Council Assembly and cannot be the sole responsibility of the Executive.
26. Accordingly, members of Executive will be requested to consider the content and recommendations of the binding Inspector's Report in respect of the adoption of the Aylesbury AAP and accompanying documents, and recommend to Council Assembly that the AAP be adopted together with the accompanying sustainability appraisal.
27. Under Part 3A, paragraph 9 the function of adopting development plan documents is reserved to Council Assembly. Accordingly, Council Assembly will upon recommendations from Planning Committee and Executive be requested to adopt the AAP with the Inspector's binding recommendations.

Examination in Public

28. Regulation 7 of the Town and Country Planning (Local Development) (England) Regulations 2004 ('the Regulations') provides that Area Action Plans must be development plan documents (DPDs). The AAP is identified in the council's revised Local Development Scheme, which was approved in May 2008
29. As set out in the report, the AAP was subject to an examination in public (EiP) by a planning inspector appointed by the Secretary of the State on September 2 and 3 2009.
30. The purpose of the independent examination is set out in section 20(5) of the 2004 Act. This is required to determine whether the submitted DPD has been prepared in accordance with certain statutory requirements under s19 & s24(1) of the 2004 Act and the associated regulations (*The Town and Country Planning (Local Development) (England) Regulations 2004;SI.2004 No. 2204*); and whether it is sound.
31. In making an assessment of soundness, the AAP was examined against the

requirements set out in Planning Policy Statement 12 (2008) – *Local Spatial Planning* (PPS 12).

32. The Inspector concluded in his binding decision dated October 23 2009 that the AAP is considered to be sound subject to his recommended amendments set out in his report. Members' are advised that the Inspector findings are binding upon the council. Therefore, the AAP must be adopted in a form which incorporates the Inspector's recommendations. If members were not minded to accept the Inspector's recommendations, the entire process would need to be re-commenced and fresh consultation undertaken.

Sustainability Appraisal

33. The Planning and Compulsory Purchase Act 2004 also requires sustainability appraisal (SA) of all emerging DPDs. In accordance with this provision, a sustainability appraisal was prepared to ensure the wider impacts of the AAP's policies are addressed. The sustainability appraisal has informed the preparation of the AAP and is recommended for adoption by Members. The SA should be expressly adopted along with the AAP and must have a separate adoption statement pursuant to Environmental Assessment of Plans and Programmes Regulations 2004 (16) (3) and (4).

Adoption Process – Procedural Requirements

34. Members' are advised that should the AAP be adopted by Council Assembly, following the recommendation of the Executive, a number of statutory requirements will need to be complied with by the council. These requirements are set out in Regulations 35 and 36 Town and Country Planning (Local Development)(England) Regulations 2004 (as amended by the 2008 Regulations) and must be complied with as soon as reasonably practicable after the date of adoption.
35. In summary, Regulation 35 (1) requires that the council complies with section 20(8) of the Planning and Compulsory Purchase Act 2004 to publish the Inspectors recommendations and reasons as follows :
- (a) That the recommendations of the Inspectors report be deposited for the purposes of public inspection at the same venue that the pre-submission proposal documents were deposited;
 1. That Inspectors recommendations be published upon the council's web-site; and
 2. That notification of publication be provided to those persons who requested to be notified of the recommendations publications.
36. Regulation 36 further provides that the council make available for inspection the following documents at the same place where the pre-submission documents were deposited:
- (a) The AAP;
 - (b) an adoption statement, and
 - (c) the sustainability appraisal report
 - (d) publish the adoption statement on the council's web-site;
 - (e) give notice by local advertisement of the adoption statement and the details of where it can be inspected
 - (f) send the adoption statement to any person who has asked to be notified of the adoption of the AAP; and
 - (g) send the AAP and adoption statement to the Secretary of State.

Application to the High Court

37. The AAP has been prepared in accordance with the relevant legislation and regulations. This is the final version, which will, when adopted, establish the planning policy framework for the Aylesbury Estate and the regeneration of the surrounding area, including Burgess Park. Any party aggrieved by the AAP may make an application to the High Court within 6 weeks of the publication of the adoption statement. Such applications may only be made on limited grounds namely that the document is not within the appropriate power and / or that a procedural requirement has not been complied with. Officers believe this risk is minimal as the AAP has been prepared in accordance with the relevant regulations and guidance and that due process has been followed.

Saved UDP Policies

38. If this AAP is not adopted planning applications in this area will be assessed against saved Unitary Development Plan policies, which did not anticipate redevelopment on the scale now being proposed within the specific area. This would hinder efforts to regenerate the Aylesbury Estate and surrounding regeneration area.

Departmental Finance Manager

39. There are no specific financial implications associated with this paper. The financial implications of any particular policy or strategy should be addressed as part of any specific proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Report on the Examination into the Aylesbury Area Action Plan Development Plan Document – 23 October 2009	Planning and Transport	Julie Seymour
Core Strategy publication/submission (available on request)	Planning and Transport	Julie Seymour

APPENDICES

No.	Title
Appendix A	Aylesbury Area Action Plan – (2 documents) The submission version incorporating changes Changes to be made to the publication/submission based on the inspector report
Appendix B	Aylesbury publication/submission consultation plan (available on the internet)
Appendix C	Aylesbury publication/submission consultation report (available on the internet)
Appendix D	Aylesbury publication/submission interim sustainability appraisal (available on the internet)
Appendix E	Aylesbury publication/submission equalities impact assessment (available on the internet)
Appendix F	Aylesbury publication/submission appropriate assessment (available on the internet)

AUDIT TRAIL

Lead Officer	Richard Rawes, Strategic Director of Regeneration and Neighbourhoods	
Report Author	Julie Seymour, Head of Planning Policy	
Version	Final	
Dated	December 4 2009	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Departmental Finance Manager	Yes	Yes
Executive Member	Yes	No
Date final report sent to Constitutional Team		December 4 2009

Aylesbury Area Action Plan – Appendices

Web site link for appendices

<http://www.southwark.gov.uk/YourServices/planningandbuildingcontrol/planningpolicy/localdevelopmentframework/aylesburyareaactionplan.html>

Item No.	Classification: Open	Date: 15 December 2009	Meeting Name: Executive
Report title:		Varying Southwark's Conditions of Tenancy	
Ward(s) or groups affected:		All	
From:		Strategic Director of Environment and Housing	

RECOMMENDATIONS

1. That the Executive notes the progress made to date in the drafting of amendments to the existing tenancy agreement for secure and introductory tenants.
2. That the Executive notes the recommendations made by Tenant Council, the area housing forums, the tenants' working party, Southwark Group of Tenant Organisations and individual tenants as summarised in Appendices 2 & 3 of this report.
3. That the Executive consider and agree in principle the changes proposed to the conditions of tenancy as laid out in Appendix 1 subject to any amendments that may arise from the further consultation currently being undertaken.
4. That any amendments arising from the further consultation be approved by the deputy leader and executive member for housing.
5. The changes are to take place in respect of all tenants granted tenancies before 19 January 2010 from the 5th April 2010 or as soon as possible thereafter once the requirements of a Notice of Variation are met.
6. That directly following the implementation date all new tenants will be signed up to the new conditions of tenancy with immediate effect.
7. That the Tenants Handbook be prepared and published by the 5 April 2010 or the date from which the changes are to take place (whichever the later) to complement the new tenancy agreement.

BACKGROUND INFORMATION

8. The objectives of the tenancy agreement review can be summarised as follows:
 - Allow for the incorporation of changes in legislation and legal obligations.
 - Ensure compatibility with all London Borough of Southwark policies and procedures introduced or amended since 2004.
 - Produce a shorter, more succinct, user friendly tenancy agreement which reflects best practice.
 - Give officers additional tools to tackle animal related anti-social behaviour
 - To bring in line with the law and other social housing landlords through the removal of an automatic right to two successions on a tenancy and the removal of the tenants right to choose to be permanently re-housed if major works to their property take more than 7 days.

- Increase awareness of noise nuisance related to the laying of laminate or wooden flooring.
 - Make clear both the Council and tenant's health and safety responsibilities.
 - To remove the void sub-clause that states no changes can be made to the conditions of tenancy without tenant council's final approval.
9. All housing management business units, along with estate parking services, arbitration, Southwark Antisocial Behaviour Unit and legal services were asked to provide recommendations for addition, deletion or amendment of the current clauses.

KEY ISSUES FOR CONSIDERATION

Policy Implications

10. The proposed changes will require a review of all current policies and procedures that directly or indirectly related to the existing tenancy agreement.
11. An updated version of the tenant's handbook will have to be prepared and circulated to ensure compatibility, rather than contradiction, between the rights and responsibilities of both council and tenant laid out in each document. It is intended that tenants will join officers between January and April 2010 to carry out this task.
12. The proposed conditions include a number of changes. Those that are a major change in policy are outlined in points 18- 27 below.
13. There will be a change of policy regarding pet ownership. Tenants will have to seek permission to have a pet dog, which the council will give on the condition that it is micro chipped. The clause could be enforced on all new tenants from 2010 and existing tenants from 2012. The Council will run a highly publicised, borough wide, campaign to assist tenants comply with this condition – micro chipping dogs free of charge.
14. This is an approach adopted by the London Borough of Wandsworth which has received high praise from the Royal Society for the Prevention of Cruelty to Animals.
15. There will be a change in policy regarding succession of tenancies. The Housing Act 1985 allows for a tenancy to be passed on either via survivorship (where a joint tenant passes away the tenancy goes to the remaining joint tenant) or to a family member who has been residing in the property for at least 12 months when the current tenant passes away.
16. Presently, Southwark allows a tenancy to be succeeded to twice; this is one more time than prescribed by legislation and one more time than is allowed in all other London boroughs.
17. By removing an automatic right to two successions Southwark will be able to consider whether a discretionary allocation of a new tenancy is the fair and reasonable option in each individual case.
18. Currently if major works take longer than 7 days and cannot be completed with the tenant in situ, the tenant has the right to choose between being temporarily or permanently transferred to another property.

19. The removal of the current clause 22 will mean that tenants no longer have this right with the aim that they return to their original dwelling once the works have been completed.
20. Sub-clause 26.4 of the current conditions of tenancy states that no changes to the conditions of tenancy shall be valid unless agreed by either the tenant or tenant council.
21. In *Kilby v Basildon District Council* [2006] the judge ruled that a similar clause was void because it fetters the statutory powers of the local authority. This opinion was echoed by Andrew Arden QC in a written opinion given in 1999.
22. As such, current sub-clause 26.4 is void and unenforceable. On this basis it is good practice to remove it.

Community Impact Statement

23. The changes will have a profound affect on all Southwark Council's secure and introductory tenants and as such tenant council, all area housing forums and the Southwark Group of Tenant Organisations as well as all individual tenants were consulted.
24. The proposal to remove an automatic right to a second succession might have a disproportionate affect on those tenants living with extended families or older tenants who have adult children living with them.
25. To mitigate this we have proposed the introduction of a sub-clause that allows the Council to issue new tenancies in certain exceptional circumstances. We will also review the succession procedure to ensure this is implemented.
26. The Preliminary Notice consultations paper was sent out in writing to all Southwark tenants. To ensure accessibility to all tenants the Preliminary Notice consultation letter and booklet included language strap lines and large print explaining an audio version was available to any tenant with a visual impairment. These were also offered to tenants with literacy issues or where the tenant's written English was not as strong as their spoken.
27. While the letter and documents were not translated into any other language, tenants for who English is not their first language, were offered the option of having the proposed changes explained to them with the use of an interpreter. Around 10 tenants took up this option.
28. Any tenant who contacted the Council by telephone, letter or email requesting further information or additional explanations of the changes was responded to directly by the project officer responsible and given support until fully satisfied.
29. The proposed changes also see the Civil Partnerships legislation incorporated in to clauses where previously reference was made to a spouses or same sex partner.
30. The new updated tenancy agreement will be made available in audio as well as written English.

Resource Implications

31. An initial budget of £202,000 has been identified for the printing and distribution of an updated tenant's handbook, this budget would also allow for an audio version of the handbook to be made available to tenants with vision impairments, literacy or language issues.
32. The introduction of compulsory dog chipping would have a number of associated costs; those to cover the cost of enforcement and those to cover dog chipping events. Initial estimates put the costing at approximately £70,000.

Consultation

33. Tenant council, all area housing forums, a tenants' working party and all secure and introductory tenants were consulted on the proposed changes as follows:-
34. Tenant Council were approached and nominated representatives to form a working party supported by an officer to both examine the list of recommendations made by the various business units and also make any of their own suggestions. The working party met 6 times between April and August 2009 and were supplied with copies of 6 other London borough tenancy agreements.
35. Two articles appeared in Southwark Housing News alerting tenants to the upcoming consultation.
36. The proposed changes were also submitted to the area housing forums (AHFs) for consideration. A special Tenant Council took place on 27th July to discuss the proposals and the AHFs' responses. Tenant Council recommended that the proposals go back out to the AHFs once more, this time containing the full draft text of each clause. Housing Management agreed to postpone consultation with all individual tenants until this had occurred.
37. All AHFs were supplied with the full draft text and met again throughout August to consider the proposed changes. A second special Tenant Council was held on 1st September 2009 and the Council's proposed changes and the AHFs recommendations were discussed clause by clause.
38. On the 30th September all secure and introductory tenants were sent a letter entitled 'Preliminary notice of the Council's intention to vary your conditions of tenancy', enclosing a 12 page booklet and an addendum that explained, in plain English, what changes the council was proposing to make to their conditions of tenancy. This letter and booklet was sent out in pursuant of Section 103 of the Housing Act 1985.
39. Tenants were given until November 2nd to submit their comments though this deadline was informally extend to 13th November to take account of responses delayed by the postal strike. 400 tenants responded, the details of which can be located in Appendix 2.
40. On 13th November recommendations and feedback from Tenant Council, AHFs, tenant's working party, Southwark Group of Tenant Organisations and individual tenants was presented to the deputy leader and executive member for housing for consideration.

41. Revisions to the proposals were presented to Tenant Council on the 30th November 2009 for comment, a summary of whose recommendations can be found in Appendix 3.
42. At the 30th November special meeting, tenant council voted to support a Southwark Group of Tenants Organisations (SGTO) Motion which outlined concerns regarding the transparency of the consultation process, the nature of the proposed changes and the council's refusal to accept SGTO's proposed amendment to the health and safety clause. The SGTO's amendment to the health and safety clause also was supported by 5 tenant and resident associations.
43. The SGTO has been informed that the council will not be adopting their preferred language for this clause. The council's proposed text states that the council 'will undertake [its] statutory and contractual responsibilities to make sure the health and safety of our tenants is not put at risk'. This language allows for changes in legislation to occur without the tenancy agreement becoming outdated. To reference 'fire risk assessments' specifically could be problematic should legislation be passed that changes their name or process.
44. In response to the concerns raised by tenant council and the SGTO, the Council is sending the full text of the proposed conditions of tenancy to all Southwark tenants inviting any comments by 18th January 2010.
45. Any further comments arising from this further consultation will be presented to the deputy leader and executive member for housing who will consider and approve any further changes to the proposed conditions as necessary by way of an IDM .
46. A formal Notice of Variation will then be served on all tenants in February 2010, giving the required 4 weeks notice of the changes to the conditions of tenancy in accordance with section 103 (4) of the Housing Act 1985.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

47. Section 103 of the Housing Act 1985 gives the local authority the power to vary the terms of a secure tenancy and sets out the procedure to be followed before the terms may be varied. Section 103 applies to introductory tenancies by virtue of section 111A of the Housing Act 1985 . The section provides a two stage process. Firstly tenants must be served with a preliminary notice specifying the variation and its effect and inviting tenants to comment on the proposed variation within such time as specified in the notice as the landlord considers reasonable and that the landlord shall consider any comments made by tenants within the specified time. The landlord may then serve a notice of variation specifying the variation effected by it and the date on which it takes effect. The period between the date the notice of variation is served and the date the variation comes into effect must be at least 4 weeks.

48. Further consultation requirements are set out under section 105 of the Housing Act 1985, sections 137 and 143A of the Housing Act 1996 in relation secure, introductory and demoted tenants respectively. Whereby the Council is required to consult with tenants on matters of housing management that represent a change in the policy of the landlord authority and are likely to substantially affect its secure tenants as a whole or a group of them and consider representations made during the process before making any decision on the matter. The matter is one of housing management if in the option of the landlord it relates to housing management, maintenance, improvement or demolition of houses let under secure, introductory and demoted tenancies. A change in the practice or policy of the Council which is likely to substantially affect its secure, introductory and demoted tenants as a whole or a group of them who form a distinct social group.
49. The principles of consultation, so as to achieve procedural fairness to reach a reasonable decision are as follows:-
- Be undertaken when the proposals are still at a formative stage, although, it should be noted that the Council may have a preferred option and, provided it consults on all possible options and not merely its preferred option, the Council should not fall foul of not consulting at the formative stage
 - Include sufficient reasons for the proposals to allow any interested party the opportunity to consider the proposal and formulate a response
 - The Council must allow adequate time for interested parties to consider the proposal and formulate their response; and
 - Take all the results from interested parties must be conscientiously taken into account when the ultimate decision is taken
50. Tenancy agreements come within the scope of the Unfair terms in Consumer Contracts Regulations 1999. The regulations apply to contracts which have not been individually negotiated and sets out the circumstances in which a term will be considered unfair. A term will be regarded as unfair if it causes a significant imbalance in the parties' rights and obligations arising under the contract to the detriment of the consumer, in this case the tenant. The proposed new terms do not appear to fall foul of the regulations.
51. The body of the report sets out the detail the consultation that has been carried out with tenants, Tenants' Council and the Area Housing Forums. Together with further consultation being undertaken following representations by Tenants Council and SGTO. The steps taken are considered to meet the statutory consultation requirements.
52. Counsel's advice has been sought as to the legality and enforceability of the current agreement and the proposed changes and any recommendations have been taken into consideration. In particular, the need to remove the second succession and as to the illegality and unenforceability of the current clause 26(4) requiring the agreement of Tenants' Council for any changes other than rent changes. Further, Counsel has seen the consultation documentation and been advised of all the steps being taken by way of consultation and considers the statutory requirements will be met.
53. Section 104 of the Housing Act 1985 requires the local authority to publish information about its secure tenancies in simple terms to explain the effect of express terms of its secure tenancies and to supply copies of such information to its secure tenants. Identical provision is made in respect of introductory tenancies and demoted tenancies under sections 136 and 143M of the Housing Act 1996.

54. The Council provides this information in the form of a Tenant's handbook. It is noted that the handbook is to be prepared and published by the date from which the new conditions are to take effect .

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
LBS's current conditions of tenancy	Housing Management, Business Support Services, 160 Tooley Street	Alice Orr-Ewing 0207 525 7791
Preliminary notice of the Council's intention to vary your conditions of tenancy Letter September 2009	Housing Management, Business Support Services, 160 Tooley Street	Alice Orr-Ewing 0207 525 7791
Preliminary Notice of Variation booklet and addendum	Housing Management, Business Support Services, 160 Tooley Street	Alice Orr-Ewing 0207 525 7791
Tenants' working party recommendations	Housing Management, Business Support Services, 160 Tooley Street	Alice Orr-Ewing 0207 525 7791
Summary of tenant council's recommendations	Housing Management, Business Support Services, 160 Tooley Street	Alice Orr-Ewing 0207 525 7791
Summary of area housing forums recommendations	Housing Management, Business Support Services, 160 Tooley Street	Alice Orr-Ewing 0207 525 7791
Preliminary notice of the Council's intention to vary your conditions of tenancy letter December 2009	Housing Management, Business Support Services, 160 Tooley Street	Alice Orr-Ewing 0207 525 7791

APPENDICES

No.	Title
Appendix 1	Proposed and current conditions of tenancy side by side with summary of feedback
Appendix 2	Summary of individual tenant consultation responses
Appendix 3	Tenant council's comments made on 30 th November 2009

AUDIT TRAIL

Lead Officer	Gill Davies, Strategic Director of Environment and Housing	
Report Author	Alice Orr-Ewing, Performance Improvement Officer	
Version	Final	
Dated	4 December 2009	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	No	No
Executive Member	Yes	Yes
Date final report sent to Constitutional/Community Council/Scrutiny Team	7 December 2009	

APPENDIX 1

**Current conditions/new conditions
Clause 1 & 2 Security of tenure, termination of tenancy and notices**

Current clauses 1&2	New clause 1 – Your tenancy and 2 When we end the tenancy and give notice.
<p>1 The tenant’s right to remain in and to enjoy the quiet occupation of the dwelling house shall not be interfered with by the Council except as set out in Clause 2(2), 14 and 22</p>	<p>1a Your right to occupy and to enjoy the quiet occupation of the property shall not be interfered with by us except as set out in conditions 2a “When we end the tenancy and give notice” and 18 “Access”.</p>
<p>2.1 The tenancy is a “secure tenancy” so long as the tenant occupies the dwelling house as his/her only or principal home. If there are joint tenants, the tenancy is a secure tenancy so long as at least one of the tenants occupies the dwelling house as his/her only or principal home.</p>	<p>1b The tenancy is a “secure tenancy” or an “introductory tenancy” so long as you occupy the property as your only or principal home. If there are joint tenants, the tenancy is a secure tenancy or an introductory tenancy so long as at least one of the tenants occupies the property as their only or principal home.</p>
<p>2.2 So long as the tenancy is a secure tenancy, the Council can only terminate the tenancy and obtain possession of the dwelling in accordance with law</p>	<p>1c The question of whether a tenancy is secure or introductory is determined under the Housing Act 1985 and the Housing Act 1996.</p>
<p>2.3 Any notice to be served on the tenant shall be deemed to be duly served if left at the dwelling house or sent to the dwelling house by ordinary pre-paid post</p>	<p>1d In general, all new council tenancies will be introductory tenancies for a trial period of 12 months or 18 months if we decide to extend the trial period or if, during the trial period, we decide to seek possession by issuing court proceedings, in which case the tenancy will remain introductory until the court proceedings are finally determined.</p> <p>1e The introductory tenancy will automatically become a secure tenancy at the end of the trial period of 12 or 18 months provided court proceedings for possession have not been issued.</p> <p>2a We can only end the tenancy and obtain possession of the property in line with the law.</p> <p>2b Any notice served by us on you shall be taken as served if left at the property or sent to the property by ordinary pre-paid post.</p>

Clause – 3 Breakdown of Relationships

Current clause 3	N/A
<p>3.1 Where the original tenancy is granted to one or both parties living together as a couple in a stable relationship, then if either party provided conclusive evidence that the relationship has broken down permanently, the Council shall provide suitable alternative accommodation, such accommodation to be provided in accordance with an assessment of their housing needs, provided that they have lived in the accommodation for at least three years or have occupied previous property owned by the Council as a couple for at least three years</p> <p>3.2 Where the relationship breakdown is a result in whole or in part of domestic violence , the Council shall not be obligated under Clause 3(1) to rehouse or grant the tenancy of the dwelling house to the perpetrator of domestic violence</p>	<p>REMOVED</p>

Clause 4 - Termination of tenancy by tenant

Current clause 4	New 3 - When you end the tenancy
<p>4.1 The tenant may terminate the tenancy by giving the Council 4 weeks written notice to quit to expire on a Monday</p> <p>4.2 On termination of the tenancy, the tenant must ensure that the Council is given vacant possession and leave the dwelling house in a clean and tidy state ready for occupation</p>	<p>3a You may end the tenancy by giving us at least 4 weeks written notice to quit to end on a Monday. Written notice must be given to the Housing Office or designated customer contact point.</p> <p>3b At the end of the tenancy, you must make sure you and everyone living with you moves out and that we are given vacant possession. You must leave the property ready for occupation with all fixtures and fittings clean and tidy and in as good a state as they were at the beginning of the tenancy, fair wear and tear and any damage resulting from our failure to carry out our obligations excepted.</p>

Clause 5 – Departure of one of joint tenants

Current clauses 5	4 If one Joint tenant leaves
<p>5.1 Where the tenancy is a joint tenancy, a joint tenant may only terminate the tenancy by:</p> <p>5.1 giving the Council 4 weeks written notice to quit to expire on a Monday and;</p> <p>5.1 Giving a copy of the said notice to the remaining joint tenant</p> <p>a</p> <p>b</p> <p>5.2 Subject to Clause 5(3) and to the agreement of the remaining tenant(s), the Council shall thereupon grant a new tenancy to the remaining tenant(s)</p> <p>5.3 The Council shall not be obliged to grant a new tenancy to the remaining tenant(s) where there has/have been a serious breach of Clauses 6,8, 9 of the Tenancy Agreement</p>	<p>4a Where the tenancy is a joint tenancy, a joint tenant may only end the tenancy by:</p> <p>4a1 giving us 4 weeks written notice to quit to end on a Monday and;</p> <p>4a2 giving a copy of the said notice to the remaining joint tenant</p> <p>4b Subject to condition 4c and the agreement of the remaining tenant(s), we shall grant them a new tenancy.</p> <p>4c We shall not be obliged to grant the remaining tenant(s) a new tenancy where in our reasonable opinion there has been a serious breach of conditions 5, 8, 9, 10, 11, 12 & 13 of this Tenancy Agreement.</p>

Clause 6 – Rent

Current clause 6	5 – Rent
<p>6.1 The tenant must pay the rent and other charges that are due in advance of Monday in each week or by such arrangements as agreed with the Council in writing</p> <p>6.2 The Council must ensure that the tenant's rent records are accurate and up to date and copies sent to the tenant on a monthly basis</p>	<p>5a You must pay the rent and other charges that are due in advance on Monday in each week or by other arrangements we have agreed with you in writing.</p> <p>5b We must make sure that your rent records are accurate and up to date.</p>

Clause - 7 Variation of rent and other charges

Current clause 7	6 – Changes to rent and other charges
<p>7.1 The Council may without the consent of the tenant vary the sums to be charged by way of rent or other charges for the dwelling house</p>	<p>6a We may, without your agreement change the amount of rent or other charges for the property</p>
<p>7.2 If the Council wishes to vary the sums payable for rent and other charges it shall serve on the tenant Notice of Variation specifying the variation and the date upon which it is to take effect which shall not be less than 4 weeks from the service of the Notice</p>	<p>6b If we want to change the amount of rent and other charges we shall serve you with a notice of variation stating the new amounts and the date the change is to take effect which shall not be less than 4 weeks from service of the notice</p>
<p>7.3 If before the date specified in the Notice of Variation, the tenant gives the Council notice to quit, the variation will not take effect unless the tenant, with the written consent of the Council, withdraws his/her notice to quit before the date so specified.</p>	<p>6c If before the date specified in the notice of variation, you give us notice to quit, the change will not take effect unless, with our written agreement, you withdraw your notice to quit before the date so specified.</p>
<p>7.4 The tenant is obliged to vacate the dwelling house and give vacant possession to the Council on the day the tenant's notice to quit expires. In default, the Council shall be entitled to recover use and occupation charge equal to the varied rent and other charges from the date it takes effect until the Council obtains possession of the dwelling house.</p>	<p>6d You must leave the property and give vacant possession to us on the day your notice to quit ends. If you do not we shall be entitled to recover charges for your use and occupation equal to the varied rent</p>
<p>7.5 The Council undertakes to consult the Tenants' Council before seeking to vary sums payable for rent and other charges.</p>	

Clause 8 Nuisance

Current clause 8	8 Nuisance and antisocial behaviour
<p>8.1 For the purposes of this clause and Clause 9 ‘the tenant’ includes any person residing at or visiting the property</p>	<p>8a The conditions of this section apply to you and persons living in and or visiting the property. You are responsible for your behaviour and of persons living with you or visiting the property.</p>
<p>8.2 The tenant shall act in a reasonable manner and must not do anything which in the opinion of the Council causes nuisance, annoyance, offence, distress or alarm to other tenants or their family, lodgers or visitors or damage any property or possession belonging to the Council or to its tenants and their families</p>	<p>8b You shall act in a reasonable manner and must not do anything which in our reasonable opinion causes nuisance, annoyance, offence, distress or alarm to other tenants, their family, lodgers or visitors or damages any property or possession belonging to us or our tenants and their families.</p>
<p>8.3 The tenant must act in a reasonable manner towards Council employees & agents of the Council and must not threaten, abuse or assault staff carrying out their duties in relation to the tenancy or as a consequence of their employment with the Council, whether in working or outside working hours. This also applies wherever staff are performing their duties and extends to contacts with Housing Offices and other customer contact centres. Equally the Council and its employees must act in a reasonable manner when dealing with them or their representatives.</p>	<p>8c You and anyone acting on your behalf must act in a reasonable manner towards our employees & agents and must not threaten, abuse or assault staff carrying out their duties in relation to the tenancy or as a consequence of their employment with us, whether in working hours or outside working hours and whether or not at or in the locality of the property.</p>
<p>8.4 Without prejudice to the generality of the above this clause applies to acts of discrimination, intimidation, harassment or abuse on any grounds for example colour, race, sex, sexual orientation, religious belief, age or disability.</p>	<p>8d You must not discriminate, intimidate, harass or abuse anyone because of their ethnic background, sex, sexuality, religious beliefs, age or disability.</p> <p>8e You must not carry out motor vehicle repairs in or near the locality of the property or garage which in our reasonable opinion is or may become a nuisance or annoyance or cause offence to other people.</p> <p>8d You must keep noise, including the use of television, playing of amplified music, musical instruments, or otherwise howsoever caused, to a reasonable level within the property, and from motor vehicles.</p>

<p>8.5 Without prejudice to the generality of the above clauses the tenant;</p>	<p>8e You must not hold or permit to be held any excessively noisy party or pay party at the property nor advertise or permit to be advertised such a party.</p>
<p>8.5 (a) Must not keep in the dwelling house or within the curtilage of the estate any animal, bird or reptile which in the reasonable opinion of the Council is dangerous, injurious to health or a nuisance. It is the responsibility of the tenant to ensure that any dog or pet faeces is properly disposed of and that their dog or other pets do not cause a nuisance or annoyance by excessive barking or aggressive behaviour. The tenant is responsible for the behaviour of their dog or pets at all times</p>	<p>9 Security</p>
<p>8.5 (b) Must not on or near the locality of the dwelling house or garage carry out motor vehicle repairs which in the reasonable opinion of the Council are or may become a nuisance or annoyance or cause offence to other people.</p>	<p>9a The conditions of this section apply to you and persons living in and or visiting the property. You are responsible for your behaviour and for that of persons living with you or visiting the property.</p>
<p>8.5 (c) Must confine noise, including the use of television, playing of amplified music, musical instruments, etc to a reasonable level within the dwelling house and from motor vehicles</p>	<p>9b You must not use the communal areas of the block or estate for anything other than access, rest and quiet recreation (unless otherwise designated)</p>
<p>8.5 (d) Must not hold or permit to be held any excessively noisy party or pay party at dwelling house nor advertise or permit to be advertised such a party</p>	<p>9c If there is a door entry system and / or CCTV, you must not break the shared security by allowing strangers access into the block.</p>
	<p>9d You must not enter any restricted areas including but not limited to: lift rooms, water tank rooms, roofs and roof spaces.</p>
	<p>10 Pets and other animals</p>
	<p>10a The conditions of this section apply to you and persons living in and or visiting the property. You are responsible for your behaviour and for that of persons living with you or visiting the property.</p>
	<p>10b You must not keep in the property or within the boundary of the estate any animal, bird or reptile which in our reasonable opinion is dangerous, injurious to health or a nuisance.</p>
	<p>10c You must not keep a dog in the property without first obtaining our written agreement, which will not be unreasonably withheld. If given, it will be on the condition that the dog is micro chipped and relevant owner details recorded and kept up to date.</p>
	<p>10d You must not cause or allow your dog or any other pet to cause a</p>

<p>8.6 The tenant shall not cause or allow the communal areas of the block or the estate to be used for purpose other than rest and quiet recreation (unless otherwise designated) and shall not cause or allow the communal areas to be used for congregating of people so as to obstruct the communal areas or otherwise cause or likely to cause a nuisance</p>	<p>nuisance or annoyance by excessive barking, other noise or aggressive behaviour.</p> <p>10e You are responsible for the behaviour of your dog or pet at all times and must make sure that any dog or pet faeces are properly disposed of.</p> <p>10f You must not feed any pigeons on the estate or in the locality of the property.</p>
<p>8.6 Rubbish and Tipping: The tenant shall not cause or allow any dumping of rubbish, tipping, or abandonment of property including vehicles on the estate or in the locality of the premises. In particular the tenant shall not deposit any rubbish or property on the walkways in the locality of the premises. It is the responsibility of the tenant to ensure that rubbish and unwanted property are properly disposed of.</p>	<p>11 Health and Safety</p> <p>11a The conditions of this section apply to you and persons living in and or visiting the property. You are responsible for your behaviour and for that of persons living with you or visiting the property.</p> <p>11b You shall not cause or allow fire exits, or routes, from the property or in any communal area to be blocked or otherwise act so as to create a health and safety danger</p> <p>11c You must make sure that any fire check doors internal to the dwelling are in working order and report any faults to us.</p>
<p>8.6 Door Entry & CCTV Systems: Where the communal entrance to premises are protected by a door-entry system and/or CCTV the tenant shall only allow those residing or visiting the premises to enter by that entrance and not by any other. The tenant shall allow access via a communal door to those residing or visiting the tenant's premises. The tenant shall not cause or allow the lifts to be used for any purpose other than access to and exit from the premises by the communal areas</p>	<p>11d We will undertake our statutory and contractual responsibilities to make sure the health and safety of our tenants is not put at risk.</p> <p>12 Rubbish</p> <p>12a The conditions of this section apply to you and persons living in and or visiting the property. You are responsible for your behaviour and for that of persons living with you or visiting the property.</p>

<p>8.6 (c) Restricted Areas: The tenant shall not cause or allow anyone to enter areas marked as restricted, and in particular this restriction applies to (whether marked or not) lift rooms, water tank rooms, the roof, roof voids and drying areas. The tenant may access and use the drying area for the sole purpose of hanging washing</p>	<p>12b You must make sure that you do not cause any obstruction to communal landings, staircases and / or corridors at any time and only dispose of rubbish in a refuse chute or bin. Any other rubbish must be placed in any other designated area on the agreed day of collection.</p>
<p>8.6 (d) Health and Safety Requirements: The tenant shall not cause or allow fire exits from the premises or in any communal area to be blocked or otherwise act so as to create a health and safety danger. That the tenant shall ensure that any fire check doors internal to the dwelling or in the communal areas are kept in working order. The Council will in turn undertake its statutory and contractual responsibilities to ensure the health and safety of its tenants is not put at risk</p>	<p>12c It is your responsibility to make sure that rubbish and unwanted belongings are properly disposed of.</p> <p>12d You must keep all garden space, balconies and yards of the dwelling tidy and free from rubbish</p>

Clause 9 - Domestic Violence

Current clause 9	13 Domestic violence
<p>9 The tenant must not use or threaten to use violence against any other person lawfully entitled to reside in the dwelling house so that they may be or are prevented from continuing peaceably to live in the dwelling house</p>	<p>13a You must not use or threaten to use violence against any other person lawfully allowed to live in the property so that they may be or are prevented from continuing to live peaceably in the property</p>

Clause 10 – Parking of Vehicles

Current clause 10	14 – Parking of Vehicles
<p>10.1 No person may park or keep any vehicle anywhere on the estate other than:</p> <p>(a) In a garage she or he rents from the council (b) In a parking space she or he rents from the council, (c) In a designated parking area.</p> <p>10.1 cont Unless otherwise specified, a road or pathway on the estate is not a designated parking area. No vehicle should be left unattended outside a garage for more than 30 minutes unless to allow for entry and exit from that garage.</p> <p>10.2 No vehicle may be parked on the estate if it is oversize. A vehicle is oversize if it exceeds any one of the following dimensions:</p> <p>(a) Height 6'6". (2 metres) (b) Width 6'0" (1.83 metres) (c) Length 16'0" (4.8 metres) (d) Weight 7.5 tonnes.</p> <p>10.3 The Council reserves the right to grant permission for the parking of vehicles which exceed the dimensions specified in Clause 10(2) hereof and which are used solely for social and domestic purposes.</p> <p>10.4 No vehicle may be parked on the estate unless:</p> <p>(a) it clearly displays a current vehicle excise license (tax disc) at all times, (b) It has a valid MOT certificate and is road worthy</p>	<p>14a The conditions of this section apply to you and persons living in and or visiting the property. You are responsible for your behaviour and for that of persons living with you or visiting the property.</p> <p>14b You must not park or keep any vehicle anywhere on the estate other than:</p> <p>14b1 in a garage or parking space you rent from us 14b2 in a designated parking area 14b3 in line with any parking permit scheme in place on the estate</p> <p>14c Where a parking permit scheme is in place, you have a duty to make sure that people living with you or visitors who enter the estate are made aware of the estate's parking enforcement schemes</p> <p>14d Any vehicle parked on the estate must meet conditions 14 b and 14c and must:-</p> <p>14d1 clearly display a current vehicle excise license (tax disc) at all times. 14d2 have a valid MOT certificate and be road worthy.</p>

<p>10.5 No crash-damaged vehicle or any other kind of damaged vehicle may be left or stored on any part of the estate or on Council land.</p> <p>10.6 Estate Parking Permit Schemes have been introduced on some estates after consultation with tenants. If an Estate Parking Permit Scheme is in force, no vehicle may be parked on the estate during the hours the scheme is in operation without clearly displaying a valid permit. The hours of operation may vary between different estates</p> <p>10.7 Where a parking permit scheme is in place, tenants have a duty to ensure that family members or visitors who enter the estate are made aware of the estate's parking enforcement schemes. Such local estate parking enforcement schemes will be published in advance and made known to all residents of the estate.</p> <p>10.8 Parking permits, including visitors permits, may not be sold or lent to third parties for commercial gain. No person may sell, lend, rent or give away any parking space or permit that is provided or allocated to them.</p> <p>10.9 The Council may wheel-clamp or remove any vehicle which:</p> <p>(a) is not parked in a designated parking space</p> <p>(b) fails to clearly display a current vehicle excise licence (tax disc)</p> <p>(c) is oversize, and does not have specific permission to be on the estate</p> <p>(d) causes obstruction to other tenants, or to emergency vehicles</p> <p>(e) is parked without a permit, during the hours that a parking permit scheme is operating</p> <p>(f) Represents a health and safety risk to residents or visitors to the estate.</p> <p>(g) Is parked outside a garage</p>	<p>14d3 not exceed any one of the following dimensions, unless the vehicle is solely used for social or domestic purposes and you and or the owner have obtained our written permission</p> <p style="padding-left: 40px;">Height 6'6". (2 metres), Width 6'0" (1.83 metres) Length 16'0" (4.8 metres) Weight 7.5 tonnes</p> <p>14d4 not be left outside a garage if it obstructs access for garage users.</p> <p>14d5 not be crash-damaged or have other kind of damaged vehicle –unless you have got written agreement from us.</p> <p>14d6 not cause obstruction to other tenants, or to emergency vehicles.</p> <p>14d7 not be a health and safety risk to residents or visitors to the estate.</p> <p>14e We, our contractors or agents may wheel-clamp or remove any vehicle which breaks conditions 14c and 14d. We may recover any costs incurred and, if the vehicle is not claimed by the owner within a reasonable period, dispose of the vehicle.</p> <p>14f Where you rent a garage from us you must keep to the terms of your garage agreement.</p>
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<p>10.10 if the Council clamps or removes a vehicle it may recover the cost of clamping, removing, and storing the vehicle, and may destroy or otherwise dispose of vehicles, which are not claimed by the owner within a reasonable period of time.</p> <p>10.11 The Council will consider any application from resident disabled tenants to designate parking spaces specifically and exclusively for disabled parking where a need is identified.</p>	<p>14g We will consider any application from a disabled tenant to designate a parking space specifically and exclusively for disabled parking.</p>
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Clause 11 - Use of dwelling house

Current clause 11	15 Using the property
<p>11.1 The tenant must occupy the dwelling house as his/her only or principal home. The tenant must satisfy the Council on an annual basis that they are occupying the dwelling house as their principal home. The tenant will be required to provide evidence of this occupation in a form prescribed by the Council. The tenant will be required to have a photograph on the Tenancy Agreement.</p>	<p>15a You must occupy the property as your principal home. You must satisfy us on an annual basis that you are occupying the property as your principal home. You will be required to provide evidence of your occupation in a form prescribed by us. You shall be required to have a photograph on the Tenancy Agreement.</p>
<p>11.2 The tenant shall not be absent from the dwelling house for a continuous period of more than 42 days without first notifying the Strategic Director of Housing or his/her representative in writing.</p>	<p>15b You shall not be absent from the property for a continuous period of more than 42 days without first telling us in writing.</p>
<p>11.3 The tenant must not use or permit the dwelling house to be used other than as a private dwelling house</p>	<p>15c You must not use or allow the property to be used other than as a private property.</p>
<p>11.4 The tenant must not store or use in the premises including the communal areas, private balcony, store or a garage which is an integral part of the dwelling house any liquid petroleum and paraffin (e.g. calor gas) containers or cylinders, or dangerous chemicals, gases or materials or any other inflammable materials or gases.</p>	<p>15d You must not cause or allow the storage or use of in the property including the communal areas, private balcony, store or a garage which is an integral part of the property any liquid petroleum and paraffin (e.g. calor gas) containers or cylinders, or dangerous chemicals, gases or materials or any other inflammable materials or gases.</p>

Clause 12 - Lodgers, subletting and assignment

Current clause 12	16 Lodgers, subletting and assigning the property
<p>12.1 The tenant may allow any persons to reside as LODGERS in the dwelling house whether or not payment is received from those lodgers provided it does not cause the maximum permitted number of occupiers to be exceeded or result in an overcrowding situation. The tenant must obtain the Council's written permission, such permission must not be unreasonably withheld by the Council. Where the dwelling house is part of a warden assisted (e.g. sheltered unit) or other forms of supported accommodation the tenant shall not allow any person to reside as lodger under any circumstances.</p>	<p>16a If you are a secure tenant you may allow people to live with you as lodgers in the property whether or not payment is received from those lodgers provided it does not cause the maximum permitted number of occupiers to be exceeded or result in an overcrowding situation. You must obtain our written agreement not to be unreasonably withheld.</p>
<p>12.2 The tenant must not SUBLET or part with possession of PART of the dwelling house without first obtaining the Council's written permission.</p>	<p>16b Where the property is part of a warden assisted (e.g. sheltered unit) or other forms of supported accommodation you shall not allow any person to live as lodger under any circumstances.</p>
<p>12.3 Where the tenant makes a request for such written permission, whether the request is made before or after the act of subletting or parting with possession of part of the dwelling house.</p>	<p>16c You must not sublet or part with possession of the WHOLE of the property.</p>
<p>(a) The Council must respond within 4 weeks of such request. If permission is refused the Council must give reasons for the refusal in writing;</p>	<p>16d If you are a secure tenant you may SUBLET or part with possession of PART of the property but must first obtain our written agreement not to be unreasonably withheld</p>
<p>(b) The Council will be deemed to have refused permission if it does not reply to the tenant's request within 4 weeks of receipt of the request</p>	<p>16e You may assign your tenancy (pass it on to someone else) but only in certain circumstances in line with the law. There are different provisions for secure and introductory tenants. Further details can be found in the Tenant's Handbook.</p>
<p>(c) The Council must not unreasonably refuse permission or attach conditions to its permission</p>	

12.3 cont	If the tenant considers that the Council's refusal is unreasonable, He/she may challenge the refusal by referring the matter to Southwark Arbitration Tribunal under Clause 25 of this Agreement	
12.4	The tenant must not sublet or part with possession of the WHOLE of the dwelling house	
12.5	<p>Assignment is prohibited in all circumstances except where:</p> <ul style="list-style-type: none"> (a) the assignment is in accordance with Section 92 (Mutual Exchanges) of the Housing Act 1985; (b) the assignment is by order under Section 23A or 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings); (c) the assignment is by order under Section 17(1) of the Matrimonial and Family Proceedings Act (property adjustment orders for overseas divorce); (d) the assignment is by order under paragraph 1 schedule 1 to the Children Act 1989 (orders for financial relief against parents) (e) the assignment is to a person who would be qualified to succeed, as defined in Clause 13 of this Agreement, if the tenant died immediately before the assignment 	

Clause 13 – Succession

Current clause 13	17 Succession – passing of the tenancy on death
<p>13.1 On the death of the tenant, the tenancy will be transferred if there is a person who is entitled to succeed to the tenancy and the deceased tenant did not himself/herself succeed to the tenancy on the death of a successor or as a result of an assignment by a successor. This means that a tenancy can be succeeded to twice</p> <p>13.2 A person is qualified to succeed to the tenancy if:</p> <p>(a) he/she occupied the dwelling house as his/her only or principal home at the time of the tenant's death; and</p> <p>(b) either he/she is the tenant's spouse or he/she is another member of the tenant's family and has resided with the tenant throughout the period of 12 months ending with the tenant's death</p> <p>13.3 Where more than one person qualifies to succeed to the tenancy then the tenant's spouse is to be preferred over another member of the family. Failing agreement between other members of the tenant's family the Council will determine which of them is to succeed.</p> <p>13.4 In this section "spouse" includes a person living with the tenant as his/her husband or wife or the partner of a lesbian or gay relationship</p>	<p>17a On the death of a secure or an introductory tenant the law states that the tenancy may be passed on to another person, so long as that person qualifies in line with the law. This statutory succession can only happen once. The council may allow a discretionary allocation of a new tenancy in certain special circumstances.</p> <p>17b Where the tenancy is a joint tenancy and one of the joint tenants dies, the tenancy will vest in the remaining joint tenant(s) as successor to the tenancy provided the remaining joint tenant is qualified to succeed and was occupying the property as their main or principal home at the time of the tenant's death.</p> <p>17c The law states that a person is qualified to succeed to a secure or introductory tenancy if they occupied the property as their only or principal home at the time of the tenant's death; and</p> <p style="padding-left: 40px;">17b1 is the tenant's spouse or civil partner, or</p> <p style="padding-left: 40px;">17b2 another member of the tenant's family, including a person living with the tenant as husband and wife or civil partners, and lived with the tenant throughout the period of 12 months ending with the tenant's death</p> <p style="padding-left: 40px;">unless, in either case the tenant was a successor.</p>

<p>13.5 Where the tenancy is a joint tenancy and one of the joint tenants dies, the tenancy will vest in the remaining joint tenant(s) as successor to the tenancy provided the remaining joint tenant was occupying the dwelling house as their main or principal home at the time of the tenant's death.</p>	<p>17d Where more than one person qualifies to succeed to the tenancy then the tenant's spouse or civil partner is to be preferred over another member of the family or where there are two more other members of the tenant's family, failing agreement between themselves, the Council will determine which of them is to succeed</p>
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Clause 14 - Access

Current clause 14	18 - Access
<p>14.1 The tenant must allow Council officers, agents or workers to enter the dwelling house to inspect the state of repair, carry out all treatment in association with pest eradication and to carry out its duties under any part of this Agreement or as required by law</p>	<p>18a We, our contractors and / or agents will give you 24 hours notice that entry is required to the property unless, in our opinion, immediate entry is necessary because of an emergency. In emergencies our contractors and or agents, in the presence of our officers or management agent, may enter the property without notice.</p>
<p>14.2 The Council shall give the tenant the option of making an appointment morning or afternoon, for a visit by its officers, agents or workers for the purpose of carrying out inspections or work but the tenant must understand that this may result in delay</p>	<p>18b You must allow access to the property to allow our officers, contractors or agents to carry out any inspection, safety check, treatment, repairs, major works or improvements that we are required or entitled to carry out to the property (including fixtures and fittings), or to the building or estate in which the property is situated, or any other adjoining land in the council's control.</p>
<p>14.3 Council officers and agents, in the presence of a Council officer or management agent may enter the dwelling house without notice if, in the opinion of the Strategic Director of Housing or his/her authorised representative, such entry is necessary because of an emergency</p>	<p>18c If you repeatedly refuse access, we may ask the courts for an order that allows us, our contractors or agents to force entry to the property.</p>

<p>14.4 Council officers and agents, in the presence of a Council Officer or management agent, may enter the dwelling house in the event of a tenant failing to keep a second notified appointment during a programme of pest eradication treatment, or for safety checks, including serving of gas appliances or pipe work, or during major works or improvement programmes or when required to carry out routine inspections or repairs to comply with the Council's obligations.</p> <p>Such entry will be preceded by written notification provided at least 24 hours in advance unless entry is required as a result of an emergency. The Council will be responsible for leaving the dwelling in a secure condition. The Council shall be entitled to recover any costs associated with gaining access or making the dwelling secure under this clause from the tenant, unless the tenant can show reasonable excuse for failing to provide access</p> <p>14.5 In the event of Council officers, agents or workers failing to keep an appointment to gain access to the dwelling house, the tenant shall have the right to claim from the Council a minimum of £50 compensation unless the Council can show reasonable excuse for failing to keep an appointment</p> <p>14.6 In the vent of the tenant failing to allow access for an appointment, the Council shall have the right to claim compensation from the tenant of a minimum of £50 unless the tenant can show reasonable excuse for failing to provide access</p>	<p>18d We shall be entitled to recover any costs associated with carrying out a forced entry, including making the property secure afterwards, from you, unless you can show reasonable excuse for failing to provide access.</p>
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Clause 15- Tenant's duty of care

Current clause 15	19 Taking care of the property
<p>15.1 The tenant must take proper care of the dwelling house, the fixtures and fittings and the common parts of the block and the estate, and shall bear the cost of repairing, redecorating or replacing items damaged by the tenant or any person residing in the dwelling house or the tenant's visitors, fair wear and tear and any damage resulting from the Council's failure to carry out its obligations exempted</p> <p>15.2 The tenant must at the end of the tenancy, leave the dwelling house and the Council's fixtures and fittings in as good a state as they were at the beginning of the tenancy, fair wear and tear and any damage resulting from the Council's failure to carry out its obligations excepted. In the event of the tenant failing to comply with the above, the Council will have the right to claim for the full cost of replacement or repair</p> <p>15.3 The Council is not liable for the repair of any item where the need for repair results from the tenant's breach of obligation under Clause 15(1).</p>	<p>19a You must take care of the property including our fixtures and fittings, and make sure that visitors and other people using or living in the property do the same.</p> <p>19b the upkeep of the garden and window boxes (if any) of the property.</p> <p>19c You will be required to repay us the cost of any repair or replacement to the property, block or estate resulting from negligence and / or failure to comply with condition 19a.</p>

Clause 16- Cleaning and Decorating

Current clause 16	20 Cleaning and decorating
<p>16.1 The tenant is responsible for the cleansing of the communal landing and passages serving the dwelling house where so advised</p> <p>16.2 The tenant is responsible for the upkeep of the garden and window boxes (if any) of the dwelling house and must keep all garden space, balconies and yards of the dwelling tidy and free from rubbish</p> <p>16.3 The tenant must ensure that s/he does not cause any obstruction to communal landings and staircases and corridors at any time and must only dispose of rubbish in a refuse chute, bin or other designated area</p> <p>16.4 The Council shall take reasonable steps to keep the estate and common parts clean and tidy and to mow the grassed areas of the estate (if any) and to cultivate and keep tidy any flower beds, hedges and trees on the estate</p> <p>16.5 The Council shall decorate those parts of the dwelling house</p> <p>a which are exposed to the elements as when necessary to protect the fabric</p> <p>b The Council will carry out external decorations to individual dwellings every five to seven years</p> <p>c The tenant will be responsible for the decoration of the interior of the dwelling house</p>	<p>20a You are responsible for:</p> <p>20a1 the cleaning of the communal landing and passages serving the property where so required.</p> <p>20a2 the decoration of the interior of the property</p> <p>20c We shall take reasonable steps to keep the estate and common parts clean and tidy</p>

Clause – 17 Notification of defects and time for repairs.

Current clause 17	21 Repairs.
<p>17.1 The tenant should notify the Council of defects in the state of repair of the dwelling house and common parts as soon as it is possible. Such notification should be given to the Housing Office or designated customer contact point</p> <p>17.2 The Council shall carry out its repairing obligations within a reasonable time from the time when it knows or ought to know of the need for repairs. A 'reasonable time' is such time as is reasonable in all circumstances, not exceeding the times laid down in Appendix 2 to this Agreement, unless the Council can establish that a major works project to include the identified repairs is due to start within a reasonable period and any delay will not have an impact on the Council's Health and Safety, Right to Repair and legal obligations.</p>	<p>21a You should tell us of any problems with the state of repair of the property and common parts as soon as it is possible. You should tell the Housing Office or designated customer contact point.</p> <p>21b We shall carry out our repairing responsibilities within a reasonable time from the time when we know or ought to know of the need for repairs. A 'reasonable time' is such time as is reasonable in all circumstances, not exceeding the times laid down in our service standards, unless we can establish that a major works project to include the identified repairs is due to start within a reasonable period and that any delay will not have an impact on Health and Safety and legal obligations or your Right to Repair.</p>

Clause 18 - Council's obligations for repair of the dwelling house

Clause 19 – Council's obligation for repair of the common parts, maintenance of facilities and repair of the estate

Current clauses 18 & 19	22 Our responsibility to carry out maintenance and repairs
<p>18.1 The Council shall keep in repair the structure and exterior of the dwelling house (including drains, gutters and external pipes)</p> <p>18.2 The Council shall keep in repair and proper working order (or renew with an appropriate device) the installations whether inside or outside the dwelling house which were installed at the commencement of the tenancy or if installed later, were installed by the Council, and either directly or indirectly serve the dwelling house for:</p> <p>18.2a The supply of water, gas and electricity to, and for sanitation at the dwelling house (including basins, sinks, baths and sanitary conveniences)</p> <p>18.2b Heating the dwelling house and for heating water in the dwelling house</p> <p>19.1 The Council shall keep in repair and in proper working order the structure and exterior, common parts and communal facilities to block and estates, including</p> <ul style="list-style-type: none"> • Drains, gutters and external pipes, service roads, designated play areas • Entrances, entrance halls, staircases and roofs, 	<p>22a We shall, keep in repair the structure and exterior of the property and common parts and communal facilities to block and estate including:-</p> <p style="padding-left: 40px;">drains, gutters and external pipes, service roads, designated play areas, entrances, entrance halls, staircases, roofs and fire fighting equipment,</p> <p>and, so far as they affect your enjoyment of the property or common parts and subject to reasonable expenditure and consultation with residents, lifts, communal TV aerials, entry phones, communal lighting, refuse collection facilities, communal heating and ventilation services,</p> <p>22b We shall keep in repair and proper working order (or renew with an appropriate device) the installations whether inside or outside the property which were installed at the commencement of the tenancy or if installed later, were installed by us and either directly or indirectly serve the property for:</p> <p>22b1 the supply of water, gas and electricity to, and for sanitation at the property (including basins, sinks, baths and sanitary conveniences)</p> <p>22b2 heating the property and for heating water in the property</p>

<ul style="list-style-type: none"> Lifts, communal TV aerials, entry phones, fire fighting equipment, communal lighting, refuse collection facilities, communal heating and ventilation services in so far as they affect the tenant's enjoyment of the dwelling house or common parts and subject to reasonable expenditure and consultation with residents 	<p>NEW 23 Our right to carry out major works and works of improvement</p> <p>23a We have the right to carry out works of repair, replacement, renewal or improvement which we are not required to perform by condition 22 but which we decide to carry out to improve the property and/or the building or estate in which it is situated, and/or which are works to be carried out to a number of properties as part of a planned programme of works.</p>
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Clause – 20 Standard of repair, making good and inspections

Current clause 20	N/A
<p>20.1 When the Council carries out works of repairs or improvements, it shall ensure that such works are carried out in a proper manner and with proper materials.</p>	<p>REMOVED</p>
<p>20.2 The Council may either make good any damage to the internal decorations of the dwelling house following any works of repair or improvement undertaken by the Council or its contractors or in lieu award the tenant a decoration allowance which reflects the standard of decoration damaged or disturbed</p>	
<p>20.3 If the tenant notifies the Council that s/he is dissatisfied with any works of repair or improvement carried out by the Council, the Council will thoroughly investigate and remedy any defect found within a reasonable time</p>	

Clause - 21 Compensation for failure by council to repair

Current clause 20		24 Compensation for failure by council to repair	
21	<p>If the Council fails to carry out its obligations under Clause 18 -20 of this Agreement, the tenant shall be entitled to compensation.</p> <p>The amount may be such sum as is fair and reasonable in all the circumstances. The Council will deduct and debt owed to it by the tenant from the compensation payable to the tenant</p>	24a	If we fail to carry out our responsibilities under condition 22 of this Agreement, you shall be entitled to compensation.
		24b	The amount may be such sum as is fair and reasonable in all the circumstances. We will deduct and debt owed to it by you from any compensation payable

Clause 22 – Major Works

Current clause 22		N/A
22.1	Major works means works to the interior of the dwelling house, whether repair, improvement or conversion, which by their extent or nature require either the removal of the tenant while they are being carried out or, if they are carried out with the tenant in occupation would substantially restrict or substantially disrupt living conditions within which the works are likely to take is to be agreed with the tenant, failing which the matter may be referred to Arbitration	REMOVED
22.2	In such instances the Council may, according to the circumstances and after consultation with the tenant, require the tenant to:	
22.2 (a)	move from the dwelling house while the works are being carried out, or	
22.2 (b)	remain in occupation of the dwelling house while the works are being carried out	
22.3	Where the tenant is required to move for more than seven days while the works are being carried out, the tenant may choose:	
22.3 (a)	to be transferred to suitable accommodation while the works are being carried out and to return to the dwelling house on contractual completion of the works, or	

22.3 (b)	to be transferred permanently to suitable accommodation as defined in Schedule 2 Part IV of the Housing Act 1985	
22.4	Where the tenant is required to remain in occupation of the dwelling house while major works are being carried out, s/he shall be entitled to compensation payable on completion of the work, calculated as follows:	
22.4 (a)	a sum equivalent to a day's rent for each day between the day of which the work starts and the day on which the works are completed	
22.4 (b)	If the tenant or one person on the tenant's behalf is required by the Council to take time of work in order to be at the dwelling house, a sum of the equivalent to any wages or holiday pay lost by such a person. Such compensation shall be limited to the loss of wages of any one person at any one time	
22.4 (c)	The cost of the tenant's electricity used by the Council's workers or contractors	
22.5	Where the tenant has the option of being transferred to suitable accommodation but chooses to remain in occupation in the dwelling house while the works are being carried out and he/his occupation of the dwelling house is substantially disrupted or restricted s/he shall be entitled to compensation payable on completion of the work but limited to:	
22.5 (a)	A proportion of a day's rent equivalent to the amount of accommodation which the tenant is unable to use, for each day between the day of which the work starts and the day on which the works are completed	
22.5 (b)	the cost of the tenant's electricity used by the Council's workers or contractors	
22.6	Where the works of the conversion under Clause 22(1) alter the physical character of the dwelling house so as to change the permitted occupancy, whereby it is no longer appropriate to the housing needs of the tenant, the tenant shall be entitled to be permanently transferred as in 22(3)(b) and to received compensation as in 22(8)	
22.7	Where the tenant chooses a temporary transfer as in 22(3)(a) above, s/he shall be entitled to a Disturbance Payment in accordance with S.39 Land Compensation Act 1973 for both the move to and the move back from temporary accommodation	
22.8	Where the tenant chooses a permanent transfer as in 22(3)(b) above, s/he shall be entitled where applicable to a Home Loss Payment calculated in accordance with Section 30 Land Compensation Act 1973 and a Disturbance Payment calculated in accordance with Section 38 Land Compensation Act 1973	

22.9	Where major works to be carried out to dwelling house are ones of improvement or conversion the Council shall give to the tenant sufficient notice to allow the tenant to comment on the proposals, such notice to be not less than two months written notice and to include such matters in Clause 22(2) to (8) as are appropriate	
22.10	Where major works are ones of improvement or conversion are intended to be carried out to a number of dwelling houses as part of a planned programme of works, the Council shall in such circumstances not only give notice to the tenant but in addition shall give such similar notice to a recognised Tenants and Residents' Association in whose catchment's area the dwelling houses are situated so that it may comment on the proposals	
22.11	In considering works to be carried out as in 22(9) the Council shall have regard to any comments made by the tenant(s) and the Tenants' Association	
22.12	Where major works to be carried out to the dwelling house(s) are works of major repair only, the Council shall give to the tenant(s) and the Tenants' Association as much notice as possible of its intention to carry out such repairs	
22.13	Where the tenant is required, or has chosen, to remain in occupation of the dwelling house while major works as in Clause 22(1) are carried out the Council shall:	
22.13(a)	give the tenant written notice, being not less than 21 days, of the works to be carried out and the date of which they are due to start except that, in the case of major repairs falling within Priority of Appendix 2, the tenant shall be given as much notice as is appropriate according to the circumstances	
22.13(b)	Give written notice, being not less than 7 days of the day on which access is required except that, in the case of major repairs falling within Priority of Appendix 2, the tenant shall be given as much notice as is consistent with the nature of the repair	

Clause 23- Improvement by tenant

Current clause 23	25 Making improvements
<p>23.1 In this Agreement “improvements” mean any alterations in, or addition to, the dwelling and includes:</p> <p>(a) Any additions to, or alterations in, the Council’s fixtures and fittings;</p> <p>(b) Any addition to or alteration connected with the provision of any services to the dwelling house;</p> <p>(c) The erection of any wireless or television aerial;</p> <p>(d) The carrying out of external decoration</p> <p>23.2 The tenant shall not make any improvement to the dwelling house without the written consent of the Council</p> <p>23.3 The Council may give consent to any improvement subject to a condition, and consent may be validly be given to an improvement, which had already been carried out.</p> <p>23.4 The Council shall not withhold consent to an improvement unreasonable nor attach an unreasonable condition to a consent</p> <p>23.5 In considering whether a consent was unreasonably withheld, regard shall be had to the extent to which an improvement would be likely:</p> <p>(a) To make the dwelling house or any premises less safe for the occupiers</p>	<p>25a In this Agreement “improvements” includes but is not limited to:</p> <p>25a1 adding, removing or altering the property, our fixtures or fittings, or the provision of services</p> <p>25a2 putting up any aerial or satellite dish</p> <p>25a3 decorating the outside of the property</p> <p>25a4 the replacement or installation of floor coverings</p> <p>25b You shall not make any improvement to the property without first obtaining our written permission which will not be unreasonably withheld.</p> <p>25c Where you ask for our permission to replace or install any floor coverings, we will take in to consideration any known noise nuisance issues in the block and may require you to take any necessary steps to make sure proper sound insulation.</p> <p>25d Where you have made a improvement to the property, we may, at its discretion, pay you compensation at the end of the tenancy providing certain conditions are satisfied.</p> <p>25e Condition 25d does not apply to introductory tenants who have made improvements and vacated the home whilst an introductory tenant.</p>

<p>(b) To cause the Council to incur expenditure which it would be unlikely to incur if the improvements were not made; or</p> <p>(c) To reduce the sale or rental value of the dwelling house</p> <p>23.6 Any failure by the tenant to satisfy any reasonable condition attached by the Council to consent to an improvement shall be treated as a breach of the tenant's obligations under this Agreement.</p> <p>23.7 Where the Council refuses consent to an improvement or gives consent subject to a condition it shall give the tenant written reasons for the refusal or the condition</p> <p>23.8 If the Council neither gives nor refuses consent within four weeks of the receipt of the application it shall be taken to have withheld consent</p> <p>23.9 Where the tenant has made an improvement to the dwelling house, the Council may, at its discretion, pay the tenant compensation at the end of the tenancy providing the following conditions are satisfied:</p> <p>(a) Work on the improvement began after 2nd October 1980;</p> <p>(b) The Council (or the tenant's previous landlord, if the Council acquired the dwelling house with the tenant in occupation) has consented to the improvement, or is treated by Clause 23.3 as having consented to the improvement</p> <p>(c) The improvements have materially added to the sale or rental value of the dwelling house</p> <p>23.10 The amount of compensation, if paid under Clause 23.9 shall be the cost of the improvement less the amount of any grant paid in respect of the improvement, depreciation in value and any money owed to the Council</p>	
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Clause 24- Information for tenants

Current clause 24	26 Information
<p>24.1 The Council must allow the tenant on request to see information that is kept on file by the Council's Housing Department about the tenant, her/his household or the dwelling house (including any application which the tenant has made for re-housing and documents in the possession of the Council's Housing Department relating to the block and estate where the dwelling house is situated) EXCEPT the following information:</p> <p>24.1 (a) Medical information and casework reports from social workers and welfare officers where this information would identify another individual who has not consented to disclosure and where the information if supplied would be likely to cause serious harm to the physical or mental health of the tenant or any other person;</p> <p>24.1b Complaints from other tenants and neighbours;</p> <p>24.1c Relationship disputes where information is given by parties other than those concerned;</p> <p>24.1d information which could prejudice the interests of any child</p> <p>24.1 cont Such information will be made available at reasonable times and copies will be provided on payment of a reasonable fee.</p>	<p>26a We must allow you on request to see information that is kept on our housing file about you, your household or the property (including any application which you have made for re-housing and documents in our possession relating to the block and estate where the property is situated) EXCEPT the following information:-</p> <p>26a1 Personal information that identifies other people who have not agreed to the disclosure of their personal data and where, on balance, it appears wrong to provide it unless it is reasonable in all the circumstances to disclose the information without their agreement , for example medical information and casework reports from social workers and welfare officers, complaints from other tenants and neighbours or comments by housing staff;</p> <p>26a2 Personal information the disclosure of which might cause serious harm to you or some other individual for example another member of your household;</p> <p>26a3 Personal information the disclosure of which would or would be likely to prejudice an investigation into the behaviour or activities of the tenant for example if the investigation is likely to involve the police; if it may lead to the creation of an Anti-Social Behaviour Order; or if it is in connection with eviction proceedings.</p> <p>26a4 Personal information the disclosure of which might prejudice the prevention and detection of crime, the prosecution or apprehension of offenders or the assessment or collection of any tax or duty.</p> <p>The information we are able to give you will be provided on payment of a fee of</p>

<p>24.2 If the tenant disagrees with a statement in any such Council document, s/he shall be entitled to have her/his version of the subject matter of that statement annexed to the document. Furthermore, the tenant may ask the Council to delete the disputed statement from their records and substitute her/his version.</p>	<p>£10 and your request will be dealt with promptly and in any case within 40 days.</p>
<p>24.3 If the Council fails to amend its record within 15 working days from receipt of the tenant's request, the tenant may refer the dispute to Arbitration. The Arbitration Tribunal shall have the power to order that the disputed statement be deleted from and the tenant's version be substituted in the Council's records.</p>	<p>26b If we fail to provide the information within 40 days you have the right to refer the matter to the Council's Corporate Complaints Resolution Procedure. If the matter is not resolved you will be advised of your right of appeal to the Information Commissioner.</p> <p>26c If you believe that any of the factual information held about you is inaccurate you are entitled to request it be corrected or erased. You should explain what information you consider to be inaccurate and, if appropriate, provide a written statement of the correct information to us. This written statement should be annexed to the file. We will consider your request within 28 days of receipt of the same. Should we fail to respond to you within that 28 days timescale you may refer the dispute to the Council's Corporate Complaints Resolution Procedure.</p>
<p>24.4 Where the tenant has applied for re-housing the Council must advise the tenant on request of their priority for re-housing.</p>	<p>26d If we agree to correct or erase part of your personal information you will be informed what changes have been made. If we believe the information is correct and are unable to agree the changes that have been requested we will again inform you. Where we do not agree to the changes you may refer the dispute to the Council's Corporate Complaints Resolution Procedure. If however the matter is not resolved then you will be advised of your right of appeal to the Information Commissioner.</p>
<p>24.5 The Council maintain a Tenant's Handbook for all secure tenants. The Handbook will contain information about this tenancy together with an explanation about the legal meaning of the clauses, the relevant policies and procedures of the Council together with other useful background, which will be of assistance to the tenant. The Handbook will be updated from time to time. The Council shall be legally bound by the contents of the Handbook.</p>	<p>26e Where you have applied for re-housing we must advise you on request of your priority for re-housing.</p> <p>26f We will maintain a Tenant's Handbook. The Handbook will contain information about this tenancy together with an explanation about the legal meaning of the conditions, the relevant policies and our procedures together with other useful background information, which will be of assistance to you. The Handbook will be updated from time to time. We shall be legally bound by the contents of the Handbook.</p>

Clause 25 Arbitration

Current clause 25	27 Arbitration
<p>25.1 The Council shall maintain an Arbitration Tribunal and an Arbitration Panel for the resolution of certain disputes between the tenant and the Council and between secure tenants. When either the tenant or the Council has referred a dispute to Arbitration, the other party shall be bound to submit to the decision of the Arbitration Tribunal, and decisions of the Arbitration Tribunal shall be enforceable in the Courts</p>	<p>27a We shall maintain an Arbitration Tribunal and an Arbitration Panel for the resolution of certain disputes between tenants and the Council and between tenants. When either you or we have referred a dispute to Arbitration, the other party shall be bound to submit to the decision of the Arbitration Tribunal, and decisions of the Arbitration Tribunal shall be enforceable in the Courts.</p>
<p>25.2 Membership of the Arbitration Tribunal shall be drawn from the Arbitration Panel. The Arbitration Panel will consist of at least nine members, of whom at least three will be elected members of the Council ("the Councillor Representatives") at least three will be tenants elected by Neighbourhood Forums ("the Tenants' Representatives"), and at least three will be neither elected members nor tenants of the Council and will be jointly nominated by one Councillor Representative, one Tenant Representative and the Arbitration Officer ("the Independent Representative"). An Arbitration Tribunal shall consist of a Councillor Representative, a Tenant Representative and an Independent Representative drawn from the Arbitration Panel.</p>	<p>27b Membership of the Arbitration Tribunal shall be drawn from the Arbitration Panel. The Arbitration Panel will consist of at least nine members, of whom at least three will be elected members of the Council ("the Councillor Representatives") at least three will be tenants elected by Neighbourhood Forums ("the Tenants' Representatives"), and at least three will be neither elected members nor tenants of the Council and will be jointly selected by one Councillor Representative, one Tenant Representative and the Arbitration Officer ("the Independent Representative"). An Arbitration Tribunal shall consist of a Councillor Representative, a Tenant Representative and an Independent Representative drawn from the Arbitration Panel.</p>
<p>25.3 The Council shall appoint an Arbitration Officer</p>	
<p>25.4 The Council shall have the power to prescribe regulations for the conduct of proceedings of the Arbitration Tribunal after consultation with the Tenants' Council and the Arbitration Officer</p>	<p>27c We shall appoint an Arbitration Officer</p>

<p>25.5 The Following disputes may be referred to the Arbitration Tribunal:</p> <p>All disputes in relation to the dwelling house arising in six years prior to the date of application:</p> <p>25.5 (a) arising out of alleged breach by either the Council or the tenant of her/his or the Council's obligations under this Tenancy Agreement or otherwise imposed by law</p> <p>25.5 (b) as to whether works are major works within the meaning of Clause 22 of this Agreement</p> <p>25.5 (c) as to whether the tenant should be transferred to suitable accommodation while major works are being carried out and to return to the dwelling house on contractual completion of the works, or to be transferred permanently to suitable alternative accommodation</p> <p>25.5 (d) as to the suitability of alternative accommodation for the purposes of Clause 22</p> <p>25.5 (e) as to whether any consent required under this Agreement has been withheld, whether such consent has been unreasonably withheld, or whether such consent has been given subject to an unreasonable condition</p> <p>25.5 (f) as to who is entitled to succeed to the tenancy between the Council and anyone claiming to be qualified to succeed a deceased tenant. In this case the procedure is the same as if the parties were the tenant and the Council but for "the tenant" there is substituted "anyone claiming to be qualified to succeed the tenant"</p> <p>25.5 (g) as to information that may be referred to the Arbitration Tribunal under Clause 24(3) of this Agreement</p>	<p>27d We shall have the power to prescribe regulations for the conduct of proceedings of the Arbitration Tribunal after consultation with the Tenants' Council and the Arbitration Officer</p> <p>27d The following disputes may be referred to the Arbitration Tribunal:</p> <p>All disputes in relation to the property arising in six years prior to the date of application:</p> <p>27d1 arising out of alleged breach by either us or you of any of the conditions under this Tenancy Agreement or otherwise imposed by law</p> <p>27d2 as to whether any agreement required from us under this Agreement has been withheld, whether such agreement has been unreasonably withheld, or whether such agreement has been given subject to an unreasonable condition.</p> <p>27d3 as to who is entitled to succeed to the tenancy between the Council and anyone claiming to be qualified to succeed a deceased tenant. In this case the procedure is the same as if the parties were the tenant and the Council but for "the tenant" there is substituted "anyone claiming to be qualified to succeed the tenant".</p>
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<p>25.5 (h) as to whether the tenant had reasonable excuse for failing to provide access under Clause 14(4) and 14(6) of this Agreement or the Council had reasonable excuse for failing to keep an appointment under Clause 14(5)</p>	<p>27d4 as to whether you had reasonable excuse for failing to provide access under condition 18 of this Agreement</p>
<p>25.5 (i) as to whether there has been a serious breach of Clauses 6, 8 or 9 under Clause 5(3) of this Agreement</p>	<p>27d5 as to whether there has been a serious breach of conditions 5, 8, 9 10 11 12 or 13 under condition 4c of this Agreement.</p>
<p>25. 6 Powers of Arbitration Tribunal The Arbitration Tribunal shall have power:</p>	<p>27e The Arbitration Tribunal shall have power to:-</p>
<p>25.6 (a) To award damages;</p>	<p>27e1 award damages</p>
<p>25.6 (b) To grant a declaration</p>	<p>27e2 grant a declaration</p>
<p>25.6 (c) To order either the Council or the tenant to do or refrain from doing anything in order to secure compliance with the obligations of this Tenancy Agreement or otherwise imposed by law</p>	<p>27e3 order either us or you to do or refrain from doing anything in order to secure compliance with the obligations of this Tenancy Agreement or otherwise imposed by law</p>
<p>25.7 Repair Disputes</p> <p>If the Arbitration Tribunal finds that the Council has been in breach of its repairing or decorating obligations it may award compensation to the tenant in accordance with Clause 21 and if the breach has not been corrected, may order that the Council carry out the repairs in question within such time as it thinks fit not exceeding, in the case of disrepair, the time laid down in Appendix 2 of this Agreement for the type of disrepair in question</p>	<p>27f If the Arbitration Tribunal finds that we have been in breach of our repairing responsibilities it may award compensation to you in line with condition 24 and if the breach has not been corrected, may order that we carry out the repairs in question within such time as it thinks fit</p>
<p>25.8 The Arbitration Tribunal shall only have the power to award costs in circumstances to be set out in regulations made under the provisions of Clause 25(4) of this Agreement</p>	

Clause 26- Variation of agreement

Current clause 26	7 Changing this agreement
<p>26.1 Where the Council wishes to make any change, other than in the rent or other charges (variation of which is dealt with in Clause 7 of this Agreement). It shall first serve on the tenant a preliminary notice of its intention to vary the terms of the Tenancy Agreement. A preliminary notice shall state the proposed change and its effect and shall invite the tenant to comment on the proposed change by a specified date.</p>	<p>7a Where we want to make any change, other than to the rent or other charges as at condition 6, we shall first serve you with a preliminary notice of our intention to vary the terms of the Tenancy Agreement. The preliminary notice shall state the proposed change and its effect and shall invite you to comment on the proposed changes by a specified date.</p>
<p>26.2 The Council shall consider any comments made by or on behalf of the tenant in reply to the preliminary notice.</p>	<p>7b We shall consider any comments made by you or on your behalf in reply to the preliminary notice.</p>
<p>26.3 The Council shall also consult on such proposed changes with the Tenants' Council and shall consider any comments made by it.</p>	<p>7c We shall also consult on such proposed changes with the Tenants' Council and shall consider any comments made by it.</p>
<p>26.4 No changes in the terms of the Agreement other than a change of the rent or charges for services shall be valid unless it is agreed by either the tenant or the Tenants' Council.</p>	<p>7d After completing this process the we may serve a notice of variation on you explaining the changes we will be making to the tenancy agreement and the date the changes will take effect.</p>
<p>26.5 Once it has been agreed in accordance with Clause 26(4) of this Agreement that change shall be made in this Agreement and the Council shall serve a Notice of Variation</p>	

Definitions

Current clause 27	Definitions
<p>27.1 "The Tenant" means secure tenant as defined by Housing Act 1985 and are each and every signatory to this agreement. Joint tenants are liable individually and collectively to carry out the obligations of the "the tenant".</p>	<p>"You, your and The Tenant" means tenant as defined by Housing Act 1985 and are each and every signatory to this agreement. Joint tenants are liable individually and collectively to carry out the obligations of the "the tenant".</p>
<p>27.2 "The Council" means the London Borough of Southwark.</p>	<p>"We, us, our and The Council" means the London Borough of Southwark.</p>
<p>27.3 A "Dwelling House" for the purpose of this Agreement is defined by Section 112 of the Housing Act 1985.</p>	<p>"Property" means the dwelling house for the purpose of this Agreement is defined by Section 112 of the Housing Act 1985.</p>
<p>27.4 The "Common Parts" means any part of the building of which the dwelling let to the tenant forms part and any other premises which the tenant is entitled under the terms of the tenancy to use in common with the occupiers of other dwelling houses let by the Council.</p>	<p>"Lodger" means a person who is not named in your tenancy agreement as authorised to live in the property, is not a member of your immediate family and who does not have exclusive occupation of a part of the property</p>
<p>27.5 The "Block" means the building in which the dwelling house is situated and is used for flats and maisonettes only.</p>	<p>The "Common Parts" means any part of the building of which the property let to you, forms part and any other premises which you are entitled, under the terms of the tenancy, to use in common with the occupiers of other properties let by us.</p>
<p>27.6 The "Estate" means the estate in which the dwelling house is situated</p>	<p>The "Block" means the building in which the property is situated and is used for flats and maisonettes only.</p>
	<p>The "Estate" means the estate in which the property is situated</p>

APPENDIX 2

**Varying Southwark's 'Conditions of Tenancy' 2009
Summary of all consultation feedback**

TOTAL RESPONSES RECEIVED 379	
Agree all	105
No comments	83
Comments - neutral	26
Opposing specific clauses (see third column of table below)	68
Oppose all	2
Agreeing to specific clauses (see third column of table below)	6
Questions	18
N/A- casework	66

Individual TRA responses	
Hawkstone TRA	Oppose all
Mr Munu , on behalf of Rockingham Community Association	Oppose 3, 6, 13, 14, 15, 16, 20, 21, 22, 25, 26
East Dulwich TRA	Oppose 3, 6, 13, 21, 26

B & B – Borough and Bankside, **BE** – Bermondsey East, **BW** – Bermondsey West, **CE** – Camberwell East, **CW** - Camberwell West, **D** – Dulwich, **N&P** Nunhead & Peckham , **P** – Peckham, **R**- Rotherhithe, **WC** - Walworth Central , **WE** – Walworth East, **WW** – Walworth West. **TC** – tenant council

	Clause	Individual tenant responses	Tenants' working party	Area Housing Forums recommendations	Tenant Council (Based on recommendations made at a special meeting on 1 st September 2009)
1 & 2	Security of tenure, termination of tenancy and notices. (inc reference to introductory tenancies)	1 oppose 3 agree	APPROVE	Agree – BW, BE, D, P and WC Oppose – N&P (2.3), R (2.1 & 2.3) and WE and WW (2.3)	TC APPROVE B&B AHF's recommendations: 2.1 – to add 'once effective' to beginning of sub-clause 2.2 – to add 's relating to secure and introductory tenancies' to end of sub-clause.

3	Breakdown of Relationship (REMOVE –lettings policy)	5 oppose 2 approve	OPPOSE	Oppose – BE, BW, B&B, CE, CW, D, N&P, P, R, WC, WE and WW	OPPOSE
4	Termination of tenancy (REWORD – no substantive change)	1 oppose	APPROVE	Agree- BW, BE, B&B, CE, CW, D, N&P, P, WC and WW Oppose – R (4.1)	APPROVE
5	Departure of one of joint tenants (no substantive change)		APPROVE	Agree – BE, BW, B&B, CE, CW, D, P, WC, WE, WW	APPROVE
6	Rent (REMOVE reference to monthly statements)	22 oppose	OPPOSE	Agree – D, WE & WW – quarterly. Oppose – BE, BW, B&B, CE, CW, N&P, P and R.	OPPOSE.
7	Variation of rents and other charges (NO CHANGE)	2 approve	APPROVE	Agree- BE, BW, B&B, CE, CW, D, N&P, P, WC, WE and WW Oppose – R	APPROVE

8	<p>Nuisance</p> <p>(REWORD – spilt into four separate clauses – 1. nuisance/antisocial behaviour 2. Security 3. Pets and animals 4. Health & Safety</p> <p>Add dog chipping sub-clause and make clearer H&S obligations)</p>	<p>3 oppose 5 approve</p>	<p>APPROVE</p>	<p>Agree – BE, BW, CE, CW, D, N&P, P, WC, WE, WW</p> <p>Oppose – B& B (not X.1-2, X.3 (c) & 8.3) and R (X.2, Y.3, Y.4, Z.2, Z.5, 8.2 and 8.3)</p> <p>Southwark Group of Tenant Organisations proposed an amendment to the health and safety section of this clause.</p> <p>It was supported by: Bonamy-Bramcote Tenants Association Buchan Tenants and Resident Association Decima Street Tenants & Residents Association Brayards Estate Tenants and Residents Association Borough & Bankside North TRA and 2 individual tenants</p>	<ul style="list-style-type: none"> ▪ TC APPROVE B&B AHF’s recommendations: <ul style="list-style-type: none"> X.1 – add ‘s’ to damage. X.2 – look at language – term ‘colour’ outdated. X.3(c) – tighten up wording regarding parties/ pay parties. – to read “Must not hold or permit to be held any pay party whatsoever, or any party which is excessively noisy” ▪ TC APPROVE N&P AHF’s recommendation: <ul style="list-style-type: none"> Ban on feeding pigeons should be in updated Tenant’s Handbook, not tenancy agreement. ▪ TC APPROVE R AHF’s recommendations: <ul style="list-style-type: none"> Y.3 – Council should look at wording – what constitutes a stranger? Y.4 – Restricted areas should be marked, if not- can’t hold tenant responsible for family member/ guest entering. H&S 8.2 – Council to reword as tenants cannot be held responsible for the communal fire doors. ▪ TC APPROVE COUNCIL PROPOSAL to introduce compulsory dog chipping.
9	<p>Domestic Violence</p> <p>(NO CHANGE)</p>	<p>2 approve</p>	<p>APPROVE</p>	<p>Agree- BE, BW, B&B, CE, CW, D, N&P, P, R, WC, WE and WW</p>	<p>APPROVE</p>

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10	Parking (REMOVE outright ban on crashed damaged vehicles and 30 min waiting if causing obstruction)	2 oppose 2 agree	APPROVE	Agree – CE, CW, D, WC, WE and WW Oppose – B&B (removal of 30mins), BE, BW (10.10 (e)), P (removal of 30mins), R (10.2 d-e)	<ul style="list-style-type: none"> ▪ TC REQUEST the Council look at wording of new 10.2 d (reference to obstruction of garages/bike sheds/bins) and 10.3 (30mins grace period before clamping)
11	Use of dwelling house (TWO MINOR ADMINISTRATIVE CHANGES)	1 oppose 3 approve	APPROVE	Agree – BE, BW, CE, CW, D, N& P, P, WE, WC, WW. Oppose – B&B (11.2) and R (11.1).	APPROVE
12	Lodgers, Subletting and assignment (REWORD and REMOVE list of circumstances under which assignment can occur –put in handbook)	1 oppose 2 approve	APPROVE	Agree – BE, BW, CE, CW, D, N&P, P and WW Oppose – B&B (not 12.1), R (12.1, 12.4, 12.5) and WC & WE (not 12.1)	<ul style="list-style-type: none"> ▪ TC APPROVE B&B AHF recommendation: 12.1 – to add ‘which will not be unreasonably withheld’ to the end To read “The tenant must obtain the Council’s written permission, which will not be unreasonably withheld”. ▪ TC APPROVE WC & WE AHF’s recommendation: 12.1 – to include definition of lodger ▪ TC APPROVE COUNCIL PROPOSAL (inc above AHF recommendations).

13	Death of tenant Succession (REMOVE SECOND RIGHT TO SUCCESSION) -	28 oppose	OPPOSE	Agree – CE, CW and WW (if generational succession) Oppose – BE, BW, B&B, D, N&P, P, R, WE and WW.	<ul style="list-style-type: none"> ▪ TC REQUEST further discussion to be held on issue of succession- finding balance.
14	Access (REWORD and REMOVE reference to appointment time and missed appointment fee)	9 oppose 3 approve	OPPOSE	Oppose -BE, BW, CE, CW, D, N&P, P, R WC WE and WW.	OPPOSE
15	Tenant's duty of care REWORD	3 approve	APPROVE	Agree – BE, BW, CE, CW, D, P, WC, WE and WW. Oppose – R (15.1, 15.2 15.3)	<ul style="list-style-type: none"> ▪ TC REQUEST council look at issues around 'wilful act' ▪ TC APPROVE COUNCIL PROPOSAL (NB above request)

<p>16</p>	<p>Cleaning & Decorating & New Rubbish Clause (REWORD and REMOVE reference to exterior decorations being carried out every 5-7 years)</p>	<p>2 oppose 2 approve</p>	<p>OPPOSE</p>	<p>Agree – WC, WE Oppose removal of 16.5 (a-b) –BE, BW, CE, CW, D, N&P and P. R 16.1 (a) should include 'except where this is covered by integrated cleaning contract' 16.2 does not reflect old 16.4 – attempt to remove council's obligation to mow and cultivate lawn and flower beds.</p>	<p>OPPOSE</p>
<p>17</p>	<p>Notification of defects and time for repairs (REMOVE reference to appendix and replace with our services standards)</p>	<p>3 oppose 2 agree</p>	<p>APPROVE</p>	<p>Agree – BE, BW, B&B, CE, CW, D, N&P, P, WC, WE and WW. R – Appendix 2 out of date-should look at Appendix 1 of the Responsive Repairs and Repairs to Voids 12/7/07. Use of 'service standards' – Council avoiding obligations.</p>	<p>APPROVE</p>

18	Council's obligation for repair of the dwelling house (COMBINE WITH 19)	3 oppose 1 approve	OPPOSE	Agree – CE, CW, WC and WE. Oppose – D, N&P, P and R	<ul style="list-style-type: none"> ▪ . TC APPROVE COUNCIL PROPOSAL to amalgamate clauses BUT REQUEST full list of items included (Eg lifts, aerials, refuse facilities etc)
19	(Council's obligation for repair of the common parts, maintenance of facilities and repair of the estate (COMBINE WITH 18 and reduce list of items council is responsible for repairing)	2 oppose 1 approve	OPPOSE	As clause 18	As clause 18
20	Standard of repair, making good and inspections (REMOVE)	7 oppose 1 approve	OPPOSE	Agree – B&B, Oppose – CE, CW, D, N&P, P, R, WC, WE and WW. R- TA should explain rights, duties etc in excess of statutory.	OPPOSE
21	Compensation for failure by council to repair (REMOVE)	8 oppose	OPPOSE	Agree – 0 Oppose - BE, BW, CE, CW, D, N&P, P, R, WC, WE and WW.	OPPOSE

22	Major Works (REMOVE)	5 oppose	OPPOSE	Agree – 0 Oppose – CE, CW, D, N&P, P, R and WW.	OPPOSE
23	Improvement by tenant (REWORD and make specific reference to floor coverings)	4 oppose 5 approve	APPROVE	Agree - BE, BW, B&B, CE, CW, D, N&P, P, WC, WE, WW. Oppose – R (23.5- 23.9) – Satellite dishes require planning permission – referencing them in TA legitimises their erection. 23.2 – unfair where landlord isn't making repairs tenant may have no option but to do the work. 'Improvement' should be 'change'. No structural changes should be made, even with permission.	APPROVE
24	Information for tenant (REWORD)		APPROVE	Agree – BE, BW, CE, CW, D, P, WC, WE and WW. R- 24.5 Council should delete word secure so as to apply to all tenants	APPROVE

25	Arbitration (REMOVE 25.2 - 25.8)	1 oppose	APPROVE	Agree – BE, BW, CE, CW, WC, WE and WW Oppose – B&B, D, N&P, P and R	OPPOSE
26	Variation of Agreement (REMOVE SUB-CLAUSE 26.4)	3 oppose	OPPOSE	Agree – D, WC, WC, WW. Oppose – BE, BW, CE, CW, N&P, P and R	OPPOSE
27	Definitions		APPROVE	Agree – BE, BW, CE, CW, D, P,	<ul style="list-style-type: none"> ▪ Definition of 'lodger' to be added.
New Clause	Our right to carry out major works and works of improvement	5 oppose	N/A	N/A	N/A

APPENDIX 3**Varying Southwark's 'Conditions of Tenancy' 2009
Special Tenant Council - Meeting 30th November
Recommendations**

1. Cris Claridge (CC) proposed a motion agreed by SGTO on 25 November.

"Variations to the Tenancy Agreement

We are concerned that the proposed amendments to the Tenancy Agreement as it is currently being redrafted substantially increases the responsibilities of secure tenants and reduce the obligations of the Council as a landlord.

We are particularly concerned by the Council's reluctance to accept and to state within the Tenancy Agreement its proper responsibility for fire safety and to shift the major obligations in this area to its tenants.

It is proposed that in light of the fact that we believe that a proper and transparent consultation process is not being followed that we ask the Council's Scrutiny Committee to call in and review the Tenancy Agreement and the consultation process. Furthermore we also refer this proposal to the Tenant Council and ask them to consider and endorse it."

Proposed Cris Claridge (CC)
Seconded Kiri Pieri (KP)

For	Unanimous
0	Against
0	Abstentions

CARRIED

2. Lionel (LW) proposed that TC requests that this Tenancy Agreement review report be placed on the agenda of a future TC meeting in order to go through it clause by clause.

Proposed Lionel (LW)
Seconded Val (VR)

For	Unanimous
0	Against
0	Abstentions

CARRIED

3. The Chair proposed that monthly rent statements should remain.

Proposed Steve (SH)
Seconded Lesley (LW)

For	Unanimous
0	Against
0	Abstentions

CARRIED

Item No.	Classification: Open	Date: December 15 2009	Meeting Name: Executive
Report title:		Review of the Budget and Policy Framework	
Ward(s) or groups affected:		All	
From:		Overview & Scrutiny Committee	

RECOMMENDATION

1. That the executive considers the comments of the finance director in response to the recommendations of scrutiny sub-committee C (sections 18 to 21 of the scrutiny report attached as appendix 1) and agrees to provide a written response to overview & scrutiny committee within two months.

BACKGROUND

2. Scrutiny sub-committee C undertook a review of the format and detail of revenue budgets, scrutiny of budget proposals and improved consideration by council assembly, approval of the capital programme and use of reserves. The sub-committee's report was considered by overview & scrutiny committee at its meeting on November 16 2009.

KEY ISSUES FOR CONSIDERATION

3. Overview & scrutiny committee considered recommendations (iv) and (v) of the sub-committee's final report. The committee agreed to sponsor a budgetary scene setting meeting at its January meeting (recommendation iv) but considered that there was insufficient merit in a further informal meeting at a later stage of the budget setting process (recommendation v).

COMMENTS OF FINANCE DIRECTOR AND STRATEGIC DIRECTOR OF COMMUNITIES, LAW & GOVERNANCE

4. The strategic director of communities, law & governance and the finance director suggest that it would be appropriate to address the recommendations made by scrutiny as part of the annual constitutional review.

Background Papers	Held At	Contact
Scrutiny Sub-Committee C/Overview & Scrutiny Committee - minutes and reports	Scrutiny Team Tooley Street London SE1 2TZ	Sally Masson Scrutiny project manager Tel: 020 7525 7224

APPENDICES

No.	Title
Appendix 1	Review of the Budget and Policy Framework

AUDIT TRAIL

Lead Officer	Shelley Burke, Head of Overview & Scrutiny	
Report Author	Sally Masson, Scrutiny Project Manager	
Version	Final	
Dated	December 1 2009	
Key Decision?	No	
Consultation with other officers / directorates / Executive member		
Officer Title	Comments Sought	Comments Included
Director of Communities, Law & Governance	Yes	Yes
Finance Director	Yes	Yes

**Review of the Budget and Policy
Framework**

Report of Scrutiny Sub-Committee C

November 2009



Contents	Page
Background Information	3
Context	3
Regulatory Context	4
Local Context	4
Recommendations	6

BACKGROUND INFORMATION

1. At their meeting on June 22 2009, members of this sub-committee considered proposals for scrutiny reviews for inclusion in their work programme for the coming year. They agreed to take as their first topic “What is the true meaning of the budget and policy framework?” and a report on the budget and policy framework was presented to members at their meeting on July 20 2009.
2. The July report set out the requirements of the Local Government Act 2000 and associated Regulations (the Local Authorities (Functions and Responsibilities) (England) Regulations 2000) in relation to the role of council assembly and executive in setting the budget and the policy framework and also looked at government guidance on what the term ‘budget’ includes. It also addressed reallocation of monies within the budget and outside the budget framework.
3. The report then considered the format and level of detail of information presented on the annual revenue budget including reserves at Southwark and also at Westminster.
4. Members agreed to focus further attention on the budget rather than the policy framework and identified a number of areas for further consideration.
5. Issues identified for further consideration were: format and detail of revenue budgets; scrutiny of budget proposals and improved consideration by council assembly; approval of the capital programme; and use of reserves. However, before considering these areas, it may be helpful to set out the context of the budget framework from statutory, regulatory and local perspectives.

CONTEXT

Budget framework

Statutory context

6. The Local Government Act 2000 sets out provisions for political management structures for local authorities, including their executives and executive arrangements. It empowers the Secretary of State to make regulations in respect of the allocation of responsibilities for functions between the executive and the full council.
7. The subsequent associated regulations, the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (“the Regulations”) require the “adoption or approval of the budget and any plan or strategy for the control of the local authority’s borrowing or capital expenditure (the capital plan)” to be carried out by full council. The Regulations also provide that the executive has overall responsibility for preparing the draft budget for submission to the full council to consider.

Regulatory context

8. Guidance issued by the Office of the Deputy Prime Minister (the predecessor of the Department of Communities and Local Government until May 2006) in June 2002, the *New council constitutions: guidance to English Authorities*, states that the term 'budget' is used to encompass the budget requirement (as provided for in the Local Government Finance Act 1992), all the components of the budget such as the budgetary allocations to different services and projects, proposed taxation levels and contingency funds (reserves and balances) and any plan or strategy for the control of the local authority's borrowing or capital expenditure.
9. The Guidance goes on to say that the executive should ensure that councillors outside the executive have the opportunity to put forward proposals to them for the budget and should consult overview and scrutiny committees regularly in the process of preparing the draft budget. Within this basic framework, it is up to each council to determine the details of the process.

Local context

10. Further information is set out in the paragraphs which follow, but in summary, budgetary responsibilities are reserved by the council's constitution as follows:

Council assembly

- agrees the budget and determines the level of local taxation
- makes decisions on the control of the council's borrowing requirement and the treasury management strategy

Executive

- implements the budget within the resources approved by the council
- approves the council's capital strategy and programme.

11. Responsibility for agreeing the budget and determining the level of local taxation is reserved to council assembly in line with the Regulations referred to previously by part 3A of the council's constitution which sets out council assembly's role and functions. This part also provides the following definition of the budget:

"The budget includes the allocation of financial resources to different services and projects, proposed contingency funds including reserves and balances, the council tax base, setting the council tax and decisions relating to the control of the council's borrowing requirement, the treasury management strategy and the setting of virement limits."

12. More information about the budget is contained in Part 4 of the council's constitution which sets out rules including the budget and policy framework procedure rules. These confirm that once the budget (and policy) framework has been adopted by the full council, it is the executive's responsibility to implement it within the resources approved by council, again in line with the Regulations referred to previously.

13. Other matters covered by the budget and policy framework procedure rules include decisions outside the budget or policy framework, including urgent ones, and in-year changes to the policy framework.
14. As stated above in paragraph 13, the council's revenue budget is approved by council assembly. Council assembly is also responsible for "decisions relating to the control of the council's borrowing requirement [and] the treasury management strategy" (see definition in paragraph 13). This is in line with the Regulations which require that full council should approve 'any plan or strategy for the control of the local authority's borrowing or capital expenditure'. However, this need not include the council's capital strategy and programme, and this is currently one of the plans and strategies to be approved by the executive under part 3B of the constitution.
15. In terms of the council tax base and setting the council tax, the council's financial standing orders in part 4 of the constitution give effect to the statutory position and set out the council's timescales. Thus the council has to approve the council tax base by 31 January for the following financial year, i.e. by 31 January 2010 for 2010/11. The overall council tax, including the impact of the GLA precept, has to be set at a meeting on or before 1 March each year for the following financial year.
16. Although not explicitly mentioned in the council's constitution, housing rents and schools budgets are subject to locally determined consultation procedures. In the case of housing rents, although there is no statutory requirement to consult with tenants, the council's secure tenancy agreements with its tenants include a provision requiring such consultation "before seeking to vary the sums payable for rents and other charges". In addition to this, consultation is also undertaken with Area Forums and the Home Owners Council, before recommendations are made to the executive for its approval of changes to rents and other charges. In relation to schools budgets, consultation is undertaken through the schools' forum.
17. A matrix of current decision making responsibilities is set out in the table below:

	Council Assembly	Executive	Scrutiny	Others	Audit & Gov'nce C'ttee	Schools Forum
Council tax (incl general fund)	Y	Y				
Housing Revenue Account (HRA)		Y		Y		
Capital programme		Y				
Housing Investment Programme (HIP)		Y				

	Council Assembly	Executive	Scrutiny	Others	Audit & Gov'nce C'ttee	Schools Forum
Statement of accounts					Y	
Revenue monitoring		Y				
Capital monitoring		Y				
Dedicated Schools Grant (DSG)						Y

Recommendations:

18. Budget recommendation formatting

- i. That the budget presentation to council assembly should include a high level analysis by service area for each directorate.
- ii. In light of the complexity and resources required at present to provide the same budget analysis for each executive portfolio, the executive invite the finance director to review options to provide this information as part of the budget report to council assembly in future years.
- iii. The executive is invited to clarify the responsibility for monitoring financial performance under each executive portfolio.

19. Scene setting report

- iv. We invite overview & scrutiny committee to arrange a budgetary scene setting meeting shortly after the November Executive meeting, providing an opportunity for the executive member and director of finance to involve back bench members so that at that stage there is wide understanding of the budgetary process and financial situation facing the council.
- v. We invite overview & scrutiny committee to consider the merits of an informal overview & scrutiny committee at a later stage of the budget setting process.

20. Approval of the capital programme

- vi. We invite the executive to take further advice on the construction of the following wording in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, regarding the provision that full council carries out the "adoption or approval of the budget *and any plans or strategy for the control of the local authority's borrowing or capital expenditure (The Capital Plan)*."

- vii. We invite the executive to submit to council assembly for their approval at least once every four years, and as necessary in the event of a significant change in circumstances, a programme for capital expenditure.

21. Use of reserves

- viii. We invite the executive to address issues around definition, build up, and in particular draw down from the council's various reserves, and an improved system for the monitoring of such matters.
- ix. We invite the executive to consider whether an upper limit should be put on the sole authority of the finance director to authorise draw downs from reserves.
- x. We invite the executive to consider the merits of referring any of these matters relating to reserves to the audit and governance committee for its consideration and advice.

Scrutiny Sub-Committee C

Councillor Toby Eckersley (Chair)
Councillor Anood Al-Samerai (Vice-Chair)
Councillor Richard Livingstone
Councillor Jane Salmon
Councillor Mackie Sheik
Councillor Robert Smeath

Item No.	Classification: Open	Date: December 15 2009	Meeting Name: Executive
Report title:		Southwark's Enterprise and Employment Strategy	
Ward(s) or groups affected:		All	
From:		Scrutiny Sub-Committee A	

RECOMMENDATION

1. That the executive considers the comments of the strategic director of regeneration and neighbourhoods in response to the recommendations of scrutiny sub-committee A. (The scrutiny report attached as appendix 1) and agrees to provide a written response to overview & scrutiny committee within two months.

BACKGROUND

2. Scrutiny sub-committee A undertook a review of Southwark's Employment and Enterprise Strategies which is led by the council's Economic Development Team, working alongside the Southwark Alliance Employment and Skills Partnership and Enterprise Partnership. The overview & scrutiny committee prioritized this topic for review as members were aware that the Southwark's Employment Strategy was launched in 2002, reviewed in 2005 and was due for review again in 2009. The report was agreed by overview & scrutiny committee on September 14 2009.

KEY ISSUES FOR CONSIDERATION

3. The response from the strategic director of regeneration and neighbourhoods to scrutiny's recommendations is set out below:

Recommendation	Officer response
1. That the sub-committee is pleased to note the considerable improvements made in the numbers of people into work and the number of businesses in Southwark since the introduction of the first employment and enterprise strategies in 2002.	The current recession is impacting on the local economy. The Council has increased its investment to support for residents and businesses in 2009-10
2. The sub-committee agreed that recent economic conditions have presented a more challenging environment for supporting residents into work. It agrees that the review of the strategies is timely and hopes that the following recommendations can be incorporated.	The Employment and Enterprise Strategies are currently being reviewed
3. The sub-committee notes the successful implementation of the Southwark Work programme	The SW programme continues to perform well

<p>and supports continuation of this programme and its objectives providing support for those furthest to the labour market.</p>	<p>and has seen a marked increase in terms of both numbers of people visiting the office for advice and also registering on the programme.</p>
<p>4. The sub-committee feels that there is a lack of awareness across Council Services of the support available to help people find work, it believes there is potential for front line services in particular to offer more support. It would support further work to raise awareness amongst frontline staff and to encourage more referrals and advice. It felt that housing offices present an excellent opportunity for this.</p>	<p>To support the Housing Department's Trailblazer status, a Southwark Works employment Information Advice and Guidance adviser is now located within the Housing Options Centre Housing providers in Southwark are engaging with the strategy review and are identifying opportunities for their frontline services to support people into work or training.</p>
<p>5. The sub-committee noted the good work that has been undertaken with regard to apprenticeships and work placements and would like to see council departments do more to support this agenda.</p>	<p>Organisation Development continue to manage the Councils successful apprentice programme, Organisation Development, Economic Development and Procurement are working together to embed local economic benefits into council contracting, these include apprenticeship places..</p>
<p>6. In order to avert delays in the take up of work placements, the sub-committee recommends that the council look to manage its relevant internal processes for obtaining CRB checks as effectively as possible.</p>	<p>This has been noted and solutions will be explored.</p>
<p>7. The sub-committee supports the council's activities to achieve economic benefits from regeneration programmes and its programme of investment in local shopping parades in deprived areas.</p>	<p>Consultation stage will be implemented on all 24 sites through the councils Improving Local Retail Environments programme January 2010.</p>
<p>8. The sub-committee was concerned about the very high numbers of people on incapacity benefit, it noted that the recent introduction¹ locally of the "pathways to work" programme which will target resources at this group. It recommends that this activity is kept under close review.</p>	<p>Number of IB claimants is gradually reducing; 13, 300 in Q1 08/09, 12,290 in Q1 09/10 (latest data). Increased provision has been made available for people with mental health</p>

	issues through the PCT's Improving Access to Psychological Treatment as part of the Southwark Works programme. The DWP's Pathways to Work programme has supported 330 people into work so far this year across the Lambeth, Southwark and Wandsworth district (est. 40% Southwark).
9. The sub-committee notes the high numbers of Southwark residents with low or no skills or qualifications. It would like to see greater provision for ESOL and related support, particularly at pre-entry level 1 and below and recommends that the Learning and Skills Council should be encouraged to make more resources available in the borough to support this project.	New Approach to ESOL recommendation report has been produced to support the business case for resources to support key ESOL needs for Southwark residents through the Skills Funding Agency (replacing part of the LSC from April 2010)

Background Papers	Held At	Contact
Scrutiny Sub-Committee A - minutes and reports	Scrutiny Team Tooley Street London SE1 2TZ	Fitzroy Williams Scrutiny project assistant Tel: 020 7525 7102

APPENDICES

No.	Title
Appendix 1	Southwark's Enterprise And Employment Strategy – Report of Scrutiny Sub-Committee A.

AUDIT TRAIL

Lead Officer	Shelley Burke, Head of Overview & Scrutiny	
Report Author	Fitzroy Williams, Scrutiny Project Assistant.	
Version	Final	
Dated	November 18 2009	
Key Decision?	No	
Consultation with other officers / directorates / Executive member		
Officer Title	Comments Sought	Comments Included

Strategic Director of Communities, Law & Governance	No	
Finance Director	No	
Strategic Director of Regeneration and Neighbourhoods	Yes	Yes

SOUTHWARK'S ENTERPRISE AND EMPLOYMENT STRATEGY

Report of Scrutiny Sub-Committee A

September 2009



Contents	Page
Introduction	2
The situation in Southwark	3
Officer's perspective	4
Recommendations	5

1 Introduction

- 1.1 The Overview & Scrutiny Committee prioritized this topic for review as members were aware that the Southwark's Employment Strategy was launched in 2002, reviewed in 2005 and was due for review again in 2009.
- 1.2 Scrutiny sub-committee "A" discussed issues regarding the Enterprise and Employment Strategy at four meetings (March 18, April 22, July 1 and 20 2009) and heard from the Head of Economic Development and Strategic Partnerships who gave a full presentation to members and explained that we are presently in a different climate now due to the economic decline and that there are important lessons to be learned.
- 1.3 Southwark's Employment and Enterprise Strategies is led by the council's Economic Development Team, working alongside the Southwark Alliance Employment and Skills Partnership and Enterprise Partnership.
- 1.4 The Employment and Skills Partnership included Job Centre Plus, Learning and Skills Council, London Development Agency, Government Office for London and key local education and third sector agencies.
- 1.5 The Enterprise Partners included London Development Agency, Business Link in London, Business Improvement Districts, Business Networks London South Bank University and local businesses.
- 1.6 Southwark has one of the fastest growing economies in London, the second largest business growth rate and is ranked eighth most competitive London borough in the UK. Yet Southwark is also the second most 'employment deprived' borough in London:-
- Southwark's employment rate is 67% compared to a London average of 70% and national average of 74%
 - 38% of Southwark's children are living in families on key benefits
 - 20,700 children are living in income deprived households
- 1.7 The main groups of out-of-work benefits in Southwark are:-
- Jobseekers – 19% or 6,080 claimants
 Lone Parents – 22% or 6,890 claimants
 Incapacity Benefit Claimants – 43% or 13,300 claimants.
- 1.8 The strategy is based on increasing access to work, sustainability, progression and preventing people falling into worklessness, the focus being on addressing barriers to employment. The partnership strategy is targeting services that add value to mainstream provision.
- 1.9 Barriers to employment faced by Southwark residents are as follows:-
- Direct
 Skills (vocational, language and basic skills)
 Childcare
 Health
 Confidence/Motivation (if unemployed for a long time)

Complex personal issues (drug and alcohol abuse, housing, legal and debt issues)

Financial cost of returning to work

Indirect

Access to and awareness of services

Employer's engagement

Transport and access to jobs

Unsustainable incomes (it costs more to work in inner London)

2 The situation in Southwark

- 2.1 The objectives are to build an entrepreneurial culture and to support and develop the existing business base attracting inward investment. The focus being to maximising benefits from growth in the north of the borough and increasing enterprise activity in deprived areas for under represented groups such as young people, women and minority ethnic groups.
- 2.2 The partnership strategy aims to join up regional and local strategies, plans and initiatives to provide a coherent offer to investors and businesses.
- 2.3 The partnership based programme, developed under multi-agency initiatives targeting those furthest from the labour market through outreach with key service delivery partners, would provide 700 people annually with engagement, personal support and progression to employment.
- 2.4 There is a need to fill the gap between mainstream provision and those with highest needs; a flexible, scalable model allows simple adjustment to meet changing needs.
- 2.5 The contracting package for 2009/10 will aim to engage in excess of 3300 jobless residents, supporting approximately:-
- 20% into training
 - 25% into other, non-accredited training and employability progression
 - 23% directly into work
 - 12% for referral to other job brokerage agencies.
- 2.6 This package of delivery has a target of moving 760 people into work.
- 2.7 It was brought to the attention of sub-committee by a member that applications for CRB checks made from the council seemed to take more than the standard 90 days expected. A member of the sub-committee also informed members that students sometimes had returned to college without being able to take up a workplace, as the CRB checks had not come through within the 90 day period for them to take up their placements. Another example was that of an applicant for a job in a care home who had a CRB check application requested and in this case it took 6 months, in this time the job offer was withdrawn. The Head of Economic Development reported this was probably due to information not being submitted early enough to the police.

Southwark's Strategies - Successes

- 2.8 Since our first employment and enterprise strategies were launched in 2002:
- 3,020 fewer Southwark residents are claiming working age benefits
 - Claimant rates are down 3.6 points (London average drop 1.1 points)
 - Southwark's employment rate has risen from 64.1% to 67.2%
 - The gap between the Southwark and London employment rates has closed from 5.5% to 3.4%
 - VAT registered business stock increased by 22% (London 14%)
 - 14% growth in employee jobs in Southwark (London 4%)
 - Southwark's employment strategy and the Southwark Works model cited as national good practice
 - Southwark Works model is being replicated by local authorities across the UK.
- 2.9 Partners' interventions are reaching areas that have traditionally been hard to affect in Southwark:
- Numbers on Incapacity Benefit are falling for the first time in five years
 - The numbers of people claiming Lone Parent Income Support have fallen significantly
 - The gap between the Southwark and London claimant rates for Income Support has closed to just 0.5%

3 Officers' perspective

Outstanding challenges for Southwark are:

- 58,000 people not working including 31,000 claiming benefit, progress is being made but it is slow
- Job Seekers Allowance claimant count has been falling steadily but recently started to show a sharp increase
- Adult skill levels remain critical in London's labour market, 31,000 Southwark adults hold no formal qualifications
- Partners are now focusing more on those furthest from employment, so investment needs to remain high (up to £8K per job)
- Structural factors in Southwark mean that we will always have a high numbers of residents who are more likely to face barriers to employment

- Challenge - to effectively join up provision to maximise numbers engaged and tackle barriers to work in a holistic way.

4 Recommendations – Southwark’s Enterprise Strategy

1. That the sub-committee is pleased to note the considerable improvements made in the numbers of people into work and the number of businesses in Southwark since the introduction of the first employment and enterprise strategies in 2002.
 2. The sub-committee agreed that recent economic conditions have presented a more challenging environment for supporting residents into work. It agrees that the review of the strategies is timely and hopes that the following recommendations can be incorporated.
 3. The sub-committee notes the successful implementation of the Southwark Work programme and supports continuation of this programme and its objectives providing support for those furthest to the labour market.
 4. The sub-committee feels that there is a lack of awareness across Council Services of the support available to help people find work, it believes there is potential for front line services in particular to offer more support. It would support further work to raise awareness amongst frontline staff and to encourage more referrals and advice. It felt that housing offices present an excellent opportunity for this.
 5. The sub-committee noted the good work that has been undertaken with regard to apprenticeships and work placements and would like to see council departments do more to support this agenda.
 6. In order to avert delays in the take up of work placements, the sub-committee recommends that the council look to manage its relevant internal processes for obtaining CRB checks as effectively as possible.
 7. The sub-committee supports the council’s activities to achieve economic benefits from regeneration programmes and its programme of investment in local shopping parades in deprived areas.
 8. The sub-committee was concerned about the very high numbers of people on incapacity benefit, it noted that the recent introduction¹ locally of the “pathways to work” programme which will target resources at this group. It recommends that this activity is kept under close review.
 9. The sub-committee notes the high numbers of Southwark residents with low or no skills or qualifications. It would like to see greater provision for ESOL and related support, particularly at pre-entry level 1 and below and recommends that the Learning and Skills Council should be encouraged to make more resources available in the borough to support this project.
-

Item No.	Classification: Open	Date: 15th December 2009	MEETING NAME Executive
Report title:		Policy and Resources Strategy 2010/11 to 2012/13 – Local Government Settlement and Update on Budget	
Ward(s) or groups affected:		All	
From:		Finance Director	

RECOMMENDATIONS

1. The Executive:
 - i. Note the provisional local government settlement for 2010/11.
 - ii. Taking all the issues in this report, instruct the Finance Director to report back to the executive at its meeting on 26 January 2010 with proposals that balance the budget for 2010/11 for onward agreement at Council Assembly.
 - iii. In view of the recession and uncertainty with regards future grant settlements, instructs the Finance Director and other Chief Officers to closely monitor and review business and budget plans and processes.

BACKGROUND

2. In February 2009 Council Assembly agreed a budget for 2009/10 of £315.2m based on a nil increase in council tax (Southwark element) in line with policy priorities. In setting the budget resources have been aligned to priorities. Members have set out a number of policy and service improvement priorities with regards regeneration, waste, housing, leisure/culture, children's and youth provision, and social care and health.
3. In setting the budget resources were aligned to priorities as set out in the corporate plan and *Southwark 2016*, the sustainable community strategy. This includes continued commitment to long term schemes and projects as part of an ambitious and holistic approach to regeneration across the borough alongside directing resources to directly support projects that tackle worklessness and support local businesses through the recession.
4. Agreeing the budget also affirmed taking difficult decisions with regards social care, which represents one of the most significant pressures impacting on local resources. Commitments for the Council as a whole of some £14.8m were agreed. Commitments resulted principally from increased demand pressures and the additional strain being placed on services as a result of the economic downturn such as loss of interest earnings. Some commitments such as the additional operating cost of the new administrative centre were directly offset by efficiency savings as a consequence of moving to this centre.
5. Savings and efficiencies of some £17.3million were agreed for 2009/10. A significant proportion will be achieved through better use of resources. Savings will require close monitoring to ensure delivery and to provide early warning of any shortfalls. In achieving savings targets risk will be managed to avoid impact on frontline service provision.
6. On 20th October 2009, a report was presented to Executive which set the context for the business and budget planning round. It noted the continued uncertainty of local government financing arrangements for 2011/12 and beyond not least with regard to the recession and

economic climate looking forward. The report also agreed initial changes to a refreshed medium term resources strategy (MTRS).

KEY ISSUES FOR CONSIDERATION

Provisional settlement 2010/11 – initial analysis

7. On the 26th November 2009, the minister of state for local government announced the 2010/11 provisional local government settlement which represents the third and final year of the current spending review.
8. There are no major changes to the formula grant announced in November 2007.

Table1. Outlining formula grant change for 2010/11

	2010/11	
	%	£m
England	2.6%	747.5
London Boroughs	1.8%	75.2
Inner London	1.6%	35.7
Outer London	2.1%	39.5
Southwark	1.5%	3.4

9. As the table shows for 2010/11, Southwark has received the minimum possible grant increase. This increase (1.5% for 2010/11) is less than the national average increase (2.6% for 2010/11). The main reason for Southwark's poor settlement is that the borough has been severely affected by the formula changes particularly for children and younger adults which substantially underestimates the scale and complexity of demand and need in children and younger adults services.
10. In preparing budget options for 2010/11 and future years, the council will need to be mindful of the impact of inflation on council costs and services. This continues to represent a challenge in budget planning terms due to the level of volatility with regards inflation. The latest data shows that current RPI stands at -0.8%. However, this rate is subject to some change and therefore close monitoring of inflation alongside flexibility within budget planning will be required between now and budget setting in February 2010.
11. The government has yet again given no indication of grant for local government for 2011/12 and beyond and has not provided any assurance that a grant floor would continue to be in place for future years. The failure to set out future grant allocation makes it extremely challenging to plan with any certainty for future years. This level of uncertainty is made more significant due to continued impact of the recession on council services. Officers, through relevant representative bodies, are continuing to lobby for changes to be made to the government's grant formula and to seek assurance on the determination of the "grant floor" in future years.

Population

12. The Council continue to be concerned that there is a significant shortfall between Southwark's population and the population calculated by the ONS that is used for grant allocation. Southwark council is working closely with the ONS to bring forward improvements to the measurement of migration which includes for the first time a recognition of 'short term' migration in the borough (between 1-12 months). The council will continue to lobby for this hidden population to be recognised in the funding settlement and for the most updated population estimates to be used.

13. The ONS are currently undertaking a programme of work to improve migration and population statistics, this is a five year programme up to 2012. In the short term the ONS will use administrative data to improve data on geographical distribution of migration, and provide additional sources of information on migration. In the medium and longer term the ONS will make more extensive use of administrative data, and investigate the possibility of more high-tech methods of collecting data such as e' borders.
14. The ONS are also looking at improvements in identifying the student population. The alternative methodology is to use Higher Education Statistics Agency (HESA) data rather than GP registrations currently used. This exercise showed that Southwark population would rise by 5,500 if this methodology were adopted. The ONS have also been looking at short term migration, In October they published a research report on local authority level short term migration estimates. This report identified Southwark as having 21,300 short term migrants, the eighth highest in England and Wales.
15. Both of these estimates are still at a developmental stage, and the additional 26,800 will not be used to allocate funding to Southwark in 2010/11 grant settlement. There remains uncertainty as to whether this figure will be used in future grant settlement, not least due to the impact of 2011 census.
16. The latest 2008 mid-year estimate supplied by the ONS gives Southwark's population as 278.0k, an increase of 3.6k on the previous year's estimate. However, this is not the figure that will be used for the 2009/10 grant settlement. Instead, CLG will use the Mid-year 2004 estimate as the base and project this forwards using past data. In using this 2004 depressed base position, CLG arrives at a population estimate for the 2009/10 settlement of 267.7k, some 12.7k below the 2006 based 2009 projection of 280.4k. Failure to use the most up-to-date information available means the councils resource needs are understated by some £6m.
17. The 2006 based projections were not published in time to inform the 2008/09 local government finance settlement, however the government's decision not to use the 2006 based projections in the 2009/10 and 2010/11 settlements will result in an approximate funding loss, before the operation of cost floors of over £16m, this taken with £6m lost in 2008/09 using the 2004 based projections, gives a total pre-damped grant loss over the life of the current three year settlement of over £22m. In addition to this lost £22m, it is estimated that at least a further £18m had been lost in preceding years, giving a total of over £40m in pre-damped grant lost since 2002/03.
18. Every 10 years a census is carried out in England and Wales to produce an accurate estimate of the population. Census data underpins central government calculations on the amount of financial support that each local authority receives to plan and fund local services, in order to meet the needs of their community. A recent study by London Councils concluded that for every additional 1000 residents identified, there is a corresponding increase in funding of approximately £600,000. In recognition of the importance of achieving a high census return, Southwark Council initiated the 2011 census programme in October 2009. The programme aims to support ONS (Office for National Statistics) get an accurate census count in Southwark, produce evidentiary documentation on the census process and outcomes, and create a programme legacy which will provide the Council with the opportunity for significantly improved population demographics, beyond 2011.

Specific grant

19. The council will be receiving some £220.2m in specific and unringfenced revenue grant (£177.8m relates to DSG) from the government in 2010/11, an increase of £15.5m (7.24%). This is based on the announcements received to date, confirmation is still awaited on some £10m of specific grants (based on 2009/10 allocations). However after 2010/11 (the third year of the current Comprehensive Spending Review) there is no certainty as to the level of these grants or whether some will continue in the future. This adds to the challenges of planning over the medium term.

Area Based Grant (ABG)

20. In 2010/11 the expected allocation for area based grant (ABG) is £43.956m. The overall the level of grant has fallen by £0.828m (1.85%) from the latest 2009/10 grant to 2010/11. It is unclear at this stage as to what will be level and status of area based grant from 2011/12. This is likely to be addressed through the comprehensive spending review in autumn 2010. A concern relates to the potential for area based grant to be subsumed within general grant allocation and the possible impact on overall resources to Southwark. Table 2 below sets out the ABG allocation and changes both nationally and for Southwark.

	Original 2008/09 £m	Final 2008/09 £m	Adjusted 2008/09 £m	Latest 2009/10 £m	Adjusted 2009/10 £m	Latest 2010/11 £m
England	2,986.3	3,059.1	3,092.7	3,280.9	5,159.8	5,050.1
Change in ABG £m				188.2		(109.7)
Change in ABG %				6.1%		(2.1%)

	Original 2008/09 £m	Final 2008/09 £m	Adjusted 2008/09 £m	Latest 2009/10 £m	Adjusted 2009/10 £m	Latest 2010/11 £m
Southwark	23.6	24.1	24.7	26.0	44.8	44.0
Change in ABG £m				1.3		(0.8)
Change in ABG %				5.3%		(1.8%)

21. Supporting people grant will be included within area based grant for 2010/11, nationally this is £1.636bn, for Southwark £18.766m, which is the same as the 2009/10 allocation.

Recent issues arising

22. 2010/11 represents the third year of a three year budget programme agreed by council assembly in February 2008. It was appropriate and relevant for the council to agree a three year budget at that time. The council has delivered its objectives to date over that three year period. This is against a backdrop of unprecedented changes in the global financial environment as a result of the economic downturn. The recession that has followed the crisis is having a significant impact on the UK economy. London, as a global financial centre, is particularly vulnerable. It is within this context that there is a need for the council to review its plans at this time, including agreement of the 2010/11 budget.

23. In reviewing its plans the council needs to be mindful of the continued uncertainty with regards future funding particularly from 2011/12 onwards. This uncertainty allied with the recession strengthens the importance of maintaining a robust medium term resource framework within which to plan council business and sustain delivery of essential frontline services.

Refreshing the 2010/11 Budget

24. In refreshing the 2010/11 budget the council is experiencing a number of new and emerging pressures not least the impact of the second wave of recession, and additional demand pressures across the council, particularly with regards social care. These pressures relate to external factors that are beyond the control of the council and include changes to regulation,

legislation alongside recommendations from government. The council continues to mitigate the overall impact of these pressures on service delivery

25. The report on the 20th October highlighted some of the impacts arising from the recession and the possible effects of a second wave on council services. In order to effectively manage the volatility and uncertainty the council will need to consider the extent to which resources are set aside so that there is sufficient flexibility for the council to respond to the impact of recession.
26. There are a number of demand pressures across the council. This includes particular pressures within social care. There has been a significant increase in the number of children requiring care and support and in the complexity of cases. There has also been an increase in costs resulting from the numbers of children with learning disabilities continuing to need care into adulthood. This is at the same time as additional rigour being applied from external regulation and inspection particularly with regard safeguarding. The impact of all of these changes is driving up cost pressures within the social care system, which is compounded by the issue of retaining and recruiting high quality staff which has been reported on a national scale. The council is mitigating the impact of these additional pressures through effective management and review across services where possible. This will need to be considered as part of preparing budget plans for 2010/11 and future years.
27. There are a number of other pressures that are beyond the control of the council due to external factors. Some of the most significant of these: include the proposed changes to the allocations of concessionary fares across London government that would have a direct impact on council finances, aligned with potential changes to how this is resourced from central government; and the change in subsidy from 2010/11 with regards to housing benefits announced by the government.
28. The council is delivering on an ambitious programme of savings to achieve value for money outcomes across services. The delivery of modernisation is a central part of this process, with the office accommodation move to Tooley Street facilitating further improvement in medium to longer-term savings. This includes the rationalisation of management structures, shared service delivery, better use of information technology and reduced costs resulting from co-location (e.g. reduced staff travel across the borough which also has sustainable benefits). The council is considering service re-configuration and design as part of the modernisation programme which is focused on securing improved service delivery at the frontline whilst achieving value for money. The council will look into options with regards fees, charges and income generation that are sensitive to the impact on residents during the current recession whilst at the same time providing resources to support local priorities and meet demand costs. Achieving improvement through procurement and better contract management will also need to be considered as part of the budget setting process.

Schools Budget and Dedicated Schools Grant (DSG)

29. The schools budget can be defined as planned expenditure to be made directly by schools together with amounts to be spent centrally on education. The amount spent directly by schools is determined through a local formula to produce what is known as the individual schools budget. The main block of funding for schools budget expenditure is received in the form of a specific dedicated schools grant. This grant is based on the number of pupils and a per pupil funding allocation. The 2008/09 – 2010/11 comprehensive spending review set the per pupil allocations for Southwark as follows:

2008/09	2009/10	2010/11
£5,755.83	£5,961.29	£6,200.27

This means a per pupil increase in funding of 4% in 2010/11

30. This increase provides for an increase in delegated school budgets of a minimum of 2.1% under the terms of the minimum funding guarantee (MFG). In coming to this guarantee, the Department for Children, Schools and Families (DCSF) has provided funding for an increase in schools' costs in 2010-11 of 3.1%, abated by 1% as schools' contribution to the delivery of the department's overall efficiency savings target. DCSF will provide a further increase in the funding per pupil of 0.8% as headroom to enable authorities to implement the MFG. The remainder of the increase in DSG funding receivable (i.e. equivalent to a further 1.1% increase in resources per pupil) is provided to assist authorities and their schools to support the universal roll out of a personalised offer to all pupils – including those with special educational needs.
31. The advice from DCSF is that in taking decisions on the allocation of these resources, local authorities and their schools forums should consider the Government's priorities: ensuring all children are making good progress; early intervention to prevent children from falling behind; targeted support for specific groups – certain ethnic minorities, white working class children, children in care and those with special educational needs; and ensuring that the school workforce has the skills and confidence to address the needs of children within these groups.
32. Other expenditure within the schools budget is funded through additional specific grants that include standards fund grant and school development grant. An important aspect of planning the schools budget is the consultation the authority is required to have with the schools forum. In the main the authority is seeking agreement on the formulae used to produce the individual schools budgets delegated to schools at the start of the year together with the basis of either devolving the remaining funds to schools during the year or being spent directly by the authority.
33. In particular, for 2010/11 there is a requirement on all authorities to consult their schools forum on the development of a common and transparent single funding formula for nursery education that applies across maintained and private, voluntary and independent (PVI) settings (from April 2010). Initial discussions have already been had at Southwark's schools forum and an FEEE (free early education entitlement) steering group has been established tasked with developing proposals and reporting both to schools forum and the early years strategic partnership. It includes nominees from the schools forum, representatives from the private and voluntary sectors, parents, childminders and council officers. The steering group has now met four times and developed interim proposals for the direction. These will be used as the basis to develop more detailed costed options for formal consultation with the schools forum and other interested parties during the Autumn Term 2009. These proposal will then need to be formally agreed by the authority in late 2009 early 2010
34. On the 31st January 2008 the government launched the review of the formula for distributing dedicated schools grant (DSG). The aim is to develop a single, transparent formula that will be available for use in distributing the DSG to local authorities from 2011 to 2012. The development phase of the review started in February 2008 and will continue until late 2009, with consultation on specific proposals in early 2010. It is expected that broad decisions from the review will be announced in summer 2010
35. In previous years schools budget funding for 16-18 year olds has previously been allocated through the Learning and Skills Council (LSC). However proposals within the Apprenticeships, Skills, Children & Learning Bill currently moving through parliament mean that from 2010/11 the LSC will cease to exist and local authorities will take on responsibility for securing education and training for all 16 to 19 year olds, giving them the responsibility and duty to deliver for all children and young people from 0 to 19. This change in function will involve the transfer of a number of staff from the former LSC to Southwark. The detail of how Southwark will be compensated for the additional costs of this transfer of function is still to be finalised.

36. Schools balances remain a concern for the government at this time with balances nationally continuing to rise. While the government decided to put on hold new legislation that would have forced local authorities to recover and redistribute excessive balances, there is a risk that the government may take action to reduce balances under the next spending review particularly if it appears that local authorities continue to indicate that they are not taking action themselves to manage balances effectively. Work is currently being undertaken with schools in Southwark to identify how much of current schools balances can be deemed as being committed/uncommitted.
37. Officers presented a report to the schools forum on 1st October on those schools holding 'excess' balances as at 31st March 2009 as defined by DCSF (i.e. balances of over 5% of budget share for secondary schools and of over 8% for primary schools). The forum fully supported the authority's proposals for scrutiny of the balances held by these schools and has agreed to receive a further report at its meeting in December. The Forum has indicated its support for any proposal that the authority might make for the reallocation of excess balances where these cannot be justified.

Housing Revenue Account (HRA)

38. The Housing Revenue Account (HRA) reflects the statutory requirement under Section 74 of the Local Government and Housing Act 1989 to account separately for local authority housing provision. It is a ring-fenced account, containing solely the costs arising from the provision and management of the Council's housing stock, offset by tenants' rents and service charges, housing subsidy, leaseholder service charges and other income.
39. The 2009/10 HRA rent setting and budget report was approved by the Executive on 27th January 2009, following consultation with Tenant Council and Area Housing Forums. The effects of the housing subsidy settlement, combined with inflationary pressures and unavoidable commitments totalled £23.6m. This was balanced by a range of measures, including increases in all rents and service charges, improved collection and voids management and a re-balancing of resources between revenue and the Investment programme. Annual efficiency savings in line with corporate guidance on the general fund at 5% were delivered through revised and more efficient working across housing services, together with contract and supply chain improvements. Re-profiling and re-direction of resources also allowed increased spending in high priority areas, such as repairs and maintenance.
40. For 2010/11 and beyond, the existing financing framework offers little prospect of increased central government resources. The HRA will continue to be under financial pressure to meet the needs of maintaining and improving the housing stock as resources are constrained at or below existing levels. Government effectively operates control over rent policy through the rent restructuring regime and claws back rent resources by more than is generated by the annual increase applied to tenant's rents. To ensure a balanced HRA budget requires a progressive programme of efficiency savings, cost reductions and income maximisation across all income streams.
41. The government's recent proposals to dismantle the housing subsidy system represents a radical change to council housing finance. The introduction of 'self-financing' would mean national subsidy redistribution ceases and local authorities fund their management and maintenance needs through their retained rent receipts, but with a 'debt' adjustment (based on notional affordability). The key element in determining whether it is financially viable for individual authorities will be the amount of the national housing debt assumed for redistribution purposes and the methodology employed to redistribute that debt. CLG have put forward a number of options as part of the consultation, but no authority specific figures are available at present. Notwithstanding this, the Council has made a detailed response on the principles behind the reform proposals; CLG have indicated that they propose to make 'an offer' to authorities in Spring 2010.

42. On a positive note, the government have recognised the need to increase spending nationally on the housing stock, with proposed average uplifts in management and maintenance of 5% and major repairs of 24% (albeit their own research indicates increases should be in the order of 10% and 43% respectively). However there are as yet no details on how the increased spending assumptions would breakdown between authorities and using the proposed 'net present value' only ensures affordability on average over 30 years, not necessarily in year one, therefore the prospects in the short-term remain uncertain.
43. Other important proposals include the retention and strengthening of the HRA ring-fence and the introduction of a "who benefits, pays" ethos for both tenants and council taxpayers, which could potentially impact on the allocation of costs between the HRA and general fund. It is also proposed to abolish the current RTB capital receipts pooling arrangements with authorities able in future to retain all RTB receipts for housing investment purposes.
44. The potential timescale for changes is 2012/13 or possibly a year earlier if widespread consensus can be reached amongst authorities, avoiding the need for primary legislation.
45. Consultation on the HRA Rent Setting Report commences at Tenant Council on 4th January 2010, followed by individual Area Housing Forums during January and a further Tenant Council meeting on 25th, which culminates in consolidated recommendations to the Executive on 26th January 2010.

Capital

46. In September 2009 the Executive noted the new and emerging pressures on the capital programme arising from issues of service demands, the recession, and the impact on the pace of regeneration schemes, and requested the Finance Director to submit a refreshed 10 year capital programme for approval to a future Executive meeting. Officers continue to work on this programme and a report will be presented to Executive as part of the council's business planning process.

Medium term resources strategy (MTRS)

47. At its meeting on 20th October 2009, the executive considered and approved initial changes to the MTRS. Since that time officers have continued to work to update the MTRS so that it provides an effective framework for the regular review of resource priorities and principles to best reflect the changing and uncertain environment in which the council operates. An updated MTRS will be presented to the 26th January 2010 meeting of the Executive.

Community Impact Statement

48. This report gives an indication of the likely resource availability following the provisional local government settlement. No decisions have yet been taken as a result of the issues arising from this report therefore there is no direct community impact at this stage. It is, however, recognised that in drawing up proposals for the budget the impact on the community of any potential change in service design, outcomes or access will need to be addressed and identified.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

49. The council has obligations under Section 32 of the Local Government and Finance Act 1992 to calculate and agree an annual budget. The matters contained in this report will assist in the future discharge of that obligation.

BACKGROUND INFORMATION

Background Papers	Held At	Contact
Policy and resources strategy and budget working papers	Town Hall	Cathy Doran, extension 020 7525 4396 Stephen Gaskell, Extension 020 7525 7293

APPENDICES

No	Title
A	Year on Year change in formula grant for London 2010/11

Audit Trail

Lead Officer	Duncan Whitfield, Finance Director	
Report Author	Cathy Doran, FMS Stephen Gaskell, Corporate Planning and Performance	
Version	Final	
Dated	7 th December 2009	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Director of Communities, Law & Governance	Yes	Yes
Finance Director	Yes	Yes
List other Officers here	All Chief Officers	
Executive Member(s)	Yes	No
Date final report sent to Constitutional Support Services	7 th December 2009	

APPENDIX A

Year on Year change in formula grant for 2010/11

Local Authority	2009/10 Formula Grant (£ million)	Adjusted 2009/10 Formula Grant (£ million)	Functional Change (£ million)	Provisional 2010/11 Formula Grant (£ million)	Change	
					(£ million)	(%)
England	28,254.048	28,248.014	-6.034	28,995.502	747.488	2.6%
London area	6,350.354	6,349.409	-0.945	6,475.356	125.947	2.0%
Metropolitan areas	7,993.081	7,991.780	-1.301	8,196.603	204.823	2.6%
Shire areas	13,908.396	13,904.608	-3.788	14,321.263	416.655	3.0%
Isles of Scilly	2.218	2.218	0.000	2.281	0.063	2.8%
Inner London boroughs incl. City	2,199.199	2,198.855	-0.344	2,234.581	35.727	1.6%
Outer London boroughs	1,914.591	1,913.990	-0.601	1,953.462	39.472	2.1%
London boroughs	4,113.790	4,112.845	-0.945	4,188.044	75.198	1.8%
GLA - all functions	2,236.564	2,236.564	0.000	2,287.312	50.748	2.3%
Greater London City of London	103.123	103.122	-0.001	104.669	1.547	1.5%
Camden	163.373	163.351	-0.023	167.254	3.903	2.4%
Greenwich	163.084	163.047	-0.037	166.784	3.737	2.3%
Hackney	216.756	216.725	-0.032	219.975	3.251	1.5%
Hammersmith and Fulham	119.153	119.135	-0.018	120.922	1.787	1.5%
Islington	157.901	157.875	-0.026	160.244	2.368	1.5%
Kensington and Chelsea	104.402	104.392	-0.010	105.958	1.566	1.5%
Lambeth	210.806	210.772	-0.034	213.934	3.162	1.5%
Lewisham	177.592	177.555	-0.037	180.218	2.663	1.5%
Southwark	227.356	227.319	-0.037	230.729	3.410	1.5%
Tower Hamlets	228.816	228.772	-0.044	232.204	3.432	1.5%
Wandsworth	148.011	147.984	-0.027	150.204	2.220	1.5%
Westminster	178.823	178.805	-0.018	181.487	2.682	1.5%
Barking and Dagenham	99.202	99.175	-0.027	102.785	3.609	3.6%
Barnet	91.950	91.914	-0.036	94.556	2.642	2.9%
Bexley	64.650	64.621	-0.028	65.591	0.969	1.5%
Brent	162.095	162.058	-0.037	164.489	2.431	1.5%
Bromley	64.219	64.186	-0.033	65.149	0.963	1.5%
Croydon	116.823	116.783	-0.039	118.535	1.752	1.5%
Ealing	142.348	142.310	-0.037	144.445	2.135	1.5%
Enfield	118.314	118.274	-0.040	121.920	3.646	3.1%
Haringey	142.520	142.488	-0.033	144.625	2.137	1.5%
Harrow	66.786	66.762	-0.023	67.764	1.001	1.5%
Havering	54.522	54.496	-0.026	55.314	0.817	1.5%
Hillingdon	82.763	82.730	-0.033	84.411	1.681	2.0%
Hounslow	90.127	90.098	-0.030	91.449	1.351	1.5%
Kingston upon Thames	36.668	36.653	-0.015	37.203	0.550	1.5%
Merton	66.751	66.732	-0.019	67.733	1.001	1.5%
Newham	217.888	217.842	-0.046	223.981	6.138	2.8%
Redbridge	94.841	94.808	-0.033	98.018	3.210	3.4%
Richmond upon Thames	27.615	27.601	-0.014	28.015	0.414	1.5%
Sutton	53.735	53.713	-0.022	54.518	0.806	1.5%
Waltham Forest	120.775	120.744	-0.031	122.962	2.218	1.8%

Item No.	Classification: Open	Date: 15 th December 2009	Meeting Name: Executive
Report title:		London Councils Grants Scheme 2010/2011	
Ward(s) or groups affected:		All	
From:		Deborah Collins, Strategic Director of Communities, Law and Governance	

RECOMMENDATIONS

1. That the Executive approve Southwark Council's response to the London Council's Leaders Committee recommended budget for the London Councils Grants Scheme including a commitment of **£960,621** for 2010/2011.
2. That the Executive include the proposed levy of **£960,621** in budget proposals to be submitted to the Council Assembly in February 2010.

BACKGROUND INFORMATION

3. The London Councils Grants Scheme was established following the abolition of the Greater London Council, as a means of maintaining support to voluntary organisations providing London-wide services. Organisations supported by the scheme are required to provide services across at least two London boroughs in order to qualify for support.
4. Constituent Councils are required to contribute to the London Councils Grants Scheme under Regulations 6(8) of the Levying Bodies (General) Regulations 1992. Individual councils contributions should be proportionate to their populations. For 2010/11 the apportionment is based on the Office for National Statistics (ONS) mid-year 2008 estimate of population.
5. In accordance with the Grants to Voluntary Organisations Order 1992 which came into effect on 02 November 1992 and remains in force, two-thirds of constituent Councils must agree the budget before **01 February 2010**. If not, the overall level of expenditure will be deemed to be the same as that approved for 2009/10 which totalled **£30,118,000**. A total budget of **£30,116,000** for 2010/2011 has been recommended by the London Councils Grants Committee.
6. Southwark Council is required under Paragraph 7.5 of the Scheme to respond formally to the London Councils Leaders Committee recommended budget by no later than **Friday January 15th 2010**.

KEY ISSUES FOR CONSIDERATION

7. The London Councils Grants Committee considered proposals for expenditure in 2010/2011 at its meeting on 09 November 2009. The Leaders' Committee concurred with the Grants Committee's recommendations on 10 November 2009. The following recommendation is now made to constituent councils.

	£
<u>OVERALL LEVEL OF EXPENDITURE</u>	30,116,000
Made up of:	
Grants	28,400,000
Administrative Expenditure	1,716,000
<u>Income would comprise:</u>	
Borough contributions	26,330,000
Bank Interest and balances	80,000
European Social Fund grant	2,070,000
Reserves	1,636,000

Community Impact Statement

8. For the financial year 2009/2010 the sum of £30,118,000 was awarded to voluntary organisations based throughout London to carry out various services and activities covering legal advice, health & social care, citizenship & human rights, support for women, support for children and young people, arts and culture, sustainable forms of transport, quality childcare provisions, support for the elderly, support for migrant communities, facilities for homeless persons, tackling homelessness, development of social enterprise across London, social cohesion, etc. Southwark Council influences the pattern of the London Councils support through its representation on both the Grants and Leaders Committees as a constituent council.
9. A list of organisations based in Southwark that are currently funded through the Scheme is attached as **Appendix 1**. This funding is based on levels of deprivation and need. Residents in Southwark benefit from a wider range of services from organisations than those simply based within the borough. Organisations based in Southwark also serve the populations of other London boroughs.
10. Given Southwark's demographics a number of these organisations are providing services which have a beneficial effect on the local community. Examples of these are Afro-Asian Advisory Service, Southwark Law Centre, Southwark Citizens Advice Bureaux Service, Southwark Refugee Project Limited, Age Concern London, Homeless Link and Victim Support. Under the 2007 Communities & Local Government Index of Multiple Deprivation Southwark is in the top 10% of most deprived boroughs, ranked 26th out of 354 local authorities in England in terms of average deprivation (where 1 is most deprived) and 9th in London. In the 2001 census, 37% of residents are categorised as coming from black and ethnic minority backgrounds. Pupils in Southwark schools speak over 100 languages and 43% of students speak English as an additional language. Southwark has also been a place of refuge for asylum seekers and refugees with an estimated 16,000 making their home here in the last few years. In the 2001 Census, over 38,000 of people defined themselves as having a disability.

Resource implications

11. Southwark Council's contribution to the 2009/2010 budget was £956,263 (based on a population of 274,400). If the proposed budget is approved the contribution in 2010/2011 will be **£960,621** (based on a population of 278,000). This represents an increase of £4,358 over 2009/2010 levy.

There are sufficient resources within the Community Support budget to meet the Council's required levy of **£960,621** for 2010/2011 based on last years resource allocation. However, this will need to be considered within the council's normal budget-setting process.

Consultation

12. Southwark Council is represented on the London Councils Grants and Leaders Committee. In addition officers attend the London Councils Grants officers meetings. The Scheme requires two third of constituent Councils to support a budget. If this is not achieved then the budget will remain at 2009/2010 level.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

13. Officers from the Contracts Section of Legal Services have reviewed this report and confirm that it does not have any specific legal implications.

Department Finance Manager

14. Southwark's precise base budget for this programme has yet to be finalised, however the overall requirement as currently outlined in the report of £960,621, will be met from a combination of departmental and central resources.

Background Papers	Held At	Contact
Correspondence from London Councils	Communities, Law & Governance, Tooley Street, London SE1P 5LX	Triumphant Oghre 0207 525 7418

Audit Trail

Lead Officer	Stephen Douglass, Head of Community Engagement	
Report Author	Triumphant Oghre, Commissioning Officer	
Version	Final	
Dated	01 December 2009	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	Yes	Yes
Executive Member	Yes	No
Date final report sent to Constitutional Support Services	1 st December 2009	

Commissioning Service	Organisation Name	Type	Grant Amount	Project Start Date	Project End Date	Project Title
01a. 2012 Olympic & Paralympic Games - support cultural activities	Tamasha Theatre Company	Commissioning	38,166.00	01/02/2009	31/01/2012	'Coming Home' (working title, tbc)
01b. 2012 Olympic/Paralympic Games - volunteering	Victim Support London	Commissioning	119,332.00	01/02/2009	31/01/2012	Volunteer Recruitment and Training
06. Promote access to cultural activities across London	Tamasha Theatre Company	Commissioning	164,560.00	01/11/2008	31/10/2012	Tamasha Theatre Company
06. Promote access to cultural activities across London	The Film and Video Umbrella	Commissioning	232,616.00	01/11/2008	31/10/2012	Voice in the Crowd
07. Provide educational & participatory programmes/activities in all art & culture forms for disadvantaged children and young people	Sound Connections	Commissioning	313,736.00	01/09/2008	31/08/2012	Sounds of the City (Sound Connections and Members)
10. Developing Social Enterprise	Social Enterprise London	Commissioning	1,800,000.00	01/01/2008	31/12/2011	Social Enterprise - Transforming the lives of londoners (SETLL)
102. Sector Specific Second Tier Services to Health & Social Care	Action for Advocacy	Commissioning	320,000.00	01/02/2009	31/01/2013	
102. Sector Specific Second Tier Services to Health & Social Care	Age Concern London	Commissioning	200,000.00	01/02/2009	31/01/2013	Access all areas
102. Sector Specific Second Tier Services to Health & Social Care	London Sustainability Exchange	Commissioning	162,500.00	01/10/2009	31/01/2013	Health & Social Care - 2nd tier support specs 24 and 75
103. Sector Specific Second Tier Services to Homelessness	Homeless Link	Commissioning	240,000.00	01/02/2009	31/01/2013	
104. Sector Specific Second Tier Services to Legal & Advice services	Advice UK	Commissioning	240,000.00	01/02/2009	31/01/2013	
105. Sector Specific Second Tier Services to Culture, Tourism & London 2012 services	Audiences London Ltd	Commissioning	160,000.00	01/02/2009	31/01/2013	
105. Sector Specific Second Tier Services to Culture, Tourism & London 2012 services	Independent Theatre Council	Commissioning	320,000.00	01/02/2009	31/01/2013	
106. Sector Specific Second Tier Services to Poverty services	Greater London Enterprise	Commissioning	410,300.00	01/11/2008	31/07/2010	Unlocking ESF Potential
11. Pan-London programme-competitive sport/physical activities for child & young people, linking with LB sports participation programmes	London Youth Games Ltd	Commissioning	520,000.00	01/04/2008	31/03/2012	London Youth Games Ltd

17. Legal & advice 2nd tier policy and voice	Advice UK	Commissioning	714,588.00	01/07/2008	30/06/2012	Developing Access to Advice and Policy Partnership (DAAPP)
23. Promote more sustainable forms of transport, including cycling & walking	London Cycling Campaign	Commissioning	497,780.00	01/09/2008	31/08/2012	Cycling Development Project
24. Enable improvements in health, working with disadvantaged communities to support local action	Stroke Care	Commissioning	60,000.00	01/11/2008	31/10/2012	Stroke Advocacy Project
27. Disability second tier policy and voice	London Deaf & Disability CIC (Inclusion London)	Commissioning	1,140,000.00	01/10/2008	30/09/2012	
28. 2nd tier - increased access to affordable, quality childcare through supporting organisations working with employers, childcare providers & children & parents. Engage with local authorities & share best practice	Daycare Trust	Commissioning	480,000.00	01/09/2008	31/08/2012	London Childcare Assistance
29. Older people 2nd tier policy & voice	Age Concern London	Commissioning	920,000.00	01/09/2008	31/08/2012	Older Londoners Speaking Out
38. Improve access to advice for BMER & migrant communities, in the fields of welfare rights, housing, immigration & asylum, health, education & employment	Advice UK	Commissioning	2,736,936.00	01/11/2008	31/10/2012	BAN Advice Integration Project
38. Improve access to advice for BMER & migrant communities, in the fields of welfare rights, housing, immigration & asylum, health, education & employment	Afro-Asian Advisory Service	Commissioning	131,652.00	01/11/2008	31/10/2012	Afro-Asian Advisory Service
38. Improve access to advice for BMER & migrant communities, in the fields of welfare rights, housing, immigration & asylum, health, education & employment	Southwark Citizens Advice Bureaux Service	Commissioning	336,776.00	01/11/2008	31/10/2012	South East London CAB Network Asylum, Migrant Outreach Advice.
38. Improve access to advice for BMER & migrant communities, in the fields of welfare rights, housing, immigration & asylum, health, education & employment	Southwark Law Centre	Commissioning	310,048.00	01/11/2008	31/10/2012	South London BAME Legal Advice Project
38. Improve access to advice for BMER & migrant communities, in the fields of welfare rights, housing, immigration & asylum, health, education & employment	Southwark Refugee Project Ltd	Commissioning	114,796.00	01/11/2008	31/10/2012	SRP Advice, Advocacy and Information Project
44. Day centre facilities for homeless people & people at risk of homelessness	ARP Charitable Services	Commissioning	895,844.00	01/07/2008	30/06/2012	ARP Direct Access Service

44. Day centre facilities for homeless people & people at risk of homelessness	Broadway Homelessness and Support	Commissioning	264,428.00	01/07/2008	30/06/2012	ABC Step Up
47. Tackling homelessness	ARP Charitable Services	Commissioning	578,217.00	01/01/2008	31/12/2011	
47. Tackling homelessness	Barnardo's Families in Temporary Accommodation Project	Commissioning	560,589.00	01/01/2008	31/12/2011	Barnardo's Families in Temporary Accommodation (FiTA) Project
50. Provide legal advice and representation across the various areas of social welfare law	Southwark Law Centre	Commissioning	374,400.00	01/11/2008	31/10/2012	South East and South Central London Legal Advice Service
52. Reduce youth homelessness through targeted prevention activities with at risk groups	The Depaul Trust	Commissioning	661,000.00	01/07/2008	30/06/2012	Depaul Trust SPOKES programme
59. Interventions - children & young people involved or at risk of sexual exploitation	Barnardo's	Commissioning	647,284.00	01/07/2008	30/06/2012	Barnardo's London Sexual Exploitation Preventative Education Programme
70. Reduction of violent behaviour through domestic violence perpetrator programmes	Respect	Commissioning	318,424.00	01/09/2008	31/08/2012	Engaging men in ending domestic violence
73. Enable people aged 50+ & carers to access good quality care through direct payments, individual budgets, advocacy & discretionary care services	Age Concern London	Commissioning	624,000.00	01/11/2008	31/10/2012	
79a. Engagement & involvement of disadvantaged groups that experience high victimisation levels, to reduce crime and its impact.	The London Magistrates' Courts Support & Information Service	Commissioning	61,960.00	01/09/2008	31/08/2012	Volunteer Development Programme
79a. Engagement & involvement of disadvantaged groups that experience high victimisation levels, to reduce crime and its impact.	Victim Support London	Commissioning	121,227.00	01/09/2008	31/08/2012	Reaching Communities: Support After Crime.

Item No:	Classification: Open	Date: 15 December 2009	Meeting Name: Executive
Report Title:		Freedom Pass Renewal Update	
Ward(s) or Group affected:		All	
From:		Deputy Chief Executive	

RECOMMENDATION

1. That the Executive notes the Freedom Bus Pass & Blue Badge Service improvement programme in response to the recommendations of the Scrutiny Committee.
2. The Executive notes the revised process for renewal and the responsibilities for both the Council and London Councils, including mitigating actions in place for tackling risks associated with the renewal.
3. The Executive notes the delivery plan for the renewal and action taken to address concerns in respect of client vulnerability.

BACKGROUND INFORMATION

4. In October 2008, Scrutiny Sub-Committee C commenced an investigation into Southwark Council's handling of the renewal process for Freedom Passes. This included the delays in completion of the renewal cycle, the provision of information to Freedom Pass holders and the treatment of those seeking to renew their Passes.
5. The Sub-Committee reported its findings for the Executive to consider on 16 December 2008, and requested a written update report within two months. This is an update to the report tabled to the Executive in July 2009.
6. This report represents the Executive response and shows what actions are being taken to improve the service – and to prevent recurrence.
7. Client Services have extended the scope of the recommendations beyond Freedom Passes to include the renewal process for Blue Badges.

KEY ISSUES FOR CONSIDERATION

The revised application process

8. TFL and London Councils have changed the approach in respect of the processing of applications for Freedom Bus Passes (FBP). The key reason for this is around the technology required to process the new style passes which will have to comply with the national smartcard standard known as ITSO under

government regulations. As a consequence of the need to put the photograph of the holder on the pass it will no longer be possible to issue passes over the counter.

9. Customers aged over 60 will no longer need to be assessed for eligibility as they will automatically qualify for an Older Persons Freedom Pass and can apply directly to the Post Office for their FBP.
10. Those customers who may require assessment for a FBP in respect of their disability will still need to make an application to the Local Authority. Some of these applicants will meet one or more of the automatic eligibility criteria so will not need an assessment.
11. Customers who need medical evidence in support of their application will now have access to a team of Occupational Therapists rather than requiring their GP's to confirm their mobility status.
12. Once their eligibility status has been confirmed they will receive a letter advising them of this and then early in the New Year will be sent the Letter of Authorisation to be taken to their nearest Post Office.
13. The Post office will verify the customer's identity and send the information to a 3rd party bureau who will issue the FBP directly to the applicants home address within 10 working days of receipt.
14. The bureau will start to process and issue passes in January 2010 with a view to completing by the end of March;

Freedom Bus Pass Statistics

15. The following table gives a detailed breakdown of the numbers involved:

Client Group	Number of FBPs	Assessment Approach
Over 60's	2,220	Letters sent encouraging customers to directly go to the Post Office
Re-assessment letters	1812	Letters with application forms sent encouraging early responses
Automatic assessments	3,565	Letter sent stating they automatically qualify for a Freedom Pass and will receive their approval letters early January
Recently turned 60 or by mid April	32	Letter sent encouraging them to apply directly at the Post Office for an Older Persons Freedom Pass
In Progress	905	These require further checks

	which will be completed by 25/11/09
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Delivery Plan

16. A detailed timeline is shown in Appendix 2. Some critical dates are outlined below:

TASK	PLANNED COMPLETION DATE
Initial letters to all Southwark customers who currently hold a Freedom Pass	20/11/09 (sent)
OT Assessment Centres held	31/01/10
Letters of Authorisation ready to send out to all automatics and successful applicants assessed to date	15/12/10
Letters of Authorisation sent out to all automatics and successful applicants assessed to date	29/12/09 (TBC)
Letters of Authorisation taken to the Post Office by the customers	13/02/10
Bureau to issue new style Freedom Passes	31/03/10
Old Style Freedom Passes stop working	31/03/10
New Style Freedom Passes start working	01/04/10

Action taken to address previous issues

17. The programme of improvement has looked at the process from start to finish and implemented a number of key changes. In particular the following actions have been taken following the 2008 renewal process:

Medical evidence in support of application

18. One of the key issues in the 2008 renewal related to the gathering of information from medical professionals in support of assessments. The team was reliant on information supplied by GP's. Two healthcare Occupational Assessment companies will undertake this function and Southwark has been given assurances as to their capacity to deal with the throughput of customers. Arrangements have been made for Assessment Centres to be held on Saturdays as well, as this may be more convenient for those who are working.

Use of existing information

19. Issues in the 2008 assessment related to accuracy of data and use of existing information in relation to pre-existing medical conditions. The team will now have access to additional information in CareFirst which will be used in support of the assessment process and validation checks are also being made against other Council systems such as Council Tax and Benefits.

Case Management

20. Tracking of cases received will now be possible via Carefirst and a newly

implemented Document Imaging System. The processing bureau will also offer customers a telephone number to track the issue of their new FBP.

Telephone call handling

21. In the 2008 renewal staff were unable to meet customer contact demand. Since then a dedicated team of CSRs has been put in place within the CSC to assist customers with telephone enquiries. Performance to date shows approximately 1700 calls are being received per month with the average call waiting time approx. 20 seconds (over the last 7 months).

Resilience within the assessment team

22. The FBP team has additional resources now in place who have received training over the last 6 months in the assessment process. There are in fact 3 additional staff in post for assessments and a number of staff now handling calls in the CSC.

23. Two fully trained staff remain within Walworth One Stop Shop and all staff will shortly be receiving training specifically aimed at the assessment process. The two members of the Blue Badge Team permanently based at WOSS will also be available to provide additional support to the Blue Badge Team based in Client Services should the need arise.

24. Four benefit officers are also in the process of receiving training to complete assessments should the need arise.

25. Appeals – these are dealt with by Health & Social Care, managers are being asked to ensure there is sufficient resilience in place to deal with any increased volume.

26. Occupational Therapist assessments – sessions have been booked with the two providers to meet demand throughout December & January. If necessary an agreement is in place to undertake assessments in February as well.

Vulnerability

27. The programme is ensuring where customers require further assistance this can be provided by either the Pension Service joint team, Walworth One Stop Shop staff or by existing professional support.

Communications

28. The programme has sought to address the issues in relation to lack of communication with key stakeholders in a number of ways. Several presentations have been held with community support organisations across the borough detailing the revised process for renewal and outlining customer requirements. To date 15 organisations have received personal visits and more are planned.

29. Customers affected by the renewal process have received personal letters informing them of the revised process, this should pre-empt any contact from customers in the first instance.

30. Further communication is planned in the weeks leading up to and throughout the

renewal process including full page advertisements in the local press.

Risks

31. A full risk register has been maintained throughout the programme and a risk register is available on request.

FINANCE DIRECTOR COMMENTS

32. None

Lead Officer	Eleanor Kelly, Deputy Chief Executive		
Report Author	Dominic Cain		
Version	Final		
Dated	7 th December 2009		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER			
Officer Title	Comments Sought	Comments Included	
Finance Director	Yes	Yes	
Executive Member	No	No	

BACKGROUND DOCUMENTS

Background Papers	Held at	Contact
Report on the Issue and Renewal of Southwark Disabled Persons Freedom Passes 2008	Scrutiny Sub-Committee C	Jennifer Seeley, Assistant Finance Director 020 7525 0625
Freedom Pass Review	Scrutiny Sub-Committee C	Everton Roberts 020 7525 7221
Freedom Pass Review – Comments of Overview and Scrutiny Committee	Overview and Scrutiny Committee	Everton Roberts 020 7525 7221
Programme Risk Register	Programme Manager	Serena Dungate 07702505039

APPENDICES

No.	Title
Appendix 1	Freedom Passes Scrutiny Committee Recommendations
Appendix 2	Timeline

Appendix 1 – Freedom Passes Scrutiny Committee Recommendations

- 116 Bulk Renewals: The council should lobby for a rolling programme of renewals of Freedom Passes
- 117 Discretionary London Only Freedom Passes: The council should complete a full assessment of the costs and benefits of continuing with discretionary London Only Freedom Passes, well in advance of 2010.
- 118 Use of GPs: The council should complete a full assessment of the costs and benefits of appointing its own occupational therapists for those people who require an assessment, rather than relying on local GPs and consider cross borough working on the use of Occupational Therapists
- 119 Use of GPs: If GPs are to be used in the future; the design of the form should be reviewed in conjunction with local GPs
- 120 Carefirst: Further information on the system capabilities should be identified with Health and Social Care and Customer Services working together. Staff who use the system should receive further training, particularly on data entry, exception reporting and generating correspondence from the system. There should be joint meetings between Health and Social Care, Customer Services and Information Services. Particular attention should be given to the system's ability to identify persons entitled to automatic renewal and to generate the necessary communications.
- 121 Service transfer: Staff and senior manager should be closely involved in discussions around the transfer of services and the implications for service delivery
- 122 Service Transfer: All service transfers must be better planned and implemented, including the use of formal project planning tools and agreement of the implementation plan by both receiving and old departments. A "soft landing" is preferred with the "giving" service retaining responsibility for and an interest in the "receiving" service performance. Plans must include consideration of IT, staff training, parallel running and known workload issues.
- 123 Communication: All service delivery changes should be, at least, publicised or communicated to relevant groups. Depending on the level and impact of the change there may be merit in consultation about the proposed changes. In cases of significant change, prior notice should take place.
- 124 Communication: The council must adhere to its own service standards for all external phone calls, and particularly in the contact numbers given for Freedom Pass enquiries, 020 7525 2141/2306. Different ways of managing the volume of calls received should be considered.
- 125 Communication: All staff working within One Stop Shops should receive specific training on the needs of people with disabilities

- 126 One Stop Shops: The departmental business continuity plans for One Stop Shops should be reviewed.
- 127 Application forms: The Disabled Persons Blue Badge and Freedom Pass Application Form” and NFP renewal forms should be reviewed, in conjunction with customers or their representatives.
- 128 Renewal Process: Consideration should be given to an earlier start to the renewals process for 2010, particularly for those people who are likely to have an automatic renewal.
- 129 Staffing: a full review of the process for assessing applications and the number of staff required to do so should be completed well in advance of January 2010, with a view to identifying additional resources. The review should encompass the desirability of decisions about entitlement being made by a team in a single location. Staff training should be improved to ensure: 1) better general understanding of the issues facing disabled people: 2) assessment of entitlements under the various eligibility criteria: 3: full proficiency in and proper use of the Carefirst database.
- 130 Relevant Numbers: A full history of the numbers of people who applied for or received NLP and LFP in 2008, including a chronology of dates and numbers or passes assessed at particular dates should be compiled and used to inform arrangements for the 2010 issue and renewal process
- 131 Case Management: There should be a robust case management system and strict limits for the turnaround of applications, request for documents, and chasing the necessary evidence. In particular, there must be no repetitions of delays in scanning documents and entering them into the system.
- 132 Carefirst: Subject to the review of local London Only passes continuing in 2010, the Carefree parameters should be amended so that accurate numbers can be obtained on the number of NFP and local discretionary passes
- 133 London Councils: The council should commit to attending all of the London Borough Liaison Group meetings for Freedom Passes. The representation should be at a level to ensure that any actions arising can be implemented and that the implications or consequences are properly communicated within the council.
- 134 London Councils: The council should identify from London Councils all similar borough liaison groups, evaluate whether attendance is necessary and commit to engaging relevant groups.
- 135 Post Office Ltd: Through the London Councils or otherwise, the Council should become better aware of the role of the Post Office and the need to stock adequate numbers of Freedom Passes.
- 136 The Council work with the PCT to ensure that any outstanding amounts due to GPs are paid without any further delay.

137 That steps to ensure that all fresh data relating to applicants be promptly entered into the Carefirst system, The Southwark Audit and Governance Committee be invited to address the issue.

TIMELINE FOR FREEDOM PASS RENEWAL PROCESS 2010

ITEM	TASK	Jul-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09	Jan-10	Feb-10
1	BB & FP Newsletter sent out								
2	Reports to provide nos. of automatics/renewals required								
3	EDRMS solution implemented and rolled out					Go Live			
4	Re-assessment Letter; Application Form; Guidance Notes; pre paid envelope sent out								
5	2nd re-assessment letter - asking applicants to call in if they haven't received the 1st re-assessment letter and form								
6	Over 60s letter sent out explaining changes to operating times								
7	Initial Letter sent out to those who automatically qualify								
7	1 st article in Southwark Life & clarification								
8	Renewal forms sent out								
9	OT Assessments								
10	Forms processed								
11	Letters of Authorisation ready to send out								
12	Letters of Authorisation sent out								
13	Over 60s 'Post Office' reminder letter sent out								
14	Letters of Authorisaation to be taken to the Post Office (in alphabetical order)								
15	Bureau starts issuing new style passes							Late Jan	
16	London Councils publicity campaign							04-Jan	
17	London Councils Roadshows								
18	Cross match of data								
19	London Council's contact anyone who hasn't taken their letter to the Post Office yet								
20	Old style Freedom Passes cease working								
21	New Passes Go Live								

Item No.	Classification: Open	Date: December 15 2009
To	Executive	
Report title	Gateway 1 - Procurement Strategy Approval Corporate Insurance Procurement (excluding Property Insurance)	
Ward(s) or groups affected	ALL	
From	Finance Director	

RECOMMENDATION

1. That the Executive approve the procurement strategy outlined, in paragraph 26-28, in this report for the Corporate Insurance (excluding Property Insurance) procurement.

BACKGROUND INFORMATION

Current Insurance Contract Arrangements

2. The council's main insurance contracts are currently placed with different insurers as follows:
 - (a) Property Insurance – Zurich Municipal (ZM);
 - (b) Motor and Miscellaneous (including Fidelity Guarantee) Insurances - Zurich Municipal (ZM);
 - (c) (i) Liability Insurances – American International Group (AIG) via intermediaries "Risk Management Partners" (RMP) and Heath Lambert (HL);
 - (c) (ii) Liability Claims handling with Gallagher Bassett also via RMP and HL; and
 - (d) Engineering Inspection Services and Insurances – HSB Haughton (HSBH) via HL.
3. This report relates to the procurement of all insurances listed in paragraph 2 with the exception of '(a) Property Insurance'. Tenderers will be invited to tender for the provision of all or some of the insurances specified in paragraph 2 (b) to (d).
4. All of the council's insurances as specified in paragraph 3 are due to expire on 30th September 2010, as authorised in relevant reports.
5. The insurances were all initially tendered for in 2003 for 5 years, with further 2 year extensions.
6. There are separate arrangements in place for the property insurances. Unfortunately, as a direct result of the council's property loss experience, ZM significantly increased their premiums on the housing property element of the insurance contract, thus breaking the property insurance Long Term Agreement (LTA) with the council. These therefore were subject to a separate approval process and there is now a contract in place with ZM for property insurances until 30th September 2012.
7. The estimated annual cost of the contract that is being procured is approximately £847,000 per year for a period of 3 years. This is subject to the usual break clause provisions

allowing the rates to be reviewed annually. The contract value will be approximately £2,540,000. Using the 2009/10 costs this is split as follows:

Insurance Element	Cost per annum
Motor Insurance	£83,334
Miscellaneous Insurance (including Crime/ Fidelity guarantee)	£75,665
Liability Insurance	£388,200
Insurance Premium Tax (IPT) (Motor, Misc and Liability)	£27,359
Engineering Inspection	£187,236
Motor Claims Handling	£29,000
Liability Claims Handling	£55,880
TOTAL	£846,674

8. It is proposed that the contract will have extension provisions for two x a single year, making a total estimated contract value of approximately £4,233,000.
9. The council did consider placing this insurance contract for a shorter period to bring it in line with the property insurance arrangements which will expire on 30th September 2012. However, after consideration, it was felt that the insurance market required at least a 3 year contract for the council to obtain best value for money and also to provide enough time for a potential consortium insurance purchasing arrangement (arising from the imminent change in local authority law) to become a viable option for the council to consider participation in.

Summary of the business case/justification for the procurement

10. Unlike most organisations, LBS, along with other major local authorities, is not legally required to compulsorily insure certain risks including the Employers' and Motor Liability risks since we are exempt from the provisions of the Employers' Liability (Compulsory Insurance) and Road Traffic Acts respectively. However, as a matter of financial prudence, we along with most similar authorities do in fact insure against a comprehensive range of insurance contingencies including Employers' and Motor Liabilities, to protect public assets against catastrophic potential losses mainly. LBS is, however, required to have crime insurance (Fidelity Guarantee). LBS must also arrange engineering inspection for relevant plant by a "qualified independent person" under Health and Safety legislation.

Market considerations

General Market Conditions

11. The UK Local Authority insurance market is generally limited. The council's insurance brokers, Heath Lambert, have confirmed that under normal circumstances there are 3 main insurance companies for our insurance business. These are ZM, AIG and Travellers.
12. At contract extension in October 2008 it was expected that The Local Authority Mutual (LAML) would be a viable alternative market for our insurance. That commitment and the power to set up a mutual were recently found, following challenge by RMP in the Court of Appeal, to be unlawful as it was concluded that councils did not have the power to join together to participate in mutual insurance companies. This resulted in the LAML folding. Instead, councils are likely to be given new legislative powers to establish mutual insurance companies in light of the recent LAML court judgment. Urgent new amendments have been laid on the Local Democracy, Economic Development and Construction Bill that will give

'best value' authorities legislative power to join together to set up and participate in mutual insurance companies. Following agreement by both Houses on the text of the Bill it received Royal Assent on 12 November. The Bill is now an Act of Parliament (law). The timescales of the implementation of the new legislation are yet to be published.

13. The insurance market is affected by the current position of the financial sector generally and from the fact that investment income is currently low resulting in negotiations with the insurance market being difficult which is likely to keep insurance premiums high.

Specific Southwark Conditions

14. The Insurance markets will be fully aware of the council's current claims experience which may impact on the markets view of the council's insurance portfolio.
15. There are also a number of changes since the last procurement that may change the council's risk. Significant examples of where the insurance risk may have been reduced are:
 - the vast majority of the council's back-office staff has now been relocated from a series of older buildings into one central modern facility;
 - the decision has been taken to bring the previously outsourced benefits and council tax process in-house in April 2011;
 - investment in implementing various fire loss recommendations; and
 - tree roots risk improvement.

In addition the following example may be perceived to increase the insurance risk:

- various shared services arrangements in place (e.g. Croydon anti-fraud contract and PCT partnership).

Proposed procurement route

16. The usual procedure used by the council for EU procurements is the restricted procedure, where a pre-qualification questionnaire (PQQ) is used to shortlist a limited number of organisations who are invited to tender. Information on the insurance market suggests that there is a limited market for these types of cover, as noted in paragraph 11, and therefore for this procurement it is suggested that an open procedure is used, where all organisations expressing an interest in the contract are invited to tender. The council's usual requirements for shortlisting at PQQ stage (financial, equalities etc) will still be undertaken as part of the tender evaluation process.
17. This tendering process will be undertaken over a period of months in line with the applicable EU procurement regulations. The details of the stages required for an EU Open Procedure are set out in paragraph 33.

Alternative Procurement Routes Considered

18. Consideration was given to a consortium purchase arrangement.
19. The LAML is a mutual insurance company which started in April 2007 with insurance cover initially being provided for Brent and Harrow with a further commitment to join the LAML being given by 8 other London Boroughs. By setting up a specific mutual insurance company with ownership shared by participating members, participants hoped to achieve economies of scale in purchasing reinsurance protection and to cut out the profit element

and other overheads of the existing local authority insurers as well as other benefits. Initially LAML members joined the mutual without going to tender as soon as their existing insurance agreements expired.

20. That commitment and the power to set up a mutual were recently found, following challenge by RMP in the High Court and the Court of Appeal, to be unlawful as it was concluded that councils did not have the power to join together to participate in mutual insurance companies. This resulted in the LAML folding.
21. Councils are likely, however, to be given new legislative powers to establish mutual insurance companies in light of the recent LAML court judgment. Urgent new amendments are to be made to the Local Democracy, Economic Development and Construction Bill that are intended to give 'best value' authorities legislative power to join together to set up and participate in mutual insurance companies. Following agreement by both Houses on the text of the Bill it received Royal Assent on 12 November. The Bill is now an Act of Parliament (law). As outlined in paragraph 12, the timescales of the implementation of the new legislation are yet to be published
22. Ideally, given the initial commitment of approximately a third of London Boroughs to LAML, and the previous success of the former Local Authority Mutual insurance vehicle, it is hoped that following the change in legislation there may be the opportunity in the next 3 to 5 years for a consortium purchase arrangement.
23. The Consortium Purchase option has been discounted for this procurement, as it is not currently available, but will be reviewed at a later date.

Bringing Claims Handling In-House

24. Currently the insurance claims handling is outsourced and provided by the respective insurers preferred claims handling partners. Consideration has been given to bringing insurance claims handling back in-house.
25. However, in order to ensure the consistency of the claims handling service, the extra staff costs that would be involved, and the representational advantage that having liability claims decided by an outside impartial party our preferred option is for insurance claims handling to remain outsourced to provide cover for staff shortages. The tenderers ability to provide claims handling will be assessed as part of the evaluation process.

Options for procurement including procurement approach

26. It is considered that carrying out a publicly advertised competitive tender process in accordance with the applicable EU Regulations is the only option currently open to the Council. It will also provide the council with the greatest flexibility to draw up a specification that meets its own requirements and obtain the best value for money that the current market is able to provide. Whilst a consortium purchase may be favourable to the council for the future, it is not currently available.
27. It is proposed that an EU Open process is followed as the strategy for the procurement of the insurance policies.
28. As part of the tender process, the council will review the best mix of presently insured and uninsured risks, (e.g. we do not presently insure for property terrorism losses) including alternative excess levels and combinations of excesses over different insurance classes which might produce the best economic advantage to the council overall over the longer term, within the limitations applicable at a time when the insurance market is likely

to be difficult for our portfolio of risks and generally overall. Specifically the procurement process will consider:

- not insuring certain insurable risk at all;
- insuring certain insurable risks that are not currently insured; and/or
- raising insurance excesses to a point that the council is only purchasing insurance at catastrophic risk level.

Identified risks

29. As the service is currently insured by a third party insurance contractor and there has been deterioration in the insurable loss experience of the council, there are a number of related risks identified which have been captured in the table below, along with the control measures.

Risk	Control
1. There is insufficient insurance market interest in the council's contract, and there is no or limited Tender response.	<ul style="list-style-type: none"> - Robust procurement process outlining the strength of the council's position. - Publication of the Tender in the Post Magazine. - Direct letters to all likely Tenderers.
2. If the insurer was to change there may be a weakened negotiation when negotiating on the council existing claims.	<ul style="list-style-type: none"> - To continue with the robust claims management already in place to progress any outstanding claims - Utilising an independent claims assessor to support the council's claims process.
3. Procurement does not meet with timescales required and result in the contract not being procured in time.	<ul style="list-style-type: none"> - Advice from procurement and legal through the course of the procurement. - Project manager appointed to run the procurement.
4. That the premium rises and/or excess levels rise at the start or during the contract period impacting on the Council's resources	<ul style="list-style-type: none"> - the tendering documentation will include a range of options across varying excess levels and premiums and we will only choose a premium level that is affordable. - if meeting the cost of premiums proves difficult further consideration will be given to self-funding the insurable risk - consideration will be given to meeting increase from insurance reserve if appropriate - consideration will also be given to review of current other spending priorities compared to need for insurance provision - as a final resort only consideration would be given to not setting the insurance agreement start date until resources are available to meet the cost of premiums and anticipated cost of excess payments (basically self-insuring for a period.)

KEY ISSUES FOR CONSIDERATION

Key /Non Key decisions

30. This is a key decision.

Policy implications

31. This procurement does not have any direct policy implications. However this procurement may indirectly have an impact on the council's Policy and Resources strategy.

Procurement project plan

32. An EU Open tendering process is to be undertaken. A Project Board that will involve the following stakeholders will be established, listed below. Permanent members will sit on the project board throughout the procurement, whilst other members will be invited, as and when their input is required.

Job Title	Role	Status on Project board
Assistant Finance Director	Project Director	Chair of Board and Tender Evaluation Panel
Corporate Risk Manager	Project Manager	Permanent Member of Board and Tender Evaluation Panel
Insurance Manager	Project Member	Permanent Member of Board and Tender Evaluation Panel
Representative from Departments to evaluate appropriate elements of the tender		Occasional member as required
Procurement adviser from the Strategic Procurement Team		Occasional member as required
Legal representative from the Contracts Team		Occasional member as required

33. Representatives from Departments involved in specific insurance classes will be asked to attend procurement meetings as required.

Key Decisions

Procurement project plan

INSURANCE PROCUREMENT CONTRACT TIMESCALES	Complete by:
Gateway 1 – Presentation to CCRB (on behalf of CMT)	5th November 2009
Gateway 1 – Presentation to Executive	15th December 2009
Business Questionnaire documentation draft	28th February 2010
Tender documentation draft	28th February 2010
Tender documentation finalised	10th March 2010
Advertise the contract - OJEU	15th March 2010
Advertise the contract – Trade Press	20th March 2010
Issue Invitation to Tender (including PQQ)	20th March 2010 onwards

INSURANCE PROCUREMENT CONTRACT TIMESCALES	Complete by:
Closing Date for return of Tenders (52 days)	15th May 2010
(Presentation to short-listed applicants)	OPTIONAL
Evaluation of tenders	5th June 2010
Completion of any post-tender clarification meetings/interviews	20th June 2010
Evaluation Deliberation Meeting	20th June 2010
Gateway 2 draft	20th June 2010
Gateway 2 – Presentation to CCRB	24th June 2010*
Gateway 2 – Report to CMT	25th June 2010*
Gateway 2 - CMT	28th June 2010*
Gateway 2 – Presentation to Executive	22nd July 2010*
Scrutiny Call-in complete	31st July 2010*
End of Alcatel Period	11th August 2010*
Contract Award	12th August 2010
Contract Start	1st October 2010
Contract Complete	30th September 2013

* Tentative dates only. Dates to be confirmed once the Decision making timetable has been finalised.

TUPE implications (if no TUPE implications write ‘not applicable’)

34. Advice will be taken as to whether there are any TUPE implications.

Development of the tender documentation

35. Tender documentation will be developed by the Project Board, following consultation with occasional members and other relevant experts.

Advertising the contract

36. An OJEU notice will be posted in the Official Journal of the European Union and advertisements will be placed in the Post & Insurance Monitor Magazine. Letters soliciting interest will also be sent to possible providers, of whom the council is aware.

Evaluation

37. An Open EU tendering process will consist of the following stages:

1. The proposed procurement route will be an open tendering process.
2. The approach to the market will be via an OJEU notice and an advertisement in the Post & Insurance Monitor Magazine. The tender process will include an invitation to tender to organisations that express an interest in tendering; evaluation of tenders that are submitted and any necessary post-tender clarification with the preferred bidder(s).

3. **Tender Evaluation Panel:** Members of the project group will serve on a tender evaluation panel (TEP) which will be set up to evaluate tender submissions. Southwark Procurement will be advising throughout this procurement process to ensure that best practice is followed.
4. **Tender Assessment / Written Submissions/ Business Questionnaire:** This stage involves the assessment of written submissions (and business questionnaires), which should contain method statements detailing how a provider will deliver the service to meet the council's requirements. The TEP will assess all submissions against the criteria agreed of 70% on Price and 30% on Quality.
5. **Tender Assessment:** This stage will involve formal interviews with those Tenderers who have adequately met the tender evaluation criteria and assessment.
6. **Post Tender:** Once the successful provider has been chosen, a final contract will be awarded to the winning Tenderer, subject to a successful Gateway 2 report being accepted by the Executive. The final contracts will be drawn up with the input of advice from the relevant officers.

Community Impact Statement

38. Liability claims handling will continue to be monitored to ensure that the provider continues to provide an acceptable service to members of the community who claim under the council's liability policy.

Sustainability considerations

39. The specification will include the requirement for electronic exchange of information to minimise the need for paper records. The council currently has software in place with the existing provider so if the insurances were transferred to another provider there may be the need to purchase appropriate software. This requirement will form part of the Tender specification.

Economic considerations

40. The full cost to the council over the full 5 year period is likely to be £4,235,000. There are likely to be no additional running costs of this contract. As this procurement is for a service there will be no additional life span of the contract remaining after the contract comes to an end. Due to the limited nature of the insurance market and the need to use national insurance markets, there is no opportunity for local economic benefit.

Social considerations

41. As part of the procurement process, Tenderers will be assessed on their Equal Opportunity Policies. As stated in paragraph 11, the Insurance Market is limited and there is the need to use national insurance providers.

Environmental considerations

42. As stated in paragraph 39 above, the specification will include the requirement for electronic exchange of information to minimise the need for paper records. In addition the Tenderers will be assessed based on their Environmental Policy.

Plans for the monitoring and management of the contract

43. Robust contract monitoring arrangements which are currently in place for the current Contract will continue with the new Contract. In addition there will be a transition plan developed for the change to the new Contract.

Resource implications

Staffing/Procurement Implications

44. The resources required for this procurement process are outlined in paragraph 32. Once the contract is up and running, the contract management will continue in the same way as with the current contract. There are, therefore, no additional resource implications.

Financial implications

45. The cost of future premiums and excess payments as a result of this procurement are expected to be contained within the existing budgeted resources for insurance despite the risk that they may be higher due to the difficult market conditions that persist within the financial sector generally (see paragraph 29, risk number 4).
46. In any one year of this new insurance agreement where the number of claims is higher than anticipated and costs exceed the budget provision, there may be a one-off draw down on reserves held for this purpose, if alternative revenue resources cannot be made available.
47. Where the claims experience suggests that moving forward there will be a continued pressure on the insurance budget, a bid for additional year on year revenue provision will be required to meet future premiums and claims, and the need to maintain the insurance reserve at the required level.

Legal implications

48. Advice has been taken and will continue to be sought through the procurement as necessary, from the Contracts Section of Communities, Law and Governance.

Consultation

49. Consultation will be sought from relevant officers in other departments as outlined in paragraph 32, including:
- Fleet Services – Motor Insurance
 - Highways – Liability claims such as ‘slips and trips’ and ‘tree root’ claims
 - Housing Services – Housing related liabilities claims (slips and trips on housing related property and water damage claims to contents) and engineering claims.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

50. This report seeks the approval of the Executive to the procurement strategy for the provision of corporate insurance outlined in this report.

It is considered that these services are a Part A service under the Public Contracts Regulations 2006. As the estimated value of this/these contract(s) exceeds the relevant EU threshold, this procurement must be tendered in accordance with those Regulations. Paragraph 32 of this report confirms that an open one stage tendering procedure is proposed, which will comply with EU regulations and CSO tendering requirements.

This contract is classified as a strategic procurement and therefore CSO 4.4.2(a) requires the Executive or executive committee to authorise the proposed procurement process, after taking advice from the Corporate Contracts Review Board.

Finance Director

51. This report is from the Finance Director and as such a financial concurrent is not required.

Head of Procurement

52. This report is seeking approval to procure Insurance services (excluding property) following a competitive process. For a contract of this size and nature CSOs require that reasonable steps should be taken to seek five tenders following a public advertisement. Officers have confirmed that the market for this type of service is limited and therefore are proposing to follow an open EU procedure. This would appear to be the most appropriate procurement route given the circumstances.
53. Paragraph 28 confirms that flexibility will be built into the tender process to enable the council to secure the best mix of insurance/ excess levels and therefore assist with the achievement of best value. Paragraph 32 sets out the project governance with the appropriate structure including a project board and project manager. The evaluation criteria will be set at 70/30% in favour of price. With an open procedure officers will need to have tender documents ready to send out at the point that the advertisement is placed. This will need to include the detailed criteria and any sub weightings that may be set by the Tender Evaluation Panel. The implications of an open procedure appear to be reflected in the procurement timeline which is reasonable and achievable.

KEY POINT SUMMARY

- This procurement will follow a *strategic* protocol
- This contract is for *services* and is *replacing an existing provision*
- There are EU procurement implications

BACKGROUND DOCUMENTS

Background Documents	Held At	Contact
Procurement Working file	Audit and Risk, FMS	Risk Manager, ext. 020 7525 7348

APPENDICES

No appendices.

AUDIT TRAIL

Lead Officer	Dave Howes, Assistant Finance Director		
Report Author	Maureen McLean, Corporate Risk Manager		
Version	Final		
Dated	20 th November 2009		
Key Decision?	yes	If yes, date first appeared on forward plan	24 November 2009
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER			
Officer Title	Comments Sought	Comments included	
Strategic Director of Communities, Law & Governance	yes	yes	
Finance Director	yes	yes	
Head of Procurement	yes	yes	
Contract Review Boards			
Departmental Contracts Review Board	yes	yes	
Corporate Contracts Review Board	yes	yes	
Executive Member	Yes/	No	
Date final report sent to Constitutional Team			December 4 2009

Item No.	Classification: Open	Date: December 15 2009	Meeting Name: Executive
Report title:		Canada Water Publication/Submission Summary Report	
Ward(s) or groups affected:		Rotherhithe, Surrey Docks	
From:		Strategic Director of Regeneration and Neighbourhoods	

RECOMMENDATION(S)

That the Executive recommend Council Assembly to:

1. Consider the Canada Water AAP Publication/Submission Version (appendix A), the consultation plan (appendix B), the consultation report (appendix C), sustainability appraisal (appendix D) equality impact assessment (appendix E) and appropriate assessment (appendix F).
2. Agree to publish the Canada Water AAP Publication/Submission Version before submission to the Secretary of State.
3. Approve the Canada Water AAP Publication/Submission Version for submission to the Secretary of State for Communities and Local Government provided no substantive changes are necessary following consultation, and
4. Delegate the approval of any minor amendments resulting from its meeting or consultation to the Canada Water AAP Publication/Submission Version to the Director for Regeneration and Neighbourhoods in consultation with the Executive Member for Regeneration before submission to Secretary of State.

BACKGROUND INFORMATION

5. The council is preparing an area action plan (AAP) for Canada Water and the surrounding area. The AAP is being prepared under the new planning system and will comprise localised policies which help shape the regeneration of Canada Water. Like the core strategy it must be a spatial plan and concentrate on how change will be managed and achieved. Once adopted by Council Assembly it will be a development plan in the council's local development framework (LDF) and will be used as the basis for determining planning applications in the area. Together with the core strategy and other local development framework documents, it will replace the Southwark Plan.
6. We are currently at the final stage of preparing the AAP. The first stage involved consulting on an issues and options for the future growth of the area. Consultation on the issues and options report was completed in February 2009. The second stage involved consulting on the preferred options for the future growth of the area. Consultation on the preferred options was completed at the beginning of November 2009. The comments we received have informed the current stage which is the preparation of the publication/submission AAP to be submitted to the Secretary of State for independent examination.
7. The publication/submission will be accompanied by a sustainability appraisal, an equalities impact assessment, an appropriate assessment (under the Habitat Directive) and a consultation statement.

CONSULTATION

8. The Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008) and the council's Statement of Community Involvement require consultation to be ongoing and informal to guide the overall approach to consultation on the core strategy. The council has prepared overarching consultation strategies for each of the documents. At each stage in preparing the documents, the council has prepared detailed consultation plans setting out how we will consult. Along with consultation reports as set out in appendix C setting out how we have consulted. These are available on the website and in the member's offices. These have been considered by members at each stage when they are adopting the Canada Water Area Action Plan for consultation.
9. It is important to recognise that a considerable amount of consultation has taken place over the last few years. This can be taken into account as part of the evidence for preparing the Canada Water Area Action Plan. We have taken previous comments into account to try and avoid consultation fatigue.
10. The council will publish the publication/submission to invite representations until March 2010 in line with statutory requirements and to reflect the intention of the requirements of the Statement of Community Involvement as set out in appendix B. The second half of this period will comprise a period of formal consultation. All documents will be available on the internet, in council offices, libraries and area housing offices. Adverts will also be placed in the press.
11. We received over 750 representations from 228 respondents to the consultation on the preferred options. A full table of officer comments on each representation is available on our website at <http://www.southwark.gov.uk/YourServices/planningandbuildingcontrol/planningpolicy/localdevelopmentframework/canadawaterareaactionplan.html> for both the questionnaire and written responses. We also received comments from the Government Office for London and the Greater London Authority on the draft Publication/submission version Canada Water Area Action Plan.
12. We have considered these comments along with the evidence and various assessments set out in this report to make changes to the preferred options when preparing the final Canada Water Area Action Plan vision, themes, objectives, strategy, policies, implementation and monitoring plans.
13. Significant representations along with our responses and any changes between the preferred option and publication/submission version are set out below.
14. Planning committee comments will be provided as an addendum as they are being considered on December 8 2009.

KEY ISSUES FOR CONSIDERATION

15. The Canada Water publication/submission Draft AAP is structured around eight key themes which are town centre/neighbourhood facilities, transport, leisure, places, homes, social and economic opportunities, guidance for individual sites and finally the delivery of the AAP. The focus of the AAP is a core area around the shopping centre, although it will also be important to ensure that impacts in the wider peninsula are addressed.

16. We received over 900 representations from 220 respondents. This included 96 responses from statutory consultees and members of the public along with an additional 124 questionnaire submitted from residents on the Hawkstone estate.

GLA (and TfL)

- Evidence base needs to be substantively complete by submission stage
- The AAP does not address the key issue of where the town centre parking should be located in principle.
- The council should clarify, on the basis of its 2009 Retail Study, any planned expansion of convenience floorspace in the area.
Correction - Information regarding East London Line (ELL):
Upon reopening of the ELL in summer 2010:
 - trains will run from Dalston Junction in the north
 - 12 trains per hour (tph) in each direction through the core section (including Rotherhithe, Canada Water and Surrey Quays)
 - 4 tph will go to each of the southern termini (New Cross, Crystal Palace, West Croydon)
 - The north terminus should be extended to Highbury and Islington by 2011
 - Phase 2 has been funded and will add an additional southern terminus at Clapham Junction by summer 2012, served by 4tph in each direction. Service through the core section of the ELL will then be 16tph in each direction
- Omission - No mention is made of Crossrail, which is expected to provide a significant reduction in crowding levels on the Jubilee Line.
- concerns have been raised regarding the proposals for Lower Road
- an area-wide multi-modal trip generation analysis should be undertaken
- Omission - TfL considers that the AAP does not address the key issue of where the town centre parking should be located in principle
- TfL would like to see this section of the AAP offer a holistic design approach, developed in consultation with TfL and other key stakeholders
- the Council should note the Mayor's comments in respect of the housing policies in the Core Strategy and reflect these in the next version of the document.
- The next version of the document should include a target for the provision of new homes in the area and affordable housing requirements that are both consistent with those agreed in the final version of the Core Strategy, which should be in general conformity with the London Plan.
- The fact box on density is useful and the density ranges set out are potentially consistent with those in London Plan 3A.3 but the wording currently contains some inaccurate and inconsistent comments.
- No significant discussion about the Harmsworth Quay site has been presented in the AAP
- Site A (land north of Surrey Quays Road and Needleman Street) - TfL has strong concerns about the location for the bicycle station identified in the AAP.
- Decathlon Site - As these sites contain most of the existing car parking, TfL requests a particular focus on how and where shared town centre car parking should be bought forward.
- Omission - Given the relatively well-defined scope of intensification at Canada Water, TfL would welcome a strategic assessment of transport impacts across the whole study area.
- Omission - The AAP does not discuss any freight issues and would

become of more relevance if the retail offer is significantly expanded as part of the area's regeneration.

- Omission - There is a need to ensure the provision of sufficient land for the development of an expanded transport system.

Government Office for London

- Greater local distinctiveness needed. Show how development will achieve aims of AAP, with timescales and quantum of development.
- Show through the evidence base that there is only one realistic option for each policy area. We must show that we haven't closed off possible other options for consultation
- Delivery and Implementation – More information in this section and the work that has already taken place
- Monitoring – detailed explanation for monitoring of the plans progress
- How is our evidence base progressing?

Thames Water

- Concerned that there is no reference to water or sewerage infrastructure. Lists the sites in the area –concerns with Waster Water Services
- Thames Tunnel project. Possibility that construction sites may be required within the wider Area Action Plan area. Need for a supportive policy for the project within the Core Strategy and this should be referenced within the Canada Water Area Action Plan.

English Heritage

- Support plans to improve the public realm,
- Welcomes the focus on supporting arts, culture and tourism in the area and reference to specific historic assets and museums in Rotherhithe
- Welcomes commitment to raising design standards and creating more distinctive places in the AAP is also welcomed
- Encourage consideration of the English Heritage and CABI joint Guidance on Tall Buildings (July, 2007). It is evident in figure 8 that the two locations for tall buildings are not within the viewing corridor to St Paul's Cathedral; however the impact on the setting of Southwark Park (Grade II Registered Historic Park and Garden) may need careful consideration in the Surrey Quays tall building location. Currently there is no recognition of Southwark Park's historic status as a Registered Historic Park and Garden in the open space network paragraph 3.4.3.
- Would be helpful to outline what historic assets are still remaining in the AAP area today.

Environment Agency

- Concern that there is no mention of flood risk management. Suggest updating P4 in the Objectives section with the underlined text below:

P4: To reduce the impact of development on the environment and help tackle climate change, flood risk, surface water flooding, pollution and waste.

- AAP could promote the River Thames further. Update Figure 5 and 6 to include existing river boat piers and discuss with TfL / Port of London Authority possible new piers and ways to promote use of the river to

transport construction and demolition materials from the Canada Water area.

Simon Hughes MP

- Employment and economic opportunities_River should be used as much as possible in all business and economic plans. I could not see any direct reference to this in the preferred options paper. This area could be a real hub for the boat repair industry and it seems to me that this should be really clear in our vision for the area.
- New School_Rotherhithe Primary School site. Given it is so close to the Lewisham border it is important that the issues of catchment area are resolved before the decision is made. A new school in Southwark needs to benefit Southwark children. Clear consideration of the two sites owned by the borough should be carried out. This comparison should include the size of possible schools, the environmental impact and the number of people who live nearby who would be adversely affected.
- Affordable Homes_Emphasise the need for affordable family sized homes. Concern no mention of ensuring that disability adapted homes are built. Ensure that providing homes for disabled people is part of the Area Action Plan.
- Leisure I am persuaded that the majority of local people would rather see the current Seven Islands Leisure Centre refurbished. I understand that no funds are currently available for a lido, but I am really clear that building work should be done in a way which leaves this option open. It seems to me that the pool could be built in a way that allowed it to extend to an open air section in the park and I am sure that this is possible.
- Shopping Support for Baltic and Scandinavian theme around Albion Street. However, it is not clear from the preferred options that this vision has the enthusiasm which it should given the fascinating Baltic and Scandinavian history of the area. Please ensure that this option is pursued energetically and with vision.
- Transport I am very pleased to see that making Lower Road two way is a preferred option and I strongly support this proposal. The importance of resolving the Jamaica Road congestion to our community cannot be underestimated.

Cllr Livingstone

- Create mini- Green Chain that the main chain could link into at a later date. With the riverside, Southwark Park, Russia Dock Woodland, the docks and routes created by the LDDC such as Albion Channel, there appear to be a lot of the elements needed already in place. It would be useful if the final CWAAP tried to join these together more effectively – for example, this might include proposals that could be considered for the community project bank and future CGS rounds to better link Southwark Park to the waterfront areas.

Cllr Colley

- Include of Albion Street in the core area
- To take Woodlands Crescent and Water gardens out of the core area

OTHER COMMENTS**A Significant Number of Comments were Received Relating to**

- Support for the creation of a town centre
- Need a new leisure centre, Seven Islands is not fit for purpose
- A split between concern over tall buildings in the area and support of tall buildings in the area
- Concern over the transport impacts of new development
- Enough car parking should be provided to avoid overspill onto the streets
- Need more youth facilities in the area
- There is a need for more affordable/council housing
- More family housing in the area
- Concern that Albion Street may suffer and is already in decline
- Concern about the loss of green spaces throughout the area.

Comments also Included

- Criteria based policy for tall buildings needed – AAP should not be too prescriptive on height
- Site E should be a new leisure centre
- Quebec Way industrial estate should be a new secondary school
- Support for more shops provided there is the demand
- Need to support local small businesses
- Support for more River transport
- Need to make clear throughout the document that make clear that planning obligations must be both directly related to the proposed development and fairly and reasonably related in scale and kind to the proposed development
- Should discourage car use and car ownership in the area
- Should become a model for green urban living
- The outer peninsula should stay suburban
- Stronger commitment to independent shops and cafes
- Need for more community facilities in the area
- There should a strong focus on improving sports facilities in the area
- The AAP should only cover the core area

Digital Response Received from Residents of the Hawkstone Estate

This representation made comments on;

- Would like to see Southwark park and Hawkstone Estate excluded from the AAP boundary
- Disagree with the vision as it needs to include homes for local people, elderly people and less pollution
- Objectives should include reducing traffic, pollution
- Support for shopping and the creation of a town centre
- disagree with parking standards as residents need cars, should be at least 1 space per home

- No MUGA's in Southwark Park
 - No coaches in Hawkstone Road
 - No neighbour support for projects
 - More flats would be overdevelopment of the area
 - Need to be more specific about design and energy efficiency standards
 - Disagree with the proposed school on Rotherhithe Primary School site
 - Need more health facilities in the area
 - Infrastructure residents want is not being paid for
17. The purpose of the publication/submission is to formalise this approach into a planning vision, strategy, objectives and policies with an implementation and monitoring plan. We have set out the main issues that we are taking forward as the publication/submission below. These address the comments, proposed changes to the London plan and the publication of the Core Strategy.
18. Town centre: Canada Water has around 40,000 sqm of shopping floorspace and is a district town centre in the London Plan. The AAP promotes the reconfiguration or redevelopment of key sites, including the shopping centre, the Surrey Quays Leisure Park and the Decathlon Site to increase the amount of shopping space by around 35,000 sqm. This would mean that a much greater range of shops could be provided, including a new department store. As a result of changes proposed in the AAP, it would move up the London Plan hierarchy to become a major centre.
19. Southwark's 2008 retail study suggested that the majority of expenditure which is generated in the borough and which is spent on comparison goods (clothes, footwear, music, books etc) is spent outside the borough. The study suggests that around 30,000sqm of new comparison goods floorspace could be provided at Canada Water, without harming neighbouring centres, including Elephant and Castle and Peckham. Increasing the amount of comparison goods retail floorspace at Canada Water would help claw back some of this leakage, reducing the need for longer trips, providing residents with more choice and boosting the local economy. The council is continuing to involve key landowners in the preparation of AAP policy to ensure that development will be delivered.
20. Leisure: The peninsula has the potential to become a great leisure destination. New leisure facilities will be provided in Southwark Park and as part of the new secondary school (see below). The AAP also states that the council will refurbish the Seven islands Leisure Centre. The council has committed £150k through the capital refresh programme and has made a bid for £500k from the Department for Culture Media and Sport. The £650K scheme will improve wet-side changing facilities and bring the training pool back into use.
21. Places: The town centre is currently characterised by bland and lifeless architecture. A key objective of the AAP is to create a centre which is more distinctive with the Canada Water basin as its focus. The AAP seeks to ensure that a range of heights are provided in the core area, generally below 10 storeys. The exception to this includes a building of comparable height to the Canada estate towers on Site A, and a building of around 10-15 storeys on the south-west corner of the shopping centre. The tall buildings would act as landmarks in the area and help mark the town centre and key locations such as the new plaza and the tube stations. They can variety to the character of an area and help make the skyline more interesting. It is very important that they

are of the highest architectural quality and that they are designed carefully to avoid overshadowing or wind tunnel effects.

22. The AAP proposes new open spaces in the core area, including the plaza outside the new library. In addition, the AAP proposes converting the Fish Farm into a public open space. St Paul's Sports Ground is allocated as open space and possibly a community use. The AAP will need to set out s106 funding likely to come forward for open space improvements within the plan period.
23. The AAP seeks to generate more activity around Greenland and South Docks. St George's Wharf (the boatyard) is identified as having the potential to provide a mix of uses, including boatyard and possibly hotel or residential use.
24. The AAP will designate a Strategic District Housing Area (SDHA). All development built within the SDHA must be designed to ensure that they are capable of future connection to a district heating network. Moreover, in the period 2010-2013, all major developments should reduce emissions by 44% (Code for Sustainable Homes level 4). Higher targets will be triggered at 2013 and 2016, in anticipation of government policy to achieve carbon zero homes by 2016.
25. It is anticipated that developments in the SDHA will connect to SELCHP in the future. Consultants commissioned by the council to provide an energy strategy consider that the costs of provision of energy infrastructure could be financed by heat sales and that therefore s106 contributions to deliver this will not be required.
26. Better homes: The London Plan and emerging Core Strategy require the provision of at least 2,500 new homes in the Canada Water Core Area in the period between 2011 and 2026. The AAP will show how this target will be met by estimating the capacities of all sites. Over the AAP area as a whole, more than 2,000 new units will be provided.
27. There will be 30% family homes in the wider peninsula and 20% in the action area core.
28. The Emerging Core Strategy seeks to ensure that 875 affordable homes are provided in the Canada Water core area. This equates to around 35% of all new homes. The AAP will reiterate the affordable homes target for Canada Water and specify that 35% of new homes should be affordable.
29. Enhanced social and economic opportunities: The AAP promotes a cluster of businesses uses around Harmsworth Quays printworks. This would equate to around 12,000sqm of new office/studio space.
30. Over the lifetime of the plan, increases in population may mean that primary school provision needs to expand. Albion Street Primary School, which is currently single form of entry, is identified as a school which could expand to accommodate two forms of entry. Together with school governors, the council is in the process of commissioning an architectural feasibility assessment, to explore opportunities on the site. The AAP will need to specify how expansion may be funded. It is likely that expansion will need to be cost neutral to the council and officers are exploring the extent to which s106 could be used to fund development.

31. The AAP will require provision of health uses on the shopping centre and overflow car park site and will continue to work with the PCT on this aspect of the plan.
32. In respect of other community facilities, the AAP acknowledges the new library which is currently under construction which will replace the current Rotherhithe Library.
33. Rotherhithe Primary School is identified as the preferred location for a new secondary school in the area. This option could streamline resources for both Rotherhithe Primary School and new secondary school and provide students with access to a greater range of facilities than they could access in a single school. Both schools would work in a complementary way with the sports facilities in Southwark Park.
34. Improved transport links: Lower Road is very congested at peak times when there is a conflict between local and through traffic. The traffic gyratory around Lower Road, Bush Road, Rotherhithe Old Road and Rotherhithe New Road creates a poor environment for residents who live around it and the town centre area is poorly connected to the wider peninsula. The AAP is proposing a number of measures to help improve the situation and also to accommodate growth. These measures include the reintroduction of two-way traffic movement on Lower Road, the introduction of a right-hand turn into Surrey Quays Road off Lower Road and the signalisation of the roundabout at the entrance to Rotherhithe Tunnel. The council is working with TfL and Lewisham to ensure that these proposals can be delivered. It is anticipated that the cost of these improvements would need to be raised through s106. Improvements will also be sought for improvements to public realm and walking/cycling facilities.
35. The town centre currently has a large amount of surface car parking spaces which are not used efficiently. The AAP requires all new parking for retail and leisure uses to be provided as shared car parking. The AAP preferred options report did not set out maximum standards for town centre parking as these are prescribed in the London Plan and borough-wide development plans (the Southwark Plan and future Development Management development plan document).
36. Site guidance and delivery: These sections of the report sets out requirements for individual sites and describes how policies in the report will be implemented. For each of the projects set out in the AAP, the council will need to identify costs, sources of funding and phasing. The AAP will also set out a s106 policy, outlining those elements where requirements will differ from the borough-wide policy set out in the s105 Planning Contributions SPD.

Community Impact Statement

37. There have been an equalities impact assessment and sustainability appraisal. These set out the positive changes brought by the area action plan.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

38. The purpose of this section of the report is to set out the legal considerations for the planning committee to enable it to make comments before Executive

approval of the Canada Water Area Action Plan Publication/Submission Report and accompanying background documents for publication and thereafter submission to the Secretary of State.

Function of Planning Committee

39. Under Part 3F, paragraph 7 of the Constitution, Planning Committee's has the function of commenting on successive drafts of the local development framework and make recommendations to the executive as appropriate. Accordingly, members of committee are requested to consider the Canada Water AAP Publication/Submission Version and provide any comments before proceeding to publication and submission..

Functions of Executive and Council Assembly

40. Under Part 3B of the Constitution, the Executive has responsibility for formulating the council's policy objectives and making recommendations to Council Assembly. More specifically, the function of approving the Publication/Submission version of DPDs (including AAPs) is reserved to full Executive (Para 20, Part 3C).
41. The Canada Water AAP Publication/Submission Version is at the stage of publication / submission phase. By virtue of Regulation 4, paragraph 3(c) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 ("the 2000 Regulations") (as amended by the Local Authorities (Functions and Responsibilities) (Amendment) (No 2) (England) Regulations 2005 - Regulation 2, paragraph 4), the approval of a development plan document for submission to the Secretary of State for independent examination is a shared responsibility with Council Assembly and cannot be the sole responsibility of the Executive.
42. Accordingly, members of Executive are requested to consider the Canada Water AAP Publication./Submission Version and accompanying documents, and recommend to Council Assembly its approval for consultation and submission for examination in public by the Secretary of State provided that no substantive representations are received during consultation on a publication document.
43. Under Part 3A, paragraph 9 the function of agreeing development plan documents is reserved to Council Assembly.
44. The principal planning and legal implications are set out in the body of the report. This section will remind Members of; the procedure and process for adopting the AAP, the consultation requirements, the soundness test that the Secretary of State will undertake, sustainability appraisal, equalities impact assessment and human rights considerations.

Procedure for adoption of the Canada Water AAP

45. Regulation 7 of the Town and Country Planning (Local Development) (England) Regulations 2004 ('The Regulations') provides that Area Action Plans must be development plan documents (DPDs). This means that the Canada Water AAP will form part of the statutory development plan once adopted.

46. The status of the Canada Water AAP as a DPD also means that the legislative processes for the preparation of DPDs must be followed. The preparation process is divided into four stages:
- Pre-production – survey and evidence gathering leading to decision to include the Canada Water AAP in the Local Development Scheme;
 - Production – preparation of preferred options in consultation with the community, formal participation on these, and preparation and submission of the Canada Water AAP in light of the representations on the preferred options;
 - Examination – the independent examination into the soundness of the Canada Water AAP; and
 - Adoption – the binding report and adoption.
47. In preparing the Canada Water AAP the council must have regard to:
- National policies and guidance;
 - The London Plan;
 - Southwark 2016, the sustainable community strategy;
 - Any other DPDs adopted by the council or in the process of being adopted; and
 - The resources likely to be available for implementing the proposals in the Canada Water AAP.

CONSULTATION REQUIREMENTS

Prior to Publication

48. Regulations 24 and 25 of the Regulations require the council to consult with the community and stakeholders during the preparation of the preferred options and publish an initial sustainability report. Regulation 26 and Section 19(3) of the Planning and Compulsory Act 2004 (“the Act”) specifically require local planning authorities to comply with their adopted SCI. In so far as the SCI exceeds the consultation requirements of the Regulations, it must be complied with. This process of consultation in accordance with Regulation 25 (the statutory consultation period of 6 weeks) and the Council’s adopted SCI (including 6 weeks of informal and 6 weeks of statutory formal consultation) occurred between October 2008 and February 2009 and culminated in the Preferred Options Report July 2009. Extensive consultation took place on the Council’s preferred options on the AAP with the public, statutory bodies and other stakeholders between July 21 and October 13. Details of the consultation are set out in the Consultation Plan appended to this report.

Publication & Submission

49. The Canada Water AAP is now at the formal stage of publication before submission to the Secretary of State. The council is required to make available for public inspection in person and on its website the proposals for the DPD, the supporting documents (contained in the appendices) and details of how to make representations as to the soundness of the document. Representations can be made within a six-week period (Regulation 27(2)). This process is distinguished from a participation or consultation process and simply allows an opportunity for representations as to the soundness of the document. Nonetheless, in line with its usual practices about public engagement under the

SCI, the council intends to informally publicise the Canada Water AAP for an additional period of 6 weeks.

50. The Canada Water AAP will then be sent to the Secretary of State for examination in public as required by section 20(1) of the Planning and Compulsory Planning Act. This will be accompanied by all the supporting documents including the sustainability appraisal report, the SCI and statements setting out the main issues raised and how these have been addressed in the AAP and any supporting documents (Regulation 28(1)).
51. On the Executive's recommendations, members of the council assembly will be requested to simultaneously approve the Canada Water AAP publication / submission version for publication and subsequent submission to the Secretary of State. This approach is acceptable provided that representations made do not raise doubt as to soundness or necessitate substantive changes to the Canada Water AAP before submission. In the event that substantive changes to the Publication/submission version of the Canada Water AAP are necessary following publication, the document cannot be submitted to the Secretary of State without Council Assembly making a fresh determination in light of the representations.

Soundness

52. Under the Planning and Compulsory Purchase Act 2004 S 20(5)(a) an Inspector is charged with firstly checking that the plan has complied with legislation and is otherwise sound. Section 20(5)(b) of the Act requires the Inspector to determine whether the plan is 'sound'. The 'soundness test' includes in particular ensuring that the plan:
 - (i) has been prepared in accordance with the Local Development Scheme
 - (ii) is in compliance with the Statement of Community Involvement and the Regulations;
 - (ii) has been subject to Sustainability Appraisal;
 - (iii) has regard to and is consistent with national policy;
 - (iii) conforms generally to the Spatial Development Strategy, namely the London Plan;
 - (iv) has regard to other relevant plans, policies and strategies such as other DPDs which have been adopted or are being produced by the Council;
 - (v) has regard to any sustainable community strategy for its area; and
 - (vi) has policies, strategies and objectives which are coherent, justified, consistent and effective.
53. 'Justified' means that the document must be founded on a robust and credible evidence base and that it must be the most appropriate strategy when considered against reasonable alternatives. 'Effective' means that the document must be deliverable, flexible and able to be monitored. These are the overarching principles that should be in members' minds when providing comments on the documents before them.

GENERAL CONFORMITY OF CANADA WATER AAP

Legal Provisions

54. Section 24(1)(b) of the Act requires that local development documents (LDDs) issued by the Council, such as this AAP, must be in general conformity with the spatial development strategy, namely the London Plan (consolidated with alterations since 2004). On submission of the final draft of the AAP to the Secretary of State for independent examination, the council will be required to simultaneously seek the Mayor's opinion in writing as to whether the AAP is in general conformity (Reg 30, the Regulations). The purpose of the independent examination is to ensure legal compliance with the legislative framework, including consultation and soundness of the AAP (Section 20(5)(b) of the Act). General conformity must be determined as a matter of law and policy practice. This issue was considered at the Preferred Options Stage in July 2009 and in light of the revisions to housing in the revised Preferred Options Report has been considered afresh.
55. General conformity is not a defined term anywhere within the legislative framework. However, the Court of Appeal decision of *Persimmon Homes (Thames Valley) Ltd & Oths v Stevenage Borough Council* [2005] EWCA 1365 considered the judicial construction of the term and contains authoritative guidance. The term is to be given its ordinary meaning and take into account the practicalities of planning control and policy, namely the long lead times for the implementation of planning policy and the exigencies of good planning policy which are liable to change. The 'general conformity requirement must accommodate these factors and in its true construction allow a 'balanced approach' favouring 'considerable room for manouvre within the local plan (the Southwark Plan 2004 and in future the Local Development Framework) in the measures taken to implement the structure plan (the London Plan) so as to meet the changing contingencies that arise. In other words the word general is designed to allow a degree of flexibility in meeting London Plan objectives within the local development plan. The fact that the statutory regime makes provision for the possibility of conflict in the London Plan and local plan to be resolved in favour of the latter subject to general conformity envisages that 'general conformity' allows for flexibility at local level and not strict compliance with every aspect of the London Plan (Section 46(10) of the 1990 Act as substituted by the Act) provided that the effectiveness of the London Plan strategic objectives on housing are not compromised and there is local justification for any departure.

Sustainability Appraisal

56. The European Directive 2001/42/EC requires an 'environmental assessment' of plans and programmes prepared by public authorities that are likely to have a significant effect upon the environment. This process is referred to commonly as 'Strategic Environmental Assessment' (SEA) and has been given effect in UK law by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regs).
57. The Planning and Compulsory Purchase Act 2004 also requires sustainability appraisal (SA) of all emerging DPDs and therefore the Canada Water AAP too. SA and SEA are similar and to some extent overlapping processes that involve a comparable series of steps. If there is a difference between them, it lies in the fact that SEA focuses on environmental effects whereas SA is concerned with

the full range of environmental, social and economic matters. It is acceptable for the same SA document to deal with both SA and SEA aspects providing that there is a clear and substantive audit trail of compliance with both.

Equality Impact Assessment (EqIAs)

58. The Race Relations (Amendment) Act 2000 places a duty on local authorities to promote race equality in their policy-making, service delivery, regulation, enforcement and employment. This includes three overlapping areas of responsibility:
- To eliminate unlawful discrimination (direct or indirect)
 - To promote equality of opportunity
 - To promote good community relations
59. During the policy and decision making process, The Disability Discrimination Act 2006 and Sex Discrimination Act 1976 places a similar positive duty on local authorities to have regard to the promotion of equality for disabled groups and individuals. This is in addition to the duty to eliminate or prevent unlawful discrimination (whether direct or indirect).
60. To meet these responsibilities, Southwark published its Equality Scheme 2005-2008 approved by the Executive in October 2005. This sets out our overall policy for addressing equality, diversity and social cohesion in the borough. This policy recognises that people may face discrimination, or experience adverse impact on their lives as a result of age, disability, ethnicity, faith, gender or sexuality.
61. The preparation of equality impact assessments (EqIA) is part of Southwark's wider commitment to equalities, which is set out on the Corporate Equalities Action Plan 2003-2006. EqIAs examine the aims, implementation and effects of policies, practices and services to ensure that (i) no groups are receiving or are likely to receive less favourable treatment or outcomes that are discriminatory or unfair in nature (whether directly or indirectly) and (ii) regard is had to the need to promote equality among such groups.
62. The EqIA ensures and records that individuals and teams have thought carefully about the likely impact of their work on the residents of Southwark and take action to improve the policies, practices or services being delivered. Throughout the process of developing the Canada Water AAP and the associated Sustainability Appraisal, the Council has had regard to equalities issues by producing and updating its EqIAs in light of revisions to the AAP. The revised EqIA annexed to this report has been updated in light of the revised Preferred Options for the Canada Water AAP. The revisions respond to previous consultation replies. Taken together with the EqIA, the revised Preferred Options are therefore likely to diminish the risk of the AAP having unforeseen direct or indirect discriminatory effects on groups or individuals in the community and promote equality. Members should note that planning decisions and policies are not required to ensure absolute equality but to have regard to the need and mechanisms for promoting equality (R (on the application of Baker) v Secretary of State for Communities and Local Government [2008] EWCA Civ 141).

Human Rights Implications

63. The policy making process for the Canada Water AAP engages certain human rights under the Human Rights Act 2008 (“the HRA”). The HRA prohibits unlawful interference by public bodies with conventions rights. The term ‘engage’ simply means that human rights may be affected or relevant. In the case of the Canada Water AAP, a number of rights are potentially engaged. These may include the following examples, which are not intended to be exhaustive:
- i. **The right to a fair trial (Article 6)** – giving rise to the need to ensure proper consultation and effective engagement of the public in the process;
 - ii. **The right to respect for private and family life (Article 8)** – the Canada Water AAP proposes to develop land alongside existing homes, which may alter the manner in which those homes are enjoyed; and
 - iii. **Article 1, Protocol 1 (Protection of Property)** – this raises the potential for interference with individuals’ right to peaceful enjoyment of existing and future homes upon adoption or implementation of the AAP.
64. It is important to note that not all rights operate in the same way. There are very few rights are absolute and cannot be interfered with under any circumstances. Other ‘qualified’ rights, including the aforementioned Article 6, Article 8 and Protocol 1 rights, can be interfered with or limited in certain circumstances. The extent of legitimate interference is subject to the principle of proportionality whereby a balance must be struck between the legitimate aims to be achieved by an LPA in the policy making process, such as improving communities and regeneration against potential interference with individual human rights. Public bodies have a wide margin of appreciation in striking a fair balance between competing rights in making these decisions. This approach has been endorsed by *Lough v First Secretary of State* [2004] 1 WLR 2557 and clearly shows that human rights considerations are also material considerations in the planning arena which must be given proper consideration and weight. It is acceptable for the Council to strike a balance between the legitimate aim of regeneration for the benefit of the community as a whole against potential interference with some individual rights.
65. The approach and balance between Individual and community rights and objectives set out in the Canada Water AAP is considered to be within the justifiable margins of appreciation.

Finance Director / Departmental Finance Manager

66. There are no specific financial implications associated with this paper. The financial implications of any particular policy or strategy should be addressed as part of any specific proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Canada Water Preferred Option	Planning and Transport	Julie Seymour
Core Strategy publication/submission (available on request)	Planning and Transport	Julie Seymour

APPENDICES

No.	Title
Appendix A	Canada Water publication/submission (available with report)
Appendix B	Canada Water publication/submission consultation plan (available on the internet)
Appendix C	Canada Water publication/submission consultation report (available on the internet)
Appendix D	Canada Water publication/submission interim sustainability appraisal (available on the internet)
Appendix E	Canada Water publication/submission equalities impact assessment (available on the internet)
Appendix F	Canada Water publication/submission appropriate assessment (available on the internet)

AUDIT TRAIL

Lead Officer	Richard Rawes, Strategic Director of Regeneration And Neighbourhoods	
Report Author	Julie Seymour, Head of Planning Policy	
Version	Final	
Dated	December 4 2009	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law and Governance	Yes	Yes
Departmental Finance Manager	Yes	Yes
Executive Member	Yes	No
Date final report sent to Constitutional Support Services		04.12.09

Canada Water – Appendices

Web site link for appendices

<http://www.southwark.gov.uk/YourServices/planningandbuildingcontrol/planningpolicy/localdevelopmentframework/canadawaterareaactionplan.html>

Item No.	Classification: Open	Date: December 15 2009	Meeting Name: Executive
Report title:		Response to Mayor's draft Transport Strategy	
Ward(s) or groups affected:		ALL	
From:		Strategic Director of Regeneration and Neighbourhoods	

RECOMMENDATION(S)

That the Executive:

1. Agrees the council's formal response to 'Mayor's draft Transport Strategy' as set out in Appendix A.

BACKGROUND INFORMATION

2. The 1999 Greater London Authority Act requires the Mayor to produce a transport strategy for London and also requires the 33 local authorities in London to implement it. The first Mayor's Transport Strategy (MTS1) was published in 2001 and was revised in August 2004 to support the western extension to the congestion charge zone and again in July 2006 to reflect the London Low Emission Zone.
3. The Mayor is reviewing the transport strategy with the aim of publishing a revised Mayors Transport Strategy (MTS2) in 2010. As the first stage in this process, the Mayor produced a direction of travel document titled 'Way to Go! – Planning for Better Transport'. This document listed the principles that the Mayor proposed would shape the next MTS.
4. Since the publication of 'Way to Go', the Mayor has decided to undertake a full review of the London Plan and the Mayor's Economic Development Strategy in parallel with the development of the new MTS. The council's response to these strategies is covered in a separate report.
5. Following on from this, on May 18 2009, the Mayor published the Mayor's Transport Strategy – Statement of Intent (Sol) for consultation with the London Assembly and GLA Group. This document provided a framework for developing the new strategy and outlines potential policies and proposals which could be developed further.
6. The public consultation on the draft MTS2 commenced in late October and responses are sought by mid January 2010. The final strategy is expected to be published in spring 2010.

Sub regional transport plans

7. To assist with the preparation of the Mayors Transport Strategy and to better understand the implications of the London Plan policies, local regional transport plans are being developed in partnership with the boroughs. Southwark is included in both the central and southern sub regional areas and the borough's needs will be reflected in both plans. These sub regional transport plans will reflect the MTS and translate the policies into specific schemes and measures. These sub regional

plans, in conjunction with MTS, will provide the overarching framework for the preparation of local implementation plans, which will prioritise transport schemes in the boroughs.

8. It is through this mechanism that local implementation plans are linked to local development frameworks to ensure that local transport projects and priorities are matched to transport improvements required by the delivery of new housing and jobs.

Outer London Commission

9. The outer London commission was established by the Mayor to explore how outer London can better realise its economic potential; it reported its preliminary findings in summer 2009 with the final report due in the autumn.
10. Initially the commission has rejected the concept of developing super-hubs in favour of strategic outer London development centres and reconfiguring linkages between existing business centres. It considered that this would minimise the need to travel, make the best use of existing transport facilities and any available future transport investment.
11. In terms of transport investment the commission rejected creating a high-speed contiguous orbital public transport system in favour of the 'hub and spoke' concept. Key recommendations likely to have an impact in the south of the borough include closer integration of bus with rail and improving rail interchange.

KEY ISSUES FOR CONSIDERATION

12. The draft MTS2 covers a period from 2009 to 2031. However, many of the initiatives set out to 2017 largely relate to the projects and proposals already committed to in TfL's nine-year business plan to 2016, such as improvements to the National Rail network to be delivered by Network Rail and the government up to 2014, and by other major agencies delivering transport improvements impacting on London, such as the Highways Agency.
13. Alongside the existing proposals, the document makes it clear that more will need to be done between 2017 and 2031 to meet the challenges that remain unaddressed. The Mayor is therefore considering various transport network infrastructure enhancements, as yet unfunded, including Crossrail 2, underground extensions into South London and a new river crossing.
14. In developing the new MTS, the Mayor is considering a series of policy measures aimed at achieving a series of 'thematic goals' as set out below:
 - Support economic development and population growth
 - Enhance a better quality of life for all Londoners
 - Improving the safety and security of all Londoners
 - Improving transport opportunities for all
 - Reduce transport's contribution to climate change and improve its resilience
 - Support delivery of the London 2012 Olympic and Paralympic Games and its legacy

SUMMARY RESPONSE

15. The MTS does not commit further public funding to the improvement of key transport interchanges in the borough. Part of the strategy for managing congestion at central London rail termini involves improving interchange at early points in the network classed as strategic interchanges. In particular, Elephant and Castle is expected to see significant growth in passenger numbers as a result of line upgrades and background growth. There is an underlying assumption that the redevelopment scheme will fund any infrastructure improvements required to deal with the additional capacity requirements whether generated by the redevelopment or by reconfiguration of the existing tube network. Whilst it is accepted that there will be developer contributions to secure large scale infrastructure improvements needed to accommodate new proposals, investment is likely to be required from TfL. This is particularly important where there has been underinvestment in the past.
16. Peckham Rye is also identified as a strategic interchange but again no funding for the necessary improvements has been identified. Given the need for regeneration in this area passing the whole costs to developers would be unrealistic and is likely to make the proposals undeliverable.
17. The Cross River Tram (CRT) does not appear in the strategy even for further consideration post 2018. No alternative public transport improvements are identified that would provide the same step level change for key regeneration areas such as the Elephant and Castle, Aylesbury estate and North Peckham
18. The possible extension of the Bakerloo line is welcome, but appears unlikely to provide the same step level change for key regeneration areas such as the Aylesbury estate. Furthermore, there is no guarantee that the line extension will ever be delivered and no clear indication that it would represent better value for money than the CRT
19. The South London Line is not referenced in the MTS. The future of this line is currently under review and the results of the current TfL / London Travelwatch study should feed into the MTS.
20. The East London Line phase 2 (extension to Clapham Junction) is confirmed in the MTS. There remains uncertainty, however, over the proposed Surrey Canal Road station (shown on the map but not currently funded) and Brixton High Level (not shown) are not further referenced.
21. The reopening of Camberwell Station or the provision of a new station at Camberwell is not included in the programme for further investigation.
22. The MTS proposes a continuing review of bus services, but currently this only happens at the end of bus operator franchise periods. There is a need for a more fundamental analysis of bus provision across London, rather than incremental review. Key routes identified in this way should be protected from any reduction in service level as a result of possible future budgetary restrictions.
23. While the MTS implies that pedestrians as well as vehicles may be beneficiaries of 'smoothing the traffic flow', the stated priority of this objective over others such as public realm improvements and quality of life factors may counteract this. In practice, a default priority for traffic may make it more difficult to obtain approval

(where appropriate) and funding from TfL for future projects that seek to prioritise pedestrian amenity.

24. The MTS does not set out a coherent speed reduction programme that would support the council's 20mph strategy. The focus on enforcement is welcome, but no new resources are identified for this purpose. A great deal is staked on the introduction of average speed cameras, but the feasibility and benefits of these cameras in London are yet to be proven. The wider benefits of reduced speed limits are not fully acknowledged.
25. The MTS does not set out a convincing approach for encouraging walking. Improved way-finding (Legible London) is welcome, but may not be directly relevant outside the central area. Further increases in walking are likely to depend on sustained investment in the public realm and no further funding is identified to deliver such improvements.
26. While cross-borough initiatives to promote cycling are welcome (hire scheme, superhighways), there is no clear programme or additional funding identified to deliver the concept of 'biking boroughs'.
27. The MTS identifies challenging targets to reduce CO2 emissions, but lacks a coherent strategy to achieve these. Local air quality factors are also not considered sufficiently. In practice, more may have to be done to manage demand on the road network if the targets are to be achieved.

Policy implications

28. Through the GLA Act, the borough is required to prepare a local implementation plan which details how the authority plans to deliver the aims and ambitions of the Mayor's transport strategy. This revision will require the authority to revise Southwark's local implementation plan which may have implications for the direction of delivery of transport improvements within the borough.
29. Further clarity will be identified through the formal consultation process which will occur in spring/summer 2009.

Community Impact Statement

30. The impacts of MTS2 will have a secondary impact on Southwark's transport improvement programme delivered through the local implementation plan. A fuller assessment of this impact will be undertaken through the revision of the borough's local implementation plan which would become effective from April 2011.

Resource implications

31. The submission of a letter to the Mayor will have no financial, budget or staffing implications. Staff time for submitting the consideration, preparation and submission of this response has been allowed for in existing revenue budgets and work plans.

Legal implications

32. Through the Greater London Authority Act, London boroughs are required to prepare a local implementation plan setting out how they will implement the

Mayor's Transport Strategy. Therefore a review to the transport strategy will require the borough to subsequently review its local implementation plan.

Consultation

33. The council's response to Mayor's draft strategy does not require consultation at this time. Detailed consultation, which will be carried out in accordance with the statement of community involvement, will be undertaken during the preparation of the revised local implementation plan through 2010.
34. Initial comments were received from the public transport forum and they have requested that concerns be raised regarding the need for greater speed control both through increased enforcement and lower limits on the TLRN. They requested a greater emphasis on van driver training with regards to cyclists.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

Functions & Responsibilities

35. Members of Executive are requested to approve the council's consultation response to the Mayor's draft Transport Strategy ("the MTS") as set out in Appendix A.
36. By virtue of Part 3B: Executive Role and Functions, paragraph 24 under the heading of "General", it is the function of Executive to approve the council's response to consultation papers such as the draft MTS. Members are therefore advised that they may approve the response proposed by officers in Appendix A. [subject to such further comments or responses Executive deem appropriate.]

The Greater London Authority Act 1999 ("the 1999 Act")

37. Under Section 142 of the 1999 Act, the Mayor of London has a general transport duty to develop and implement transport infrastructure within London including (among others) provisions for pedestrians.
38. Pursuant to the discharge of this general duty, the Mayor must prepare and publish a document called the Transport Strategy containing relevant policies and measures which must include: -
 - i. transport for those with mobility problems
 - ii. a timetable for implementation of proposals
39. As stated in the main body of this report, the Mayor is currently in the process of revising the existing Transport Strategy.
40. The 1999 Act makes provision for London boroughs to ensure implementation of the adopted Mayor's Transport Strategy through the mechanism of local implementation plans (LIPs). Under Section 144 of the 1999 Act London Boroughs have a specific duty to have regard to the implementation Mayor's Transport Strategy in preparing their LIPs. As the main report identifies, transport infrastructure will impact significantly the delivery of the council's aspirations for key regeneration areas such as the Aylesbury, Elephant and Castle and Peckham

hence the importance of a considered response to the draft MTS in light of the council's regeneration plans.

Consultation

41. There is no requirement for the council to consult upon its responses to consultation documents such as the MTS. However, in so far as the MTS impacts on revisions to the council's existing LIP, it is understood that consultation will be carried out in respect of revisions to the LIP by the relevant department at the appropriate time.

Departmental Finance Manager

42. There are no specific financial implications associated with this paper. The financial implications of any particular policy or strategy should be addressed as part of any specific proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Mayor's Transport Strategy 2001	Transport Planning, 160 Tooley Street	Sally Crew 020 7525 5564
Southwark's Local implementation plan 2006	Transport Planning, 160 Tooley Street	Sally Crew 020 7525 5564
Response to Mayors Transport Strategy, statement of intent	Transport Planning, 160 Tooley Street	Sally Crew 020 7525 5564

APPENDICES

No.	Title
Appendix A	Response to Mayor's draft Transport Strategy

AUDIT TRAIL

Lead Officer	Richard Rawes, Strategic Director of Regeneration and Neighbourhoods	
Report Author	Barbara Selby Head of Transport Planning	
Version	Final	
Dated	December 4 2009	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES /		
Officer Title	Comments Sought	Comments included
Strategic Director for Communities, Law & Governance	Yes	Yes
Departmental Finance Manager	Yes	Yes
Executive Member	Yes	No
Date final report sent to Constitutional team	December 4 2009	



Boris Johnson
 Mayor of London
 (MTS Statement of Intent)
 Greater London Authority
 City Hall
 The Queen's Walk
 London SE1 2BR

Transport planning

Direct line: 020 7525 5564

Facsimile: 020 7525 5683

Our reference: 20091125_MTS_draft

Your reference:

Date

Dear ,

Southwark Council welcomes the opportunity to comment on your draft Transport Strategy. Southwark Council recognises the complexity in developing and delivering transport improvements within London and having considered the document the council would like to raise the following issues.

Whilst the council acknowledges the long term nature of the document, the Transport Strategy reflects two time periods, up to 2017 representing the current TfL business plan and beyond this to 2031. The initiatives and actions identified up to 2017 reflect current plans and this lacks the ambition found in previous Mayoral transport documents. In addition the London landscape will change significantly within this time period and the transport network should reflect these changing needs. In the longer term, greater ambition is required to provide the drive and impetus to identify the projects and funding to meet the changing transport needs of the capital.

Major transport projects

On a more local aspect, the document recognises the important link between transport improvement and land use growth. Southwark contains a number of opportunity areas including Elephant and Castle, the Aylesbury Estate and Peckham. Southwark is one of the fastest growing boroughs in London and is one of the few areas which is unlikely to significantly benefit from the committed major transport projects, which include the tube upgrades and Crossrail. The council has previously made representations regarding the Crossrail levy.

The draft MTS does not commit further public funding to the improvement of key transport interchanges in the borough even though part of the strategy for managing congestion at central London rail termini involves improving interchange at early points in the network classed as strategic interchanges. In particular, Elephant and Castle is expected to see significant growth in passenger numbers as a result of line upgrades and background growth. It appears that there is an underlying assumption that the redevelopment scheme will fund any infrastructure improvements required to deal with the additional capacity requirements whether generated by the redevelopment or by reconfiguration of the existing tube network. Whilst it is accepted that there will be developer contributions to secure large scale infrastructure improvements needed to accommodate new proposals, investment is likely to be required from TfL. This is particularly important where there has been underinvestment in the past.

Peckham Rye is also identified as a strategic interchange but again no funding for the necessary improvements has been identified. Given the need for regeneration in this area passing the whole costs to developers would be unrealistic and is likely to make the proposals undeliverable.

It is noted that the Cross River Tram (CRT) does not appear in the strategy even for further consideration post 2018. It is also noted that no alternative public transport improvements are identified that would provide the same step level change for key regeneration areas such as the Elephant and Castle, Aylesbury estate and North Peckham. Although the possible extension of the Bakerloo Line is welcome, it appears unlikely to provide the same improvement in accessibility for key regeneration areas such as the Aylesbury estate. In view of this the council would wish early engagement over the options for the Bakerloo Line extension to ensure it meets the aspirations set out in the core strategy and emerging area action plans. As part of these discussions consideration can be given to provision for Camberwell given that neither the option of reopening Camberwell Station or providing a new overground station are included in the draft strategy.

The South London Line is not referenced in the MTS. The future of this line is currently under review and the results of the current TfL / London Travelwatch study should feed into the final MTS. The East London Line phase 2 (extension to Clapham Junction) is confirmed in the MTS however here remains uncertainty over the proposed Surrey Canal Road station (shown on the map but not currently funded) and Brixton High Level (not shown).

Bus operation and the need to review bus route planning

Southwark has a high reliance on the bus network particularly within the central areas of the borough. These buses provide both positive and negative impacts and the effects of operation within central London are often carried over to these areas. The MTS proposes a continuing review of bus services, but currently this only happens at the end of bus operator franchise periods. The council considers there is a need for a more fundamental analysis of bus provision across London, rather than incremental review.

Traffic network

One of the greatest challenges facing Southwark is managing traffic flows in the borough particularly given an increasing population. Shadowing this is an overstretched public transport system for which only minor investments are proposed particularly in the 2017 time period. The council supports the improved coordination of works on the highway network, however the borough would encourage a more rigid, detailed and longer term programme to support the overall reduction of vehicular traffic on the road network.

It is noted that while the draft MTS implies that pedestrians as well as vehicles may be beneficiaries of 'smoothing the traffic flow', the stated priority of this objective over others such as public realm

Transport planning – Regeneration and neighbourhoods department, Council offices, Chiltern, Portland Street, London, SE17 2ES

Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk

Interim Director – Richard Rawes

improvements and quality of life factors may counteract this. There is concern that In practice, a default priority for traffic may make it more difficult to obtain approval (where appropriate) and funding from TfL for future projects that seek to prioritise pedestrian amenity

Road safety

London is facing one of its greatest challenges to improve the safety of those using our roads. Improving safety within our community for those living, working or visiting the borough is one of the council's key ambitions. In response to 'Way to Go' and the statement of intent the Council expressed support for a greater emphasis on improving safety. It is with disappointment that this has not been reflected in the draft and the council would like to reiterate the need for road safety to be given greater priority within the final MTS particularly as on your own road network (TLRN) there is a disproportionate level of collisions compared to that of borough roads. Therefore road safety should have a greater weighting within your policies.

The council is equally disappointed that the draft MTS does not set out a coherent speed reduction programme that would support our own 20mph strategy. The focus on enforcement is welcome, but no new resources are identified for this purpose. A great deal is staked on the introduction of average speed cameras, but the feasibility and benefits of these cameras in London are yet to be proven. The wider benefits of reduced speed limits are not fully acknowledged.

Walking and cycling

The MTS does not set out a convincing approach for encouraging walking. Improved way-finding (Legible London) is welcome, but may not be directly relevant outside the central area. Further increases in walking are likely to depend on sustained investment in the public realm and no further funding is identified to deliver such improvements. Whilst It is acknowledged with the draft strategy that there is a potential conflict between the focus on smoothing traffic flows and the desire to provide a public realm where people can relax, socialise and enjoy the atmosphere of a world city there is no indication of a clear strategy to resolve that conflict.

While cross-borough initiatives to promote cycling are welcome (hire scheme, superhighways), it is disappointing that there is no clear programme or additional funding identified to deliver the concept of 'biking boroughs'

Air quality

Whilst the council is making a separate response to the Mayor's draft air quality strategy it is noted that the MTS identifies challenging targets to reduce CO2 emissions, but lacks a coherent strategy to achieve these. The Local air quality factors are also not considered sufficiently. In practice, more may have to be done to manage demand on the road network if the targets are to be achieved

Thank you for the opportunity to comment on the Transport Strategy and if you would like to discuss any of the issues raised above please contact Sally Crew on 020 7525 5564.

Yours sincerely

Cllr Paul Kyriacou
Executive Member for Environment

Cllr Paul Noblet
Executive Member for Regeneration

Item No	Classification: Open	Date: December 15 2009	Meeting name: Executive
Report title:		Local Authority New Build Projects	
Ward(s) or groups affected:		Nunhead, Livesey	
From:		Strategic Director of Regeneration and Neighbourhoods	

Recommendations

That the Executive

1. Notes the successful bids for the development of two local authority new build projects.
2. Agrees that authority to make financial arrangements for the project, including prudential borrowing should it be necessary, is delegated to the Finance Director.

Background Information

3. £100 million was announced as part of the budget to fund local authority new build, to be split broadly 50:50 between grant and cover for prudential borrowing which would be raised by local authorities and serviced from rental income from the properties built. Further funding was subsequently announced as part of the Building Britain's Future package.
4. The outcome of round one bid was announced on September 9 confirming allocations made to 49 Local Authorities. This will allow councils to deliver over 2,000 new homes, building on their own land. Homes will be for social rent, built to high environmental standards.
5. A second bid round closed on October 30 to allow the remaining funding of nearly £200m to be allocated. The council has not submitted bids, because no suitable sites were identified that could be delivered by the Challenge Fund programme.
6. The available funding, delivered through the Homes and Communities Agency ('HCA'), makes available Social Housing Grant ('SHG') and provides capital cover for the consequential prudential borrowing serviced by rental income from the properties. The money is broadly split 50:50 between the two elements.
7. The HCA model to fund development consists of the local authorities contributing land at nil value the HCA provides grant, and the local authority borrows prudentially against the future rental stream from the properties.

Southwark Bids

8. Two bids were submitted in August 2009 to the HCA for funding to enable the development of two new build council homes projects. Details of the bids and the applicable criteria are attached at Appendix One.

Key Issues for Consideration

9. The HCA announced on September 9 2009 that the council's bids had been successful. The allocation for the Brayards estate project was £558,707, for which the total scheme costs are estimated as £1,279,450 and for Lindley Estate Project the allocation was £946,832, for which the estimated total scheme costs are £2,161,439. The Total Public Subsidy/HCA allocation equated to 44% of the Total Scheme Costs (works and on costs), the prudential borrowing 56% of the Total Scheme Costs.
10. As part of the bid process, the council was required to provide target dates for the following milestones.
 - Submit Planning: Jan 2010
 - Start on Site: March 2010
 - Completion: March 2011
11. A second bid round closed on October 30 to allow the remaining funding of nearly £200m to be allocated. The council has not submitted bids, because no suitable sites were identified that could be delivered by the Challenge Fund programme.

Financial implications

12. The total capital cost to the council is estimated at:

Brayards Road	£2,161,439
Lindley Estate	<u>£1,279,450</u>
Total:	£3,440,898
13. The actual scheme costs will be identified once the schemes have been through the procurement process.
14. Challenge Fund grant has been awarded towards the costs as follows:

Brayards Road	£946,832
Lindley Estate	<u>£558,707</u>
Total	£1,505,539 (covers 44% of costs).
15. The balance of funding (£1,935,350 56%) is expected by HCA to be met by our Prudential Borrowing, with the resultant debt charges being met from the new-build rents. HM Treasury has approved a package for Challenge Fund new-build bids incorporating HCA grant aid at around half of construction costs and 'cover', i.e permission, for local authority unsupported Prudential Borrowing for the balance.
16. The estimated net revenue surplus of the schemes -rent income less management and maintenance costs- at only £19,600 p.a. - would not cover borrowing costs.
17. The HCA bidders' guidance and bidding mechanism assumed that the Local Authority match funding would be raised by Prudential Borrowing. The council has advised the HCA that it would make better financial sense to fund the contribution by other means.

RESOURCE IMPLICATIONS

18. The projected resources required to deliver the two schemes are summarised as follows:

Brayards Estate

Overall Scheme Costs:	1,279,450
Social Housing Grant	558,707
Prudential Borrowing element	720,743

Lindley Estate

Overall Scheme Costs:	2,161,439
Social Housing Grant	946,832
Prudential Borrowing element	1,214,607

19. Although there will not be a direct cost to the housing investment programme to support the HCA grant for council new build, the revenue required to fund prudential borrowing will result in an on-going reduction in the revenue contribution to the capital programme, and a diversion of resources from Southwark's Decent Homes programme.

Investment implications (inv/ii/rjb)

20. The report considers the option of funding the proposed works from available Housing Investment Programme resources. There is currently no provision within the HIP for funding the capital construction costs of the proposed new build developments, which paragraph 18 indicates will fall in 2010/11. All known resources for the 2010/11 programme are fully allocated, and the allocation of £1,935,350 for this new build development would only be possible by the withdrawal of funding from other priority areas within the programme. In practice this would impact directly on the Decent Homes budget.

Policy Implications

21. The development of these two projects will assist in increasing the supply of good quality affordable housing, one of the key objectives of the 2009-2016 Housing Strategy and will increase the supply of larger family accommodation.
22. The developments will contribute to the meeting of the Mayor's and GLA's affordable housing target for Southwark 2008/09- 2010/11.
23. The new homes developed will be to decent homes standards and will therefore increase the social rented stock that meets the Decent Homes standard.

Community Impact Statement

24. The proposal will provide new high quality affordable housing for residents in housing need on the council's housing register.
25. Over fifty percent of the units proposed will be 3 bedrooms or more, and these size of units are those in least supply and will therefore assist in meeting the housing needs of those requiring larger accommodation.

Consultation

26. Consultation will be held with residents of all the estates and they will have input into the design process. A consultation strategy is being devised to ensure residents are consulted at appropriate times during both the design and construction phases.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Finance Director

27. This report seeks approval to proceed with a project encompassing two new build housing schemes, with a total cost of £3,440,889. Of this, £1,505,539 will be met by Challenge Fund grant from the Homes and Communities and Agency (HCA), on condition that the remainder of £1,935,350 is met by the council from its own resources.
28. The HCA has promoted that councils accessing these funds could meet their contribution towards a scheme from prudential borrowing, and that HM Treasury has allowed for prudential borrowing within their public sector borrowing forecasts. However, Treasury's allowance in their forecasts conveys no financial support for the council. Prudential borrowing does not represent best value in the use of resources for the council, because of the costs of borrowing and debt repayment. The council has therefore written to the Communities and Local Government (CLG) to advise that it intends to use resources ordinarily available to the housing investment programme in lieu of borrowing to meet our share of the cost of the scheme.

Strategic Director for Communities, Law & Governance

29. It is noted from the Supplementary Advice provided by the Finance Director that Prudential borrowing does not represent best value in the use of resources for the council, because of the costs of borrowing and debt repayment and that the council has advised CLG that it intends to use resources ordinarily available to the housing investment programme in lieu of borrowing to meet the council's share of the cost of the scheme.
30. If the Finance Director decides that prudential borrowing should be necessary, then it should be noted that Section 1 of The Local Government Act 2003 enables the council to borrow for normal treasury management purposes, subject to controls on borrowing in Sections, 2,6 and 13 of the Act. Section 3 of the Act imposes a duty for the council to determine and keep under review the amount they can afford to borrow, in accordance with the Prudential Code being produced by the Chartered Institute of Public Finance and Accountancy(CIPFA) which will lay down the practical rules for deciding whether borrowing is affordable. Section 4 of the Act imposes borrowing limits in this regard

BACKGROUND DOCUMENTS

Background papers	Held at	Contact
Bid Documents	160 Tooley St	Tim Bostridge 51222

APPENDICES

No.	Title
N/A	

AUDIT TRAIL

Lead Officer	Richard Rawes, Strategic Director Regeneration & Neighbourhoods	
Report Author	Tim Bostridge, Principal Project Officer (Development)	
Version	Final	
Dated	December 3 2009	
Key decision?	No	
CONSULTATION WITH OTHER OFFICERS/DIRECTORATES/EXECUTIVE MEMBER		
Officer title	Comments sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	Yes	Yes
Departmental Finance Manager	Yes	Yes
Executive Member	Yes	No
Date final report sent to Constitutional Support	December 4 2009	

APPENDIX ONE

1. The two schemes are

- Lympstone Nursery & Garages, Lindley Estate, Peckham Hill Street, SE15 1BJ
- Brayards Estate, Firbank Road SE15

LYMPSTONE NURSERY & GARAGES, LINDLEY ESTATE, PECKHAM HILL STREET, SE15 1BJ

Current Usage

2. The site consists of the Lindley House garages and the Lympstone Day nursery, which is closed. There are 18 garages, of which the majority are empty and hard standing. There is a redundant concrete sunken play area to the centre of the hard standing area.

Scheme Detail

A development of 16 new homes is proposed, breaking down as follows:

- 4 one bed flats (located on the second floor)
- 6 two bed flats (located on the third floor)
- 6 three bed maisonettes including two accessible homes (located on the ground and first floors)

3. The indicative designs show the new homes in two blocks, with amenity space.

BRAYARDS ESTATE, FIRBANK ROAD SE15

Scheme Detail

4. The sites are an existing small garage site and a redundant caged play area. 8 new houses are proposed, breaking down as follows:

- 6 three bed houses
- 1 three bed accessible house
- 1 three/four bed accessible house

5. The houses are spread over the two sites.

6. The detailed bidding requirements are as follows:

- Aim of funding is to unlock local authority land and property unlikely to be suitable for others to develop. For example small infill sites on estates, ex garage sites.
- Expectation that this will not change schemes already due to proceed via an RSL for example or be part of existing regeneration programmes.
- Requirement that Local Authorities do not include any land cost within funding bids and schemes will be new build.
- Funding available for social rent only and be let on secure tenancies
- Rents will need to be Formula rents noting these will be premium properties and need to maximise loan supportable.

- The units will be within the HRA but outside the subsidy system. An application will have to be made to the HCA to exclude properties from the subsidy system. For this Secretary of States approval would be required.
- The funding for the projects to be a combination of Challenge Fund grant and Prudential Borrowing by the local authority.
- The schemes should start on site in 09/10 and achieve completion prior to March 31 2011.

7. The criteria used by the HCA for assessing bids fell into a number of categories as follows:

Value for Money

- Grant required (per unit & per person) compared to similar bids
- Level of Prudential borrowing

Deliverability

- Planning status / timescales to planning
- Expected start on site and completion

Local / regional strategic fit

- In line with published policies, e.g. UDP, London Plan

Quality standards

- Must meet HCA Design & Quality standards
- Minimum Housing Quality indicators score, bids that exceed will be advantaged
- Homes which exceed Code level 3 for Sustainable homes will be advantaged in the assessment process

Other considerations when bidding

- Fiscal stimulus package – intended to generate economic activity; e.g. construction & others types of employment opportunity.
- Provide local labour in construction / apprenticeships.
- Strongly encouraged to build into contractual arrangements and demonstrate how they might be delivered.
- Completion of a pre-qualification questionnaire

All Local Authorities will be required to sign a grant agreement which will include;

- Details of what is to be built, agreed standards, dates etc
- Conditions precedent for claiming grant (at start of site & practical completion)
- The securing of all homes constructed as affordable rented housing in the long term, although
 - Residents of the homes would be able to apply for the Right to Buy.

- In the event of RTBs grant including an uplift would have to be returned to the HCA

FIN0347 - NNDR over 50K -

Item No.	Classification: Open	Date: 15 th December 2009	Meeting Name: Executive
Report title:		Authorisation of Debt Write-offs over £50,000 for National Non Domestic Rates – Customer & Corporate Services	
Ward(s) or groups affected:		N/A	
From:		Deputy Chief Executive	

RECOMMENDATION (S)

1. That approval is given for write off of the debts agreed set out in the closed agenda.
2. That Members advise any further action they require on any write-offs not agreed within this report.

BACKGROUND INFORMATION

3. Under the Councils Constitution write-off of debts above £5,000 but below £50,000 has been delegated to individual Members within their own service area. Debt write-off under £5,000 can be authorised by Chief Officers. Write off of any debt over £50,000 must be referred to Executive for authorisation.
4. There are a number of key reasons why the Council may wish to write-off a debt. These are:
 - i. The debt cannot be substantiated i.e. there is no documentary evidence that the debtor accepted the goods or services with the knowledge that a charge would be made.
 - ii. The debt is uneconomic to collect i.e. the cost of collection, including substantiation, is greater than the value of the debt.
 - iii. The debt is time barred, where the statute of limitation applies. Generally this means that if a period of six years has elapsed since the debt was last demanded, the debt cannot be enforced by legal action.
 - iv. The debtor cannot be found or communicated with despite all reasonable attempts to trace the debtor.
 - v. The debtor is deceased and there is no likely settlement from the estate or next of kin.
 - vi. Hardship, where permitted, (not hardship relief) on the grounds that recovery of the debt is likely to cause the debtor serious financial difficulty.

- vii. Insolvency where the organisation or person has gone into bankruptcy and there are no assets to claim against.

KEY ISSUES FOR CONSIDERATION

Policy implications

5. The proposed write offs set out in this report are recommended in accordance with the Councils agreed write off policies and procedures. The reasons for each recommended write off are stated in the appendices attached.
6. Appendix 1 includes write-offs for National Non-Domestic Rates (NNDR). The NNDR write-offs have been recommended by the Council's Revenue and Benefits Client Unit based on information supplied by the Council's Revenues & Benefits service provider, Liberata. In each case Liberata has attempted to trace account holders via a standard procedure as follows: -
- Interrogation of the NNDR database.
 - Interrogation of the Document Imaging System
 - Tracing letters issued to other local authorities & solicitors.
 - Inspection of the domestic or business premises.
 - Land Registry searches.
 - Companies House searches
 - Tracing letter to landlords or letting/managing agents & directors
 - Letter sent to the Official Receiver for confirmation of any dividends to be paid
 - Checks made with other Council Departments
7. The Revenues Contractor must use a minimum of three tracing methods. The Client Unit conducts a 10% audit review of cases under £5,000 and a 50% audit review of cases £5,000 to £50,000 and 100% on cases over £50,000 to ensure that the correct procedures have been adhered to.

Resource implications

8. The total Non Domestic Rates debt recommended for write off is £174,889.66 for two debts. One relates to a company in liquidation and the other is dissolved.
9. The above debts will be contained within the NNDR bad debt provisions.
10. As per paragraph 5 the schedule of write-offs has been compiled in accordance with the Council's agreed policy and procedures.
11. The debts are recommended for write-off, as they are considered irrecoverable or uneconomic to collect.
12. The recommended write-off of £174,889.66 for National Non Domestic Rates will be contained within the Councils relevant bad debt provisions.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Comments of Strategic Director of Communities, Law and Governance

13. The report recommends that the debt is written off in accordance with the council's procedures on debt write-off.
14. The approval of debt write-offs for sums over £50,000 is reserved to the executive for collective decision making. These particular debts have arisen as a result of non payment of non domestic rates.
15. The report sets out the circumstances whereby debts can lawfully be written off by the council and these include cases where a company has been dissolved or has gone into liquidation and there are no assets to claim against. The report sets out the circumstances whereby debts can lawfully be written off by the council and these include cases where a company has been dissolved. In such circumstances to pursue the debt would be a difficult and costly exercise with very little or no chances of success. The Strategic Director of Communities, Law and Governance agrees with the recommendation that this debt should be written off in accordance with procedure and is lawful.

Finance Comments (FIN0347)

16. As per paragraph 5 to 7, the schedule of write-offs has been compiled in accordance with the Council's agreed policy and procedures.
18. The debts are recommended for write-off, as they are considered either irrecoverable or uneconomic to collect.
19. The recommended write-off of £174,889.66 will be contained within the Council's relevant bad debt provisions.

Community Impact Statement

20. This decision has been judged to have no or very small impact on local people and communities.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
National Non Domestic Rates Customer Accounts (This is closed/exempt information and not available for public inspection)	Revenues & Benefits Client Unit and Liberata, 4th Floor Cottons Centre West	Patrick Hall ext 53343

Audit Trail

Lead Officer	Eleanor Kelly Deputy Chief Executive	
Report Author	Patrick Hall Revenues Manager	
Version	Final	
Dated	3 November 2009	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law and Governance	Yes	Yes
Finance Director	Yes	Yes
Executive Member		
Date final report sent to Constitutional Support Services	December	4
	2009	

Item No.:	Classification: Open	Date: 15 th December 2009
To	Executive	
Report title	Gateway 1 –Procurement Strategy Approval London Consortium Integrated Community Equipment Service Framework Contract	
Ward(s) or groups affected	All Wards & People with Disabilities	
From	Strategic Director of Health & Community Services	

RECOMMENDATION (S)

1. That Executive approves the procurement strategy outlined in this report for the London Consortium Integrated Community Equipment Service Framework Contract.
2. That Council Executive delegates authority to the Chief Officer, Strategic Director of Health & Community Services, to approve the award of a 4 year service contract through the framework.
3. That Executive delegates the decision to the Chief Officer for a single 2 year extension after the initial 4 year term.

BACKGROUND INFORMATION

4. The London Consortium Integrated Community Equipment Service Framework Contract for Southwark has an initial term of 4 years.
5. The framework contract has extension provision for 2 years.
6. Under current EU Procurement Regulations there is usually a prescribed maximum duration of 4 years in respect of a framework agreement, subject to "exceptional circumstances" for which the contracting authority is able to provide justification - in particular, "circumstances relating to the subject of the framework agreement". The justification relied upon by the lead authority (and stated in its contract notice published in the OJEU) is that several other national agreements sponsored or managed by the Department of Health are due to expire in March 2016, meaning that it would be impractical and cost ineffective to conclude the framework agreement in 2014 and then procure a further short-term contract pending the announcement of DoH policy for initiatives which are to operate from 2016. Southwark's view is that such justification is sound and that the risk of challenge is negligible.
7. The anticipated reduction in expenditure being realised will be due to the gradual standardising of equipment used by consortium partners, resulting in greater economies of scale and standardised processes across boroughs leading to efficiencies.
8. Justification for a framework agreement, the duration of which exceeds four years is based upon the Call off period to join the framework being 4 years - length of contract to March 2016 coinciding with end dates of other national contracts.
9. Local authorities are required by law to assess any ordinary resident who presents themselves in need of social care. Based upon a needs assessment, fair access criteria and the financial position of the individual resident, local authorities are required to have access to a range of services; one of these services is the provision of Community Equipment Services to enable

residents to remain living at home. Due to legislation this service is not subject to means testing as it is part of the Government's health prevention agenda.

10. Similarly Primary and Acute Health Trusts need to provide equipment to meet the health needs of residents being cared for at home.
11. In 2000 the Department of Health (DH) published a recommendation to local authorities and health trusts that consideration should be given to the integration of their community equipment services into a single operation/service (Integrated Community Equipment Service – ICES). Although acceptance of the recommendation was not mandatory most London Authorities and the Primary/Provider Care Trusts (PCT) adopted the recommended model.
12. Southwark Health & Social Care typically issues and collects over 17,000 pieces of equipment annually.

THE LONDON CONSORTIUM FRAMEWORK

13. The London Consortium is a group of eight Local Authorities and their health partners working together, innovatively, to explore ways in which the Community Equipment Service can be more responsive to the needs of Service Users whilst, at the same time, achieving operational efficiencies.
14. The London Consortium Community Equipment Framework began as a West London Alliance (WLA) Procurement Group Project.
15. The West London Alliance (WLA), formed in 1998 by the London Boroughs of Brent, Ealing, Hammersmith & Fulham, Harrow, Hillingdon and Hounslow, aims to promote the economic, environmental and social well being of the West London community.
16. Drawing from the Southwark's learning gained through leading on the development of the Lewisham & Southwark Supporting People Framework, an innovative and cost effective approach to the procurement of support services commissioned through the Supporting People programme, commissioners were keen to engage in the London Consortium Community Equipment Framework. This has given Southwark the opportunity to benefit from a forward thinking approach to cross borough working through joining the Framework Agreement which procurement approach recommended in this report.
17. There are already a further eight Local Authorities and their health partners (bringing the total to 16) interested in joining the Consortium and utilising the Framework agreement. This will, in turn, lead to even greater efficiency savings.
18. A framework agreement is an agreement with a named service provider/s and a designated group of contracting authorities. One of the designated authorities who wishes to purchase the specified service may do so under the terms of the framework agreement, including price, without recourse to further competition. On occasion it may be decided to appoint more than one provider to the framework, in which case a further round of tendering only with the framework providers (mini-competition) is necessary.
19. Each local authority/PCT (with the exception of Kensington & Chelsea and Hammersmith & Fulham) has previously procured an ICES service provider independently. Due to the limited number of potential service providers a large number of authorities, including Southwark, ended up with a common provider (Medequip and Millbrook). A significant number of these contracts are now due to be re-let.

20. The current procurement model gives rise to questions such as:-
 - Are we maximising our joint purchasing power?
 - Are we setting the overall service standard or are we reacting to local relationship issues with the provider?
21. The DH integration agenda has a specific workstream related to the Community Equipment Service, the Transformation of Community Equipment Services (TCES). Proposals have been made to:
 - Introduce a retail prescription model whereby service users and their carers, who elect to collect their own equipment (i.e. small scale, easily portable) would be issued with a prescription which can be redeemed from an approved retail supplier (Retail Model – see background papers).
 - Local commissioned services would still need to be commissioned – to meet all non retail equipment needs.
22. The business model for any incoming ICES provider will have to reflect these changing requirements of Southwark Health & Social Care.
23. The Transforming Community Equipment Services (TCES) Project is currently in Southwark is developing the market and implementing a retail model for simple aids to daily living (simple community equipment). In modelling the award the effect of the Retail Model was considered and it was found it does not change the recommendations made in this report.
24. The effect of the retail model on the contract will be a gradual decrease in volumes for low cost items reducing the volumes delivered by the ICES Provider. This will be a gradual change over several years as the market develops and the behaviour of Southwark residents changes.
25. The TCES project has also been evaluating the benefits of the London Consortium Framework Agreement.
26. The London Consortium has carried out a full and robust tender, detailed below, and awarded the Framework contract to a Medequip Assistive Technology Limited.
27. The awarding of the framework to multiple providers was considered. The advantages would be increased competition and spreading risk. However, this option is not recommended as a complex formula to allocate business would need to be developed and established followed by a mini-competition round. This would result in increased costs and key service outcomes such as meeting delivery time targets (D54 KPI) not being achieved. It would also delay the implementation of the framework agreement as these new procedures would need to be agreed before contract award.
28. It is only now, that the framework has been awarded by the Consortium that the full benefits, including efficiencies, can be measured and the recommendation to approve Southwark's participation in the Consortium Framework be sought.
29. The establishment of this framework agreement is subject to EU procurement regulations.
30. Southwark does not incur any contract liability with Kensington & Chelsea or any other partnering authority, as each authority will have a direct contractual arrangement with the service provider.

REASON FOR THIS PROCUREMENT

31. Southwark's current Integrated Community Equipment Service (ICES) contract is in its 5th and final year and expires on 31st March 2010. We are required to either extend the current contract beyond the originally planned contract period or carry out a procurement process.
32. Strategic directives around personalisation require a revised contract model that accounts for business model changes for our providers. Changes to our service model brought about by development of and engagement with a retail model for simple aids to daily living requires a developed service specification for our provider to achieve value for money. The framework agreement accounts for these factors and delivers a more robust contract with in-built 'future-proofing'.

MARKET CONSIDERATIONS

33. This report concludes that there would be no advantage to Southwark in carrying out a separate tender. The consortium has tested the market, with the three market leader providers being the three shortlisted tenderers.
34. If Southwark does not join the framework agreement and carries out our own procurement we would not benefit from the commercially advantageous rates offered to the consortium because of economies of scale and potential for shared business processes.
35. Consideration must also be given to the cost of officer time if a separate procurement process is undertaken. A full tender process would take 6 to 9 months and would require dedicated officer time, as well as significant input from operational staff. The estimated cost for this resource implication is £90k.
36. It would be highly likely that if Southwark were to carry out a separate tender process it would result in the same outcome.
37. The chosen provider already has 5 of the 8 contracts of the partner London Authorities and PCTs. The risks for a growth of 3/8 is deemed acceptable by both the consortium's project board and Southwark's Transforming Community Equipment Services Project Board.

SUMMARY OF THE BUSINESS CASE/JUSTIFICATION FOR THE PROCUREMENT

38. This report recommends that the framework's procurement process has been sufficient to meet Southwark's procurement and legal requirements.
39. This report also recommends that the consortium framework agreement offers the best possible value for money for Southwark.
40. The Consortium partnership was initiated by a common purpose: the need to address expiring equipment contracts, to drive more efficiencies out of the market and, responding to the Department of Health personalisation agenda
41. By utilising the framework effectively, standardising stock and implementing shared processes Southwark can expect savings over the maximum term of the contract (6 Years).

IDENTIFIED RISKS AND HOW THEY WILL BE MANAGED

42. Sustainability - A range of sustainability issues have been included within the proposed contract and have been formally assessed as part of the assessment process.
43. Risk Assessment – the monthly Consortium Project Broad receives highlight reports and risk logs. The tender technical report (see background papers) presented to the London Consortium Project Board on 9th July 2009 also highlighted a range of additional risks including proposed mitigation.
44. There is an additional layer of risk management within Southwark's Transforming Community Equipment Services (TCES) Project Board. Here there is a Southwark specific risk log where risk and issues are identified and measures to control risk and deal with issues are developed. (see background papers)
45. When the TCES Project is finished the Integrated Community Equipment Service (ICES) Executive will risk manage as part of their regularly scheduled bi-monthly meetings.

KEY ISSUES FOR CONSIDERATION

46. The aim of the cross authority working are:-
- Lower cost by maximising our joint purchasing power, including the move to generic products;
 - Greater use of non standard stock thereby increasing the use of returned specials;
 - Service efficiencies in terms of common processes and documentation;
 - A forward looking information system that support future changes; and
 - Directly influencing suppliers contract management and developmental processes.

POLICY IMPLICATIONS

47. Please refer to the following paragraphs:
- a. Paragraph 11: An Integrated Community Equipment Service
 - b. Paragraph 22: Integration of the Community Equipment Service & Retail Model
 - c. Paragraph 33: Personalisation

PROCUREMENT PROJECT PLAN

48. Several of the Consortium members began work on cross border co-operation and development of common desired service outcomes and specification for their equipment service in August 2008.
49. Southwark became involved with the Consortium in November 2008 and it was then that Officers from Southwark actively participated in the development of service specifications for both 'means of equipment delivery' and process specifications.
50. The ICES Executive Board have been monitoring and steering Southwark Officers in respect to the Consortium option since December 2008.
51. Southwark's service user representatives (from the ICES Advisory Board) have been informed about the consortium since December 2008 and have been involved in the service user presentations and scoring of providers.
52. The table below shows the timeframe for the setting up of the framework:

Table 1: Procurement Timeframe

Target Date	Action
23/12/08	EU Contract Notice 23.12.08 please see link for actual notice – see Appendix 4 & Equipment Full Notice Appendix 4a
29/01/09	Expressions of Interest Deadlines
08/05/09	Tender Documents sent out
10/06/09	Tender return & opening
12/06/09	Tender Evaluation
15/08/09	Lead Authority Approval Report
December Council Executive	Southwark Gateway 1 (this report)
01/01/2010	Gateway 2 Report – allow time for call in
20/01/2010	Contract award
01/04/10	Contract start

TUPE IMPLICATIONS

53. TUPE implications do not directly affect the Council as an employer, but The Authority needs to be aware of the TUPE factors, when delivering the procurement plan.
54. TUPE implications are not considered to be at such a level as to affect the choice of appointed Provider.

DEVELOPMENT OF THE TENDER DOCUMENTATION

55. The development of tender documentation was carried out, in the main, by the lead borough, Kensington & Chelsea in line with their standard methodology and in full consultation with the Consortium Project Board. A comprehensive documentation of the tender methodology is available on request and has been considered by Southwark's procurement team as adequate.
56. Work shops were held with partner local authorities between September and December 2008 to agree award criteria and tender documentation.

SELECTION PROCESS

57. The methodology in appraising tenders established a weighted criteria considering both quality and cost issues, frequently referred to as the "most economically advantageous" model. When applying this methodology, quality issues normally have a higher weighting. The Project Board agreed to the following weightings:-

Table 2 – Quality/Price Ratio

CRITERIA	WEIGHTINGS
Quality	60%
Price	40%

This methodology is the lead borough's (Kensington & Chelsea) standard methodology and results in a favourable outcome for Southwark.

58. Quality - The tender documents also highlighted that the quality criteria would be subdivided into three areas. These are summarised in the table below:-

Table 3 – Quality Criteria

CRITERIA	WEIGHTINGS
Equipment Means of Delivery/Method Statements	45%
Data systems	45%
Interviews/Presentations	10%

59. Price - Tenderers were advised that this would be based upon a 'basket of products' (high cost/high volume) covering current expenditure of three boroughs plus activities data.

60. In terms of financial capacity the tender documents requested tenderers to update any financial information previously submitted as it was intended to re-assess individual tenderers capabilities (i.e. risk profile) to support various contract values. The documentation also stated that the Partners will need to take a view as to the total number of potential partners that are likely to join the framework and the value of services to be procured. The financial risk profile may well vary depending upon this appraisal.

61. The Service Providers were advised that the outcome of this process may result in the highest ranked submission being rejected due to the financial risk profile or the decision to appoint more than one Service Provider.

ADVERTISING THE CONTRACT

62. A prior indicative notice was published 8th August 2008, with an EU Contract notice published 28th December 2008. (See appendix 4 and 6)

EVALUATIONS

63. The quality criteria measured separately equipment means of delivery and systems. The evaluation panel was drawn from across the partners.

64. In addition there were formal presentations to Service Users and officers from across the partners.

COMMUNITY IMPACT STATEMENT

65. The Consortium procurement process required tenderers to proactively demonstrate their commitment to equal opportunities, and have a satisfactory record in relation to diversity.

66. Providers were asked to provide evidence of their Equal Opportunities policy as well as practical statement as to how this is implemented in relation to service delivery and work force development.

67. The framework's developed service specification will deliver a more easily accessible service to Southwark residents – where service users are afforded more modern methods of communication with the service provider when asking for help, tracking orders or requesting collections.

OTHER IMPLICATIONS OR ISSUES

64. In Southwark, and in most other authorities, the service is operated as a pooled budget in partnership with the local PCTs. Any increases/decreases in cost will have a knock on impact on each partner's contribution to the pool.
65. Whilst Southwark will engage and make use of the framework, the agreement is still open to local arrangements so that Southwark officers and service users can make local agreements above and beyond the framework, that best suit the residents of Southwark.

RESOURCE IMPLICATIONS

66. The current annual budget for the Integrated Community Equipment Service includes staffing and on-costs.
67. Staffing Implications – there has been officer input to the development of the framework since November 2008. This could be estimated as 0.2 of an officer post for the last 10 months.
68. The on-going commissioning and monitoring of the framework will be conducted within the current ICES resource.
69. Financial Implication - The contract value will not only need to be contained within current budgets, but will also have to deliver economies of scale to meet objectives noted within the Transforming Community Equipment Services Project.
70. Volume discounts will be available and will vary depending on both the number of authorities making use of the framework agreement (business volume discount) and the amount of standard items (same manufacturer) agreed across multiple authorities (item volume discount).

CONSULTATION

71. The ICES in Southwark has a robust governance structure which includes an Executive (that has both PCT and Social Services operational and finance officers); an ICES Advisory Board with voluntary sector and service user representatives; and an ICES Clinicians Group with operational team leads from across health and social care as well as the acute services.
72. All of these boards have input into the decisions around the Consortium, as well as being involved in the assessments of tenders.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

73. Advice has been sought from finance, procurement, legal and operational colleagues who have informed the recommendations in this report.

STRATEGIC DIRECTOR OF COMMUNITIES, LAW & GOVERNANCE

74. The Strategic Director of Communities, Law & Governance ("SDCLG", acting through the Contracts Section) has advised the report author and other officers in connection with the legal issues arising from this report and notes its content.
75. The report seeks authority to procure a new long-term "ICES" contract through the London Consortium Framework ("LCF"), the details of which are set out from paragraph 14. The SDCLG has examined the terms of the legal documentation prepared by the Royal Borough of Kensington & Chelsea for this purpose and would confirm that it meets Southwark's

requirements in respect of both its service and process specifications and the protection of its interests.

76. The establishment of the LCF has been subject to the application of the current EU Procurement Regulations, and the SDCLG confirms that the process undertaken by Kensington & Chelsea has complied with all of the relevant requirements of those Regulations. Paragraphs 7 and 9 of this report confirm the position concerning the extension of the framework beyond the four year limit prescribed by the Regulations, in line with legal advice provided by the SDCLG and the legal advisers acting for Kensington & Chelsea.
77. Under the Council's Contract Standing Orders ("CSOs"), any procurement involving the use of a third party's Framework contract is subject to usual Gateway 1 and 2 procedures. However, CSO 3.2 provides that the requirements in CSOs for obtaining tenders or quotes shall not apply where the Council intends to purchase under a consortium contract so long as approval for the use of that consortium contract has been given via a Gateway 1 report which should identify the procedure and route for approvals for future orders being placed under the consortium agreement. The report indicates the process and anticipated timetable for the award of its service contract through the appointed framework provider Medequip. The proposed delegation of the decisions relating to the award of the service contract and its possible future extension are also permitted by CSOs and are expressly requested within the Recommendations at the head of this report.
78. The procurement of this contract is a strategic procurement as defined in the CSOs, and as such the decision on the approval of the proposed procurement strategy is one which is to be taken by the Executive or executive committee, after taking advice from the Corporate Contract Review Board.
79. CSO 7 requires the lead contract officer to ensure that systems are in place to manage and monitor contracts in respect of compliance with specification and contract, performance, cost, user satisfaction and risk management. Where the estimated contract value exceeds the relevant EU threshold, the lead contract officer should prepare a six-monthly monitoring report to the relevant DCRB. Where the contract relates to a strategic procurement, the lead contract officer should prepare an annual monitoring report to the CCRB.

FINANCE DIRECTOR - FI:/903

80. The provision of Community equipment services proposed in this report is to be funded from 'pooled' resources between the Health and Social Care Department and Southwark PCT. The gross value of the budget is £1.546m. The actual expenditure is expected to come within budget and hence no financial risks are anticipated.

HEAD OF PROCUREMENT

81. This report is seeking approval to procure an integrated community equipment service via a framework that has been set up by Royal Borough of Kensington and Chelsea which followed a full EU compliant process.
82. The report describes the process that was followed to set up the framework and confirms that officers from LBS were involved in the development of the specification and the evaluation of submissions. This involvement would help to ensure that LBS requirements and standards will be met and that the providers appearing on the framework would be able to deliver the full scope of the service requirements.
83. By tapping into an established framework, the council will benefit from better rates achieved from increased buying power. Other benefits come from reduced procurement timescales and

savings on resources that would be needed if the council was to follow a full competitive tender process.

84. Following the approval of this report, officers will secure best possible rates for the council and finalise the contract details. This will result in the production of a separate gateway 2 report which through this report will be delegated to the Strategic Director of Health and Community Services for approval.

KEY POINT SUMMARY

- This procurement followed the standard methodology used by the Royal Borough of Kensington & Chelsea and is compliant with EU Procurement Regulations.
- This is a strategic procurement.
- The contract is for services and is replacing an existing provision.

BACKGROUND PAPERS

Background Papers	Held At	Contact
TCES Retail Model	Commissioning - Adults Social Care	Taylor Jakks 020 7525 0374
TCES Project Partner Briefing	Commissioning - Adults Social Care	Taylor Jakks 020 7525 0374
Consortium Final Technical Report	Commissioning - Adults Social Care	Taylor Jakks 020 7525 0374
TCES Risk Action Issues and Lessons Learnt Log	Commissioning - Adults Social Care	Taylor Jakks 020 7525 0374
Equipment Full Notice	Commissioning - Adults Social Care	Taylor Jakks 020 7525 0374
Contract Notice	Commissioning - Adults Social Care	Taylor Jakks 020 7525 0374
RBKC Tender Assessment Methodology	Commissioning - Adults Social Care	Taylor Jakks 020 7525 0374
Prior Indicative Notice	Commissioning - Adults Social Care	Taylor Jakks 020 7525 0374

AUDIT TRAIL

Lead Officer	Susanna White		
Report Author	Taylor Jakks		
Version	Final		
Dated	3 rd December 2009		
Key Decision?	Yes	If yes, date appeared on forward plan	September 2009

CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Legal: Strategic Director Communities, Law and Governance	Yes	Yes
Finance Director	Yes	Yes
Head of Procurement	Yes	Yes
Executive Member	<yes/no>	<yes/no>
Date final report sent to Constitutional Support Services		<i>04/12/2009</i>

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EXECUTIVE AGENDA DISTRIBUTION LIST**MUNICIPAL YEAR 2009-10**

NOTE: Original held by Constitutional Team; all amendments/queries to
Paula Thornton/Everton Roberts Tel: 020 7525 4395/7221

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Members of Parliament		Constitutional Officer	20
Harriet Harman, MP	1	Total:	77
Tessa Jowell, MP	1		
Simon Hughes, MP	1		
Corporate Management Team			
Annie Shepperd	1		
Romi Bowen	1		
Deborah Collins	1		
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Eleanor Kelly	1		
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		Dated: 06/10/09	