

## **Council Assembly Ordinary Meeting**

Wednesday 28 March 2012  
7.00 pm

The Charter School, Red Post Hill, London SE24 9JH

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Councillors are summoned to attend a meeting of the Council to consider the business contained herein

Eleanor Kelly  
Acting Chief Executive

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### **INFORMATION FOR MEMBERS OF THE PUBLIC**

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#### **Access to information**

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

#### **Babysitting/Carers allowances**

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

#### **Access**

The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: [www.southwark.gov.uk](http://www.southwark.gov.uk) or please contact the person below.

#### **Contact**

Lesley John on 020 7525 7228 or 020 7525 7222 or email: [lesley.john@southwark.gov.uk](mailto:lesley.john@southwark.gov.uk);  
[andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk); [constitutional.team@southwark.gov.uk](mailto:constitutional.team@southwark.gov.uk)

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Date: 16 March 2012



# **Council Assembly**

Wednesday March 28 2012  
7.00 pm  
The Charter School, Red Post Hill, London SE24 9JH

## **Order of Business**

<b>Item No.</b>	<b>Title</b>	<b>Page No.</b>
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### **PART A - OPEN BUSINESS**

#### **1. PRELIMINARY BUSINESS**

##### **1.1. ANNOUNCEMENTS FROM THE MAYOR, MEMBERS OF THE CABINET OR CHIEF EXECUTIVE**

To receive any announcements from the Mayor, members of the cabinet or acting chief executive.

##### **1.2. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE MAYOR DEEMS URGENT**

In special circumstances an item of business may be added to an agenda within seven working days of the meeting.

##### **1.3. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

Members to declare any personal interests and dispensations in respect of any item of business to be considered at this meeting.

##### **1.4. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

##### **1.5. MINUTES**

To approve as a correct record the Open minutes of the council assembly meeting held on 29 February 2012 (to be circulated separately).

#### **2. ISSUES RAISED BY THE PUBLIC**

Item No.	Title	Page No.
<b>2.1. PETITIONS</b>		
	To formally receive any petitions lodged by members of the council.	
<b>2.2. PUBLIC QUESTION TIME</b>		
	The deadline for public questions for this meeting is Midnight, Thursday 22 March 2012. Questions can be emailed to <a href="mailto:constitutional.team@southwark.gov.uk">constitutional.team@southwark.gov.uk</a> .	
	Questions from the public will be distributed in a supplemental agenda.	
<b>2.3. DEPUTATION REQUESTS</b>		
	The deadline for deputation requests for this meeting is Midnight, Thursday 22 March 2012. Questions can be emailed to <a href="mailto:constitutional.team@southwark.gov.uk">constitutional.team@southwark.gov.uk</a> .	
	Deputation requests will be distributed in a supplemental agenda.	
<b>3. THEMED DEBATE - OLDER PEOPLE</b>		
<b>3.1. CABINET MEMBER STATEMENT</b>		1 - 4
	The cabinet member for health and adult social care to present the theme of the meeting.	
<b>3.2. QUESTIONS FROM THE PUBLIC ON THE THEME</b>		
	The deadline for public questions on the theme is Midnight, Thursday 22 March 2012. Question can be emailed to <a href="mailto:constitutional.team@southwark.gov.uk">constitutional.team@southwark.gov.uk</a> .	
	Questions from the public will be distributed in a supplemental agenda.	
<b>3.3. MEMBERS' MOTIONS ON THE THEME</b>		5 - 7
	To consider motions on the theme submitted by members of the council.	
<b>4. ISSUES RAISED BY MEMBERS</b>		
<b>4.1. MEMBERS' QUESTION TIME</b>		8 - 14

<b>Item No.</b>	<b>Title</b>	<b>Page No.</b>
	<b>4.2. MEMBERS' MOTIONS</b>	15 - 19
	To consider the following motions:	
	<ul style="list-style-type: none"> <li>• Universal credit</li> <li>• Post offices for Southwark</li> <li>• South London line replacement.</li> </ul>	
<b>5.</b>	<b>REPORT(S) FROM THE CABINET</b>	
	<b>REPORT(S) FOR DECISION FROM THE CABINET</b>	
	<b>5.1. CANADA WATER AREA ACTION PLAN</b>	20 - 59
	Council assembly is asked to consider the planning inspector's report on the Canada Water Area Action Plan and the recommendations of the cabinet to adopt the Canada Water Area Action Plan. It is also asked to note the following: the consultation report, the equalities impact assessment, the sustainability appraisal and the sustainability appraisal adoption statement.	
	<b>REPORT(S) FOR INFORMATION FROM THE CABINET</b>	
	<b>5.2. REPORT BACK ON MOTIONS REFERRED TO THE CABINET FROM COUNCIL ASSEMBLY</b>	60 - 62
	Council assembly is asked to note the decisions of the cabinet in respect of motions referred from council assembly.	
<b>6.</b>	<b>OTHER REPORTS</b>	
	<b>6.1. ANNUAL REPORT ON THE WORK AND PERFORMANCE OF THE AUDIT AND GOVERNANCE COMMITTEE IN 2011/12</b>	63 - 75
	Council assembly is asked to note the work and performance of the audit and governance committee in 2011/12.	
	<b>6.2. PAY POLICY STATEMENT</b>	76 - 86
	Council assembly is being asked to agree the council's pay policy statement and the arrangements to determine the salary package for new appointments to top manager posts.	
<b>7.</b>	<b>AMENDMENTS</b>	

Any member of the council may submit an amendment to a report or motion on the agenda. The amendments will be circulated to all members in a supplemental report.

**ANY OPEN ITEMS IDENTIFIED AS URGENT AT THE START OF THE MEETING**

**EXCLUSION MOTION (IF NECESSARY)**

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

“That under the access to information procedure rules of the Southwark constitution, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in section(s) 1 – 7 of paragraph 10.4 of the procedure rules.”

**PART B – CLOSED BUSINESS**

**8. ANY CLOSED ITEMS IDENTIFIED AS URGENT AT THE START OF THE MEETING**

Date: 16 March 2012

## The Charter School: Transport and map

The Charter School, Red Post Hill, SE24 9JH; pedestrian and cycle entrance opposite Ardbeg Road

### Buses:

**P4** from Lewisham Station to Brixton Station

Stops at Elmwood Road/The Charter School

**42** from Appold Street to Sunray Avenue

Stops at Sunray Avenue

**37** from Putney Heath/Green Man to Peckham Bus Station

Stops at North Dulwich Station

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

<http://www.tfl.gov.uk/tfl/gettingaround/maps/buses/pdf/northdulwichanddulwichvillage-12497.pdf>

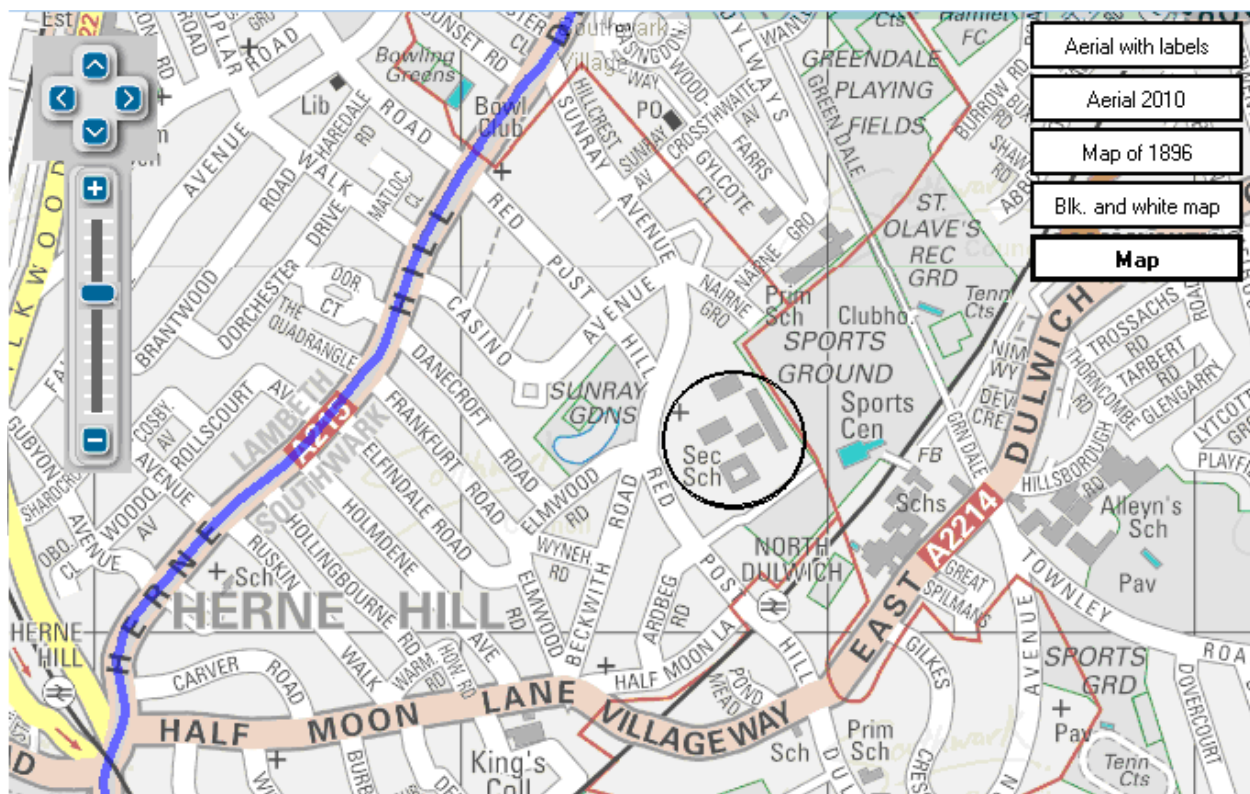
### Train:

North Dulwich station is nearby; trains from London Bridge, West Croydon and Beckenham Junction.

The following link has a list of train timetables going through North Dulwich station:

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

### Map of the venue and surrounding area:



# Agenda Item 3.1

<b>Item No.</b> 3.1	<b>Classification:</b> Open	<b>Date:</b> 28 March 2012	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Themed Debate: Older People	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Communities, Law & Governance	

## BACKGROUND INFORMATION

### Introduction

1. On 11 April 2011 the council assembly business panel met to agree the themes for the themed section of council assembly meetings for the 2011/12 municipal year. The council assembly business panel agreed that the theme for the themed section of council assembly in March 2012 should be 'Older People'.
2. On 12 March 2012 the cabinet member for health and adult social care, Councillor Dora Dixon-Fyle, circulated a letter to all councillors on the themed debate for the council assembly meeting on Wednesday 28 March 2012. A copy of the letter is attached as Appendix 1.

### What happens at the meeting?

3. At the meeting the agenda will be:
  - Cabinet member has 10 minutes in which to present the theme, plan or strategy
  - Public pre-submitted questions on the theme of the meeting (maximum of 15 minutes)
  - Member's motions on the cabinet theme using present principles to allow sufficient political balance and for political groups to hold cabinet to account (maximum 30 minutes).

One hour shall be allocated for the themed debate. The Mayor shall have the discretion to vary timings as appropriate.

### Public questions on themed debate

4. The deadline for public questions is Midnight, Thursday 22 March 2012. To find out more visit [www.southwark.gov.uk/democracy](http://www.southwark.gov.uk/democracy) or to submit a public question email [constitutional.team@southwark.gov.uk](mailto:constitutional.team@southwark.gov.uk).
5. The Mayor may reject a question if it is not relevant to the theme, plan, strategy or policy under discussion.
6. The time during which public questions shall be taken at a themed meeting shall not exceed 15 minutes and shall be conducted under the existing rules for public questions.

### Members' motions

7. All motions shall be relevant to the topic under discussion and shall be conducted under the existing rules for members' motions. Normal deadlines shall apply for the submission of members' motions.
8. The order of motions and timings shall be determined by the Mayor.

### Themes

9. The themes for each meeting are set by the council assembly business panel.

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Cabinet member letter on the theme - Dated 12 March 2012	160 Tooley Street, London SE1 2QH	Constitutional Team <a href="mailto:constitutional.team@southwark.gov.uk">constitutional.team@southwark.gov.uk</a> 020 7525 7228

### APPENDICES

No.	Title
Appendix 1	Letter from Councillor Dora Dixon-Fyle

### AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager		
Report Author	Lesley John, Constitutional Officer		
Version	Final		
Dated	15 March 2012		
Key decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer title	Comments sought	Comments included	
Strategic Director of Communities, Law & Governance	No	No	
Finance Director	No	No	
Cabinet Member	No	No	
Date final report sent to Constitutional Team		15 March 2012	



## APPENDIX 1



**To All Members of the Council**

**Councillor Dora Dixon-Fyle**  
**Cabinet Member for Health and**  
**Adult Social Care**

Labour Member  
 for Camberwell Green Ward

**Date:** 12 March 2012

**Ref:** DDF

Dear Colleague,

**Council Assembly 28 March 2012 – Themed Debate on Older People**

Britain's population is getting older. In the last sixty years there has been an 80% increase in the number of people in the UK aged over 65 and in the next 25 years a 4 million increase in the number of people of pension age is projected. As a result, the future of pension contributions, the pension age, care and the NHS are all currently being discussed by politicians and wider society to make them sustainable for the long term.

While the profile of Southwark's population is not changing exactly in line with the national trend – the proportion of people aged over 65 in Southwark has actually been dropping, whilst the number of those over 80 has increased – it is clear that national changes will affect older people locally too.

There can be no doubt that these changes will be hugely important for Southwark's existing population of older people and for the wider community at large. But debates about older people can all too quickly focus on how we will support older people in the future, without even considering the considerable contribution that older people are making to our community now. Far too often debates focus on specialist services for older people without recognising that older people are users of the full spectrum of council services, as tenants, homeowners, library goers, gym and leisure centre users, carers, grandparents, mentors, employers and employees and everything else in-between.

Our work as a council should focus on giving everyone the opportunity to take full advantage of their later life and to live independent, healthy, active and fruitful lives as a full part of their community. In line with this, I hope that during the themed debate on older people at the council assembly meeting on 28 March, members will bring forward constructive comments and suggestions on the following areas:

- How the council can recognise the role that people in later life often play in their communities, through volunteering, caring and by playing an active role in neighbourhood life
- How people in Southwark can take advantage of the wide variety of sporting, educational and social activities available as they get older
- How the council can promote the greater role that more active grandparents play in their families' lives

- How the council can work with the NHS and other partners to give older people more choice in the services they receive, enabling them to live healthy lives and stay in their own homes and communities for longer.

Comments from the debate will be considered as part of the further development of how the council works with older people in the borough. I would like to encourage all councillors to speak in the debate and to bring your local knowledge and those of your constituents.

Yours faithfully,

**COUNCILLOR DORA DIXON-FYLE**  
**CABINET MEMBER for HEALTH AND ADULT SOCIAL CARE**

<b>Item No.</b> 3.3	<b>Classification:</b> Open	<b>Date:</b> 28 March 2012	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Motions on the Theme: Older People	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Communities, Law & Governance	

## BACKGROUND INFORMATION

During the themed debate, council assembly may debate motions. Members' motions on the theme will use present principles to allow sufficient political balance and for political groups to hold cabinet to account (maximum 30 minutes).<sup>1</sup>

Members are limited to moving one motion and seconding one motion in the themed section of the meeting.

All motions shall be relevant to the topic under discussion and shall be conducted under the existing rules for members' motions. Normal deadlines shall apply for the submission of members' motions.

The order in which motions are debated and timings shall be determined by the Mayor.<sup>2</sup>

### 1. **MOTION FROM COUNCILLOR MICHAEL SITU** (Seconded by Councillor Kevin Ahern)

1. Council assembly acknowledges that:
  - 10 million people in the UK are over the age of 65 and this will rise to 15.5 million by 2035
  - 3 million are over the age of 80 and this is set to double in 20 years time.
2. Council assembly welcomes and celebrates the fact that we are all living longer and pays tribute to the amazing contribution older people make to Southwark's diverse communities, economy and society as a whole.
3. Council assembly calls on members to recognise this contribution and discuss how more can be made of the opportunities that longer lives bring with particular focus on:
  - How the council can recognise the role that people in later life often play in their communities, through volunteering, caring and by playing an active role in neighbourhood life
  - How people in Southwark can take advantage of the wide variety of sporting, educational and social activities available as they get older

<sup>1</sup> Council assembly procedure rule 2.7 (3)

<sup>2</sup> Council assembly procedure rule 2.7 (9) and (10)

- How the council can promote the greater role that more active grandparents play in their families' lives
  - How the council can work with the NHS and other partners to give older people more choice in the services they receive, enabling them to live healthy lives and stay in their own homes and communities for longer.
4. Council assembly also recognises the council's important role in caring for older people who require care and support.
  5. Council assembly notes that £1.3 billion has already been cut from local council budgets for older people's social care and believes the council should strive to create an adult care system that helps older people to find the support they need, enabling them to live healthy, independent lives in their own communities and homes, rather than retaining a long-term dependency on council services, whilst also protecting our most vulnerable older residents.
  6. Council assembly also recognises that many of the groups in Southwark that provide services to older people have lost their funding through government cuts and so welcomes the council's "innovation fund" which is enabling local organisations to become more self-sustaining going forward.

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

**2. MOTION FROM COUNCILLOR WILMA NELSON** (Seconded by Councillor Poddy Clark)

**Fairer pensions for older people in Southwark**

1. Council assembly regrets that the Thatcher government removed the link between the state pension and earnings.
2. Council assembly further regrets that the previous Labour government, which included Harriet Harman and Tessa Jowell, failed to re-link pensions with earnings.
3. Council assembly welcomes that, thanks to Liberal Democrats in government, the link between pensions and earnings has been restored,
4. Council assembly further welcomes the guarantee that the state pension will rise by the rate of increase in average pay, the rate of inflation or by £2.50, whichever is the highest, thanks once again by Liberal Democrats in government.

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

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Member Motions on the Themed Debate	Constitutional Team 160 Tooley Street London SE1 2QH	Andrew Weir 020 7525 7222

**AUDIT TRAIL**

<b>Lead Officer</b>	Ian Millichap, Constitutional Manager
<b>Report Author</b>	Lesley John, Constitutional Officer
<b>Version</b>	Final
<b>Dated</b>	15 March 2012

<b>Item No.</b> 4.1	<b>Classification:</b> Open	<b>Date:</b> 28 March 2012	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Members' Question Time	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Communities, Law & Governance	

## BACKGROUND INFORMATION

Members' question time shall not exceed 30 minutes. During this time, members may not question any one cabinet member or committee chair for longer than fifteen minutes.

Members are limited to one question at each meeting. One councillor from each community council will be able to submit a question on behalf of their community council.

Questions to the leader will be taken first, followed by question from community council councillors followed by questions to other cabinet members. The order in which the different political groups ask questions of the leader will be rotated. Questions to cabinet members will be taken in the order of receipt and portfolio. The order of portfolios will be rotated at each meeting such that the cabinet member answering questions immediately after the leader will be the last cabinet member to answer any questions at the next meeting of council assembly.

Cabinet members and committee chairs have discretion to refer a question to another cabinet member.

Responses to members' questions will be circulated on yellow paper around the council chamber on the evening of the meeting.

The Mayor will ask the member asking the question if they wish to ask one supplemental question to the member to whom the question was asked. The supplemental question must arise directly out of the original question or the reply. Therefore, supplemental questions to the leader or other cabinet members are not free ranging.

No question shall be asked on a matter concerning a planning or licensing application.

## Notes:

1. The procedures on members' questions are set out in council assembly procedure rule 2.9 in the Southwark Constitution.
2. In accordance with council assembly procedure rule 2.9 (12) & (13) (prioritisation and rotation by the political groups) the order in which questions to the leader appear in this report may not necessarily be the order in which they are considered at the meeting.

**1. QUESTION TO THE LEADER FROM COUNCILLOR HELEN MORRISSEY**

Has he received a reply to his email to Simon Hughes MP asking him if he will vote for the government's NHS Bill?

**2. QUESTION TO THE LEADER FROM COUNCILLOR ANOOD AL-SAMERAI**

How many Southwark Council homes have been sold off since 2002? How many of these were through right to buy and how many were through void disposals? Please could he provide the answer broken down by year and by the number of bedrooms.

**3. QUESTION TO THE LEADER FROM COUNCILLOR CHRIS BROWN**

How many more people aged 18-24 have been on Jobseekers' Allowance for six months or longer since this time last year in a) Southwark as a whole b) each parliamentary constituency within Southwark?

**4. QUESTION TO THE LEADER FROM COUNCILLOR LISA RAJAN**

How much of the discretionary £100,000 for highways will the council spend on Trixi mirrors given its u-turn on improving the borough's cycling infrastructure?

**5. QUESTION TO THE LEADER FROM COUNCILLOR MARK GLOVER**

Can he provide an update on the meeting he and the cabinet member for transport, recycling and the environment held with Southwark cyclists?

**6. QUESTION TO THE LEADER FROM COUNCILLOR ROBIN CROOKSHANK HILTON**

Will the leader commit to implementing the recommendations of the 2007 safety audit in order to address the safety issues regularly experienced by pedestrians and cyclists at the junction between East Dulwich Grove, Townley Road and Green Dale in Village ward?

**7. QUESTION TO THE LEADER FROM COUNCILLOR SUNIL CHOPRA**

How many families in Southwark that applied have received a secondary school place?

**8. QUESTION TO THE LEADER FROM COUNCILLOR GEOFFREY THORNTON**

Following the environment themed council assembly meeting held on 25 January 2012, how much new funding has the council committed to increase the uptake of cycling and improve cycling infrastructure in Southwark?

**9. QUESTION TO THE LEADER FROM COUNCILLOR TIM MCNALLY**

Can the leader provide an update on the performance of Southwark's housing contractors?

**10. QUESTION TO THE LEADER FROM COUNCILLOR DAVID HUBBER**

Does the leader share the concerns of local Liberal Democrat councillors about the closure of the lifts at both Canada Water and Bermondsey tube stations for the same three month period?

**11. QUESTION TO THE LEADER FROM COUNCILLOR JAMES BARBER**

Will the leader sign up to the 'Love London, Go Dutch' Cycling Campaign?

**12. QUESTION TO THE LEADER FROM COUNCILLOR MARK GETTLESON**

Does the leader think that the LGBT community is part of Southwark's heritage?

**13. QUESTION TO THE LEADER FROM COUNCILLOR DENISE CAPSTICK**

What is the council doing regarding dog fouling on the Evelyn Lowe Estate?

**14. QUESTION TO THE LEADER FROM COUNCILLOR ELIZA MANN**

What is the council doing for damp on the Arnold and Dickens Estates?

**15. QUESTION TO THE LEADER FROM COUNCILLOR LINDA MANCHESTER**

What mechanism does the council use to ensure every council tenant's electricity meter is checked?

**16. QUESTION TO THE LEADER FROM COUNCILLOR PAUL KYRIACOU**

Given the level of youth anti-social behaviour caused by alcohol in South Bermondsey ward, how many premises which sell alcohol has been visited in the last 12 months? How many have resulted in prosecutions?

**17. QUESTION TO THE LEADER FROM COUNCILLOR WILMA NELSON**

What is being done to support Southwark employees prepare for redundancy/changes to work environment?

**18. QUESTION TO THE LEADER FROM COUNCILLOR COLUMBA BLANGO**

Would the leader join Tessa Jowell MP and Harriet Harman MP in condemning Unite leader, Len McCluskey, for encouraging his members to engage in all forms of civil disobedience within the law during the Olympics?

**19. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR CLAIRE HICKSON (BOROUGH AND BANKSIDE COMMUNITY COUNCIL)**

Can the cabinet member provide an update on discussions with Leathermarket joint management board (JMB) to deliver new homes for Borough and Bankside?

**20. QUESTION TO THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY FROM COUNCILLOR CLEO SOANES (PECKHAM COMMUNITY COUNCIL)**



How can businesses in Peckham get involved with the council's community restoration fund and bid to be one of the government's "Portas Pilot" areas to help with the renewal of Peckham town centre?

**21. QUESTION TO THE CABINET MEMBER FOR FINANCE, RESOURCES AND COMMUNITY SAFETY FROM COUNCILLOR LINDA MANCHESTER (BERMONDSEY COMMUNITY COUNCIL)**

Following an extremely successful Bermondsey community council meeting which discussed domestic violence, how many incidents of violence from teenagers to parents have been recorded in the borough, what is the council doing to ensure incidents are being reported and addressed?

**22. QUESTION TO THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY FROM COUNCILLOR JEFF HOOK (ROTHERHITHE COMMUNITY COUNCIL)**

Given the closure of the job centre by the previous Labour government, the closure of the health care centre and the moving of the library, does the cabinet member for regeneration and corporate strategy welcome the setting up of a charity shop by the community and local churches? Will she join me in calling for more resources and regeneration of Albion Street?

**23. QUESTION TO THE CABINET MEMBER FOR HEALTH AND ADULT SOCIAL CARE FROM COUNCILLOR RENATA HAMVAS**

What has the feedback been like from tenants in sheltered housing regarding the council's proposal to reintroduce wardens for this service?

**24. QUESTION TO THE CABINET MEMBER FOR HEALTH AND ADULT SOCIAL CARE FROM COUNCILLOR ROWENNA DAVIS**

Does she think the government's NHS reforms will improve patient care and staff morale in Southwark?

**25. QUESTION TO THE CABINET MEMBER FOR HEALTH AND ADULT SOCIAL CARE FROM COUNCILLOR THE RIGHT REVEREND EMMANUEL OYEWOLE**

Can she outline in more detail how Southwark's older and disabled residents will benefit from the council's new community support programme

**26. QUESTION TO THE CABINET MEMBER FOR HEALTH AND ADULT SOCIAL CARE FROM COUNCILLOR CATHERINE BOWMAN**

At the debate at the budget council assembly, the cabinet member for health and adult social care made a number of commitments regarding the client group of the Castle Day Centre. Please can the cabinet member provide an update of actions taken by her department?

**27. QUESTION TO THE CABINET MEMBER FOR HEALTH AND ADULT SOCIAL CARE FROM COUNCILLOR DAVID NOAKES**

Can the cabinet member for health and adult social care confirm that she is happy with the performance of the two new homecare contract providers?

**28. QUESTION TO THE CABINET MEMBER FOR HEALTH AND ADULT SOCIAL CARE FROM COUNCILLOR NICK STANTON**

Will the cabinet member for health and adult social care provide an update on the shadow health and wellbeing board? Is she going to be democratic and allow a majority of elected members on the board?

**29. QUESTION TO THE CABINET MEMBER FOR HEALTH AND ADULT SOCIAL CARE FROM COUNCILLOR ROSIE SHIMELL**

Will the cabinet member for health and adult social care please provide an update on the future of the Fred Francis Day Centre?

**30. QUESTION TO THE CABINET MEMBER FOR HEALTH AND ADULT SOCIAL CARE FROM COUNCILLOR JEFF HOOK**

Will the cabinet member for health and adult social care please provide an update on the future of the Southwark Park Day Centre?

**31. QUESTION TO THE CABINET MEMBER FOR HEALTH AND ADULT SOCIAL CARE FROM COUNCILLOR MICHAEL BUKOLA**

What does the cabinet member believe the extent and impact of depression on black and minority ethnic (BME) older people will be in the borough if cuts to mental health services are implemented preventing accessibility to crucial social care provision?

**32. QUESTION TO THE CABINET MEMBER FOR HEALTH AND ADULT SOCIAL CARE FROM COUNCILLOR JONATHAN MITCHELL**

Please can the cabinet member tell me the current position for the future of each centre for: older people; people with learning and physical difficulties; and people with mental health problems?

**33. QUESTION TO THE CABINET MEMBER FOR HEALTH AND ADULT SOCIAL CARE FROM COUNCILLOR PODDY CLARK**

Please can the cabinet member for health and adult social care tell me what adult education is available for pensioners at reasonable costs in our borough?

**34. QUESTION TO THE CABINET MEMBER FOR HEALTH AND ADULT SOCIAL CARE FROM COUNCILLOR DARREN MERRILL**

How important will the new Southwark resource centre be in helping disabled residents to live healthy, independent lives?

**35. QUESTION TO THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY FROM COUNCILLOR DAN GARFIELD**

The government's new "affordable rent" model proposes charging rents for affordable homes of up to 80% of market rents. Can the cabinet member outline by postcode what rents for affordable housing in Southwark will increase to should the government's plans go ahead unamended?

**36. QUESTION TO THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY FROM COUNCILLOR ALTHEA SMITH**

What is the council doing to engage with and provide support to local shops in Southwark at this time of economic hardship?

**37. QUESTION TO THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY FROM COUNCILLOR GAVIN EDWARDS**

How many older people in Southwark who live in social housing but have a spare room will see their housing benefit cut as a result of the government's Welfare Reform Bill?

**38. QUESTION TO THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY FROM COUNCILLOR HELEN HAYES**

How many families with children in Southwark will see their housing benefit cut as a result of the government's Welfare Reform Bill?

**39. QUESTION TO THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY FROM COUNCILLOR PAUL NOBLET**

Does the cabinet member believe that section 106 for affordable housing should always be spent on new homes, or does she think that in some case it is appropriate to spend the money to top up the council's housing investment programme on its existing stock?

**40. QUESTION TO THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY FROM COUNCILLOR GRAHAM NEALE**

Please can the cabinet member for regeneration and corporate strategy provide an update on the relocation of the Christian Community of London Church at the Elephant and Castle?

**41. QUESTION TO THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY FROM COUNCILLOR ADELE MORRIS**

The council recently received a report on options for the future of the Elephant and Castle Trust, which recommended that the trust should receive £30,000 per year of the rental income from a former community centre at 56 Southwark Bridge Road in the Bankside area of Cathedrals ward.

Can the cabinet member for regeneration and corporate strategy say whether she supports the recommendation, and if so:

1. Does she believe that it is appropriate to use rental income from a building in the north of Cathedrals ward, well beyond the Elephant and Castle area boundary, to fund a group that represents the Elephant and Castle when the council is no longer able to provide the £30,000 funding for the nearby Bankside Residents Forum?
2. Where does the money from the rental on 56 Southwark Bridge Road currently go to?

**42. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR LEWIS ROBINSON**

In light of the new right to buy scheme which comes into effect on 2 April 2012, can he outline steps taken by officers in the housing department to fulfil their obligations in good time to make tenants aware of the opportunities available to them?

**43. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR TOBY ECKERSLEY**

In the light of the fact that that there are only a few days left for the responsive housing repairs contractor for the south area of the borough to demonstrate contractual compliance, would the cabinet member for housing management set out the timescale for progressing this matter and provide justification for any confidence he may have that the housing repairs service will be maintained to an effective standard in the event that the existing contract is terminated?

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

Is the cabinet member aware that there is a shortage of neighbourhood watch signs and that this has been exacerbated by the council failing to transfer such signs from redundant lamp posts to their replacements? With the Metropolitan Police denying they have resources or responsibility to assist in this, what steps are the council taking to ensure there are sufficient signs to support the demand in neighbourhood watch areas?

<b>Item No.</b> 4.2	<b>Classification:</b> Open	<b>Date:</b> 28 March 2012	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Motions	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Communities, Law & Governance	

## BACKGROUND INFORMATION

The councillor introducing or “moving” the motion may make a speech directed to the matter under discussion. This may not exceed five minutes<sup>1</sup>.

A second councillor will then be asked by the Mayor to “second” the motion. This may not exceed three minutes without the consent of the Mayor.

The meeting will then debate the issue and any amendments on the motion will be dealt with.

At the end of the debate the mover of the motion may make a concluding speech, known as a “right of reply”. If an amendment is carried, the mover of the amendment shall hold the right of reply to any subsequent amendments and, if no further amendments are carried, at the conclusion of the debate on the substantive motion.

The Mayor will then ask councillors to vote on the motion (and any amendments).

## IMPLICATIONS OF THE CONSTITUTION

The constitution allocates responsibility for particular functions to council assembly, including approving the budget and policy framework, and allocates to the cabinet responsibility for developing and implementing the budget and policy framework and overseeing the running of council services on a day-to-day basis. Therefore any matters that are reserved to the cabinet (i.e. housing, social services, regeneration, environment, education etc) cannot be decided upon by council assembly without prior reference to the cabinet. While it would be in order for council assembly to discuss an issue, consideration of any of the following should be referred to the cabinet:

- to change or develop a new or existing policy
- to instruct officers to implement new procedures
- to allocate resources.

**Note:** In accordance with council assembly procedure rule 2.10 (7) & (8) (prioritisation and rotation by the political groups) the order in which motions appear in the agenda may not necessarily be the order in which they are considered at the meeting.

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<sup>1</sup> Council assembly procedure rule 1.14 (9)

**1. MOTION FROM COUNCILLOR RICHARD LIVINGSTONE** (Seconded by Councillor Chris Brown)

**Universal credit**

1. Council assembly notes that, starting in October 2013, universal credit will begin to replace income support, job seekers allowance, employment and support allowance, housing benefit, working tax credit, child tax credit and support for mortgage interest.
2. Council assembly recognises that universal credit is a household benefit and that the income from universal credit will therefore be critical to the household incomes of thousands of its residents who are both in and out of work.
3. Council assembly therefore believes that the quality of the universal credit 'service' will be important to the lives of its citizens and that the planned reliance on a web based delivery model backed up by remote call centres without the inclusion of a local, easily accessible, face to face service element puts the successful introduction of universal credit at significant risk.
4. Council assembly therefore calls on the cabinet:
  - 1) To approach Department for Work and Pensions (DWP) and raise its concerns.
  - 2) To develop jointly with DWP local arrangements for the delivery of universal credit and to report back on progress to the cabinet member for finance, resources and community safety, specifically addressing the resources required and responses to the following basic questions:
    - How will someone apply locally?
    - Where will they apply locally?
    - Where will they take required documents locally?
    - Where will the local 'universal credit' office be and what office accommodation will be required?
    - How will the skills and experience of existing benefits staff be utilised and how many staff will be needed?
    - How does an individual citizen get face to face advice and help if they have a problem?

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

**2. MOTION FROM COUNCILLOR CATHERINE BOWMAN** (Seconded by Councillor Anood Al-Samerai)

**Post offices for Southwark**

1. Council assembly notes the importance of local post office branches in Southwark for local people, small businesses and the community as a whole.
2. Council assembly regrets the closure of a number of vital post offices by the previous Labour government including Peckham Road, Old Kent Road, East Street, Nunhead, East Dulwich, Dockhead and Brandon Estate.
3. Council assembly further regrets Southwark Labour's decision to close the Bermondsey One Stop Shop.
4. Council assembly welcomes the fact that after more than 20 years of reductions of service and closures of post offices, the current government is investing £1.34 billion to stabilise, improve and extend the services of post offices throughout the UK.
5. Council assembly notes the request from the coalition government for councils to enter into strategic relationships with the post office to:
  - Review the current location of post offices
  - Review the services in which they specialise
  - Look at ways of enhancing co-operation between the post office and all public sector bodies, particularly councils
  - Develop methods for working together to deal with problems of financial inclusions.
6. Council assembly calls on the leader to write to the chair of the post office to invite talks for the establishment of such a partnership in areas where there is a particular need, such as on the Brandon Estate.
7. Council assembly further calls on the leader to fully investigate re-providing council services that were at Bermondsey One Stop Shop at Southwark Park Road post office and other post offices across the borough.

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

**3. MOTION FROM COUNCILLOR RENATA HAMVAS** (Seconded by Councillor Mark Glover)

**South London line replacement**

1. Council assembly notes that the South London Line is a well-used regular train service linking Victoria and London Bridge. Thousands of Southwark residents use it on a daily basis, as it serves Denmark Hill, Peckham Rye, Queens Road, Peckham Station, South Bermondsey and London Bridge from early morning until late evening seven days a week.

2. Council assembly regrets that this service is due to be cancelled later this year when the East London Line spur from Surrey Quays to Clapham Junction is opened. There will be a reduced service from Peckham Rye, Queens Road and South Bermondsey to London Bridge. As a consequence of the cancellation of the South London Line, Southwark residents will no longer have a train connection to Victoria in the evenings and early mornings and half the current service at other times.
3. Council assembly notes that the service that will remain if no replacement is offered is the Victoria to Dartford service that starts at rush hour and finishes in the early evening. The Victoria to Dartford service is already unfit for purpose. Southwark residents are walking to New Cross to get southbound trains in the morning as the service starts too late. Also, residents cannot access by train, a key connection with the Docklands Light Railway/train hub at Lewisham outside Monday to Saturday peak hours. For two years, the First Capital Connect service has been diverted to Victoria in the evenings. The level of use of this service and the soon to be axed South London Line has shown there is great demand for an evening service to Victoria from the Southwark stations.
4. Council assembly believes the new East London Line is a welcome addition to transport links for Southwark residents. It is however, very much a supplement rather than a substitute to existing routes, as Clapham Junction is geographically a very different destination to Victoria. It is understood that due to routing challenges, with the increased line use that changes to the current service may be necessary. However, suitable substitutes need to be in place.
5. Council assembly supports the proposal for the Victoria to Dartford service to become a full, early morning until midnight seven-day a week service (two trains per hour in each direction), complementing a full First Capital Connect Sevenoaks to Bedford service via Blackfriars. Additional service would be provided during peak hours (similar to the current Victoria to Dartford service) with two trains per hour between Victoria and Bellingham. This would result in maintenance of the current train frequency at Denmark Hill and Peckham Rye to and from Victoria and an increase of two trains per hour at Nunhead. Two trains per hour would still be lost from Queen's Road Station; however, Nunhead Station is 10 minutes walk from Queen's Road.

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



**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Member Motions	Constitutional Team 160 Tooley Street London SE1 2QH	Andrew Weir 020 7525 7222

**AUDIT TRAIL**

<b>Lead Officer</b>	Ian Millichap, Constitutional Manager
<b>Report Author</b>	Lesley John, Constitutional Officer
<b>Version</b>	Final
<b>Dated</b>	15 March 2012

<b>Item No.</b> 5.1	<b>Classification:</b> Open	<b>Date:</b> 28 March 2012	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Canada Water Area Action Plan	
<b>Ward(s) or groups affected:</b>		Surrey Docks, Rotherhithe, Livesey	
<b>From:</b>		Cabinet	

## RECOMMENDATIONS

That cabinet recommends council assembly to:

1. Consider the report of the Planning Inspector on the Canada Water Area Action Plan (Appendix 1).
2. Note the consultation report (Appendix 3), sustainability appraisal (Appendix 4) and equalities impact assessment (Appendix 5).
3. Adopt the Canada Water Area Action Plan (Appendix 2) incorporating the recommendations of the Inspector and the sustainability appraisal (Appendix 4).

## BACKGROUND INFORMATION

4. The council is preparing an area action plan (AAP) for Canada Water and the surrounding area. The AAP will 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 relevant parts of the Southwark Plan.
5. Work on the plan commenced in late 2007. Between November 2008 and February 2009, the council consulted on issues and options for the plan and this was followed by consultation on preferred options between July and October 2009. On 27 January 2010, council assembly determined to publish and submit the Canada Water publication draft to the Secretary of State for examination in public (EIP). The council invited representations as to soundness of the Canada Water publication/submission version between 29 January 2010 and 12 March 2010. The draft submission Canada Water AAP, together with a table of proposed minor changes was submitted to the Secretary of State at the end of March 2010.
6. On 28 January 2011 the council received the inspector's report on the core strategy. In the light of the report, it was resolved at council assembly on 6 April 2011 to invite comment on further changes to the AAP in respect of minimum dwelling sizes and three additional sites of importance for nature conservation. The council duly consulted over a 6 week period on the further changes and consultation closed on 2 June 2011.

7. The Secretary of State appointed a Planning Inspector to hold an EIP into the Canada Water AAP as required by the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning Local Development Regulations (England). Public hearings took place over 6 days between 2 August and 11 August 2011.
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 4.51-4.52 of Planning Policy Statement 12 – Local Spatial Planning (PPS12))
9. The Inspector issued his report on 22 November 2011. It 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. During the hearings the council proposed a number of minor amendments to the AAP which sought to overcome outstanding objections made by representors and to factually update the plan. In addition to the changes proposed by the council during the hearings, the inspector recommends two further changes: that the Quebec Industrial Estate, 24-28 Quebec Way and the vacant car park are taken out of the suburban density zone and located in the core area and that the area around Needleman Street is taken out of the suburban density zone and re-designated as an urban zone (these are shown on the map in Appendix 6 of this report).
11. The Inspector has concluded that with these minor changes the AAP can be considered sound, that it satisfies the requirements of s20 (5) of the Planning and Compulsory Purchase Act 2004 and that it accords with the advice in PPS12.
12. From January 2012, the Localism Act 2011 amends section 23 of the Planning and Compulsory Planning Act 2004 so that the council does not have to implement inspector's recommendations. It may make modifications, so long as these do not have any material impact on the policies in the plan.

## **CONSULTATION**

13. Consultation has been carried out at all previous stages of preparing the AAP:
  - Sustainability appraisal scoping report (March 2008) – this was subject to a 6 week consultation from 14 March 2008 to 25 April 2008
  - An issues and options report– this was published in January 2009 and sets out a number of options for future development in the AAP area. This was subject to a 12 week consultation period. An interim sustainability appraisal and stage 1 equalities impact assessment were also published in January 2009 and subject to the same consultation period.
  - A preferred options report – this was published July 21 2009 and sets out the preferred option for future development in the AAP area. This was subject to a 15 week consultation period. Formal consultation took place from September 1 2009 to November 6 2009. A sustainability appraisal and

stage 2 equalities impact assessment were also published in July 2009 and subject to the same consultation period.

- Publication/submission AAP: This was published in December 2009. Formal consultation commenced on 29 January 2010 for six weeks. The equalities impact assessment and the sustainability appraisal were updated to reflect any changes.
- Further changes: The council invited the public to make representations to the Inspector on the Further changes to the Canada Water AAP (Dwelling sizes and sites of importance for nature conservation) in March 2011. Formal consultation commenced on Friday 22 April 2011 and closed on Thursday 2 June 2011.

14. All consultation was carried out in accordance with the consultation strategy for Canada Water and our statement of community involvement. Methods of consultation included press notices, notification letters sent to around 3000 contacts on the planning policy team's database, presentations and workshops at Rotherhithe community council, exhibitions and focus groups. Further information is available in the consultation report in Appendix 3 of this report.

## **ADOPTION PROCESS**

15. The final version of the Area Action Plan with the Inspector's recommended changes went to cabinet on 24 January 2012 and to planning committee on 28 February 2012. The cabinet has recommended the document for adoption.

## **KEY ISSUES FOR CONSIDERATION**

### **Key principles in the AAP**

16. The purpose of the AAP is to set out a vision and policy framework to guide development over the next 15 years. The main issues addressed in the AAP are set out below.
17. Town centre: Canada Water has around 40,000 sqm of shopping floorspace. 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. 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.
18. 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 up to 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.

19. 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 shows how this target will be met by estimating the capacities of all sites. Over the AAP area as a whole, more than 3,000 new units will be provided. The majority of the AAP area would be designated as a suburban density zone, with densities generally up to 350 habitable rooms per hectare allowed. Within the core area around the town centre, densities generally up to 700 habitable rooms per hectare would be allowed. Higher densities would be permitted where development demonstrates an exemplary standard of design and accommodation.
20. 30% of new homes in the wider peninsula and 20% of new homes in the action area core should be family homes with 3 or more bedrooms. In line with the core strategy, 35% of new homes should be affordable.
21. Social and community infrastructure: The AAP promotes a cluster of businesses uses around Harmsworth Quays printworks. This would equate to around 12,000sqm of new office/studio space. The AAP requires also provision of health uses on the shopping centre and overflow car park site and will continue to work with NHS Southwark on this aspect of the plan.
22. 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.
23. Rotherhithe Primary School is identified as a potential site for a new secondary school if needed. Southwark's current Pupil Place Planning concludes that new Year 7 places will be required borough wide from September 2016, with 5 forms of entry, or 750 places, required by 2019/20 – that represents 150 additional Year 7 places.
24. It is considered by the council that these places should be provided in SE16 to respond to and support the ongoing regeneration in the area. In October 2011 the Department for Education (DfE) advised that a 700 place University Technical College (UTC) for 14-19 year olds based at Southwark College's Bermondsey site will proceed to the pre-opening stage of the UTC development process with a view to it being open in September 2012. The DfE further advised that a Compass Free School application for a 500 place mixed 11-16 secondary school, with the potential for a future sixth form offer, will also proceed to the next stage of the free schools process.
25. Neither proposal individually or combined fully responds to the identified need for additional places with a shortfall of places still anticipated towards 2019. The DfE have accepted that a further 100 places will be required and have proposed that these be met through an expansion of an existing school or of the proposed Compass Free School.
26. 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 or community infrastructure levy (CIL). Improvements will also be sought for improvements to public realm and walking/cycling facilities.

27. Green infrastructure: The AAP proposes new open spaces in the core area, including the plaza outside the new library. In addition, the AAP proposes converting the Former Nursery into a public open space. St Paul's Sports Ground is allocated as open space and possibly a community use. The AAP designates three additional sites of importance for nature conservation: King's Stairs Gardens, Deal Porter's Walk and Durands Wharf. The AAP envisages that s106 funding or the CIL will be likely to come forward for open space improvements within the plan period.

### **Changes proposed by the council during the hearings**

28. During the hearings the council proposed a number of minor amendments to the AAP which sought to overcome outstanding objections made by representors and factually update the plan. The main changes are set out below.
29. Harmsworth Quays: During the EIP, the Daily Mail group confirmed its intention to vacate the Harmsworth Quays print works by 2014. The plan has been amended to make this explicit. It also clarifies that the council will review elements of the plan post-adoption. Informal consultation on issues and options will take place over spring and summer 2012 and the council envisages consulting on a preferred option in autumn 2012. The publication version would be subject to consultation in 2013 and subsequently submitted to the Secretary of State for a formal examination-in-public. Adoption of the changes would be anticipated in 2014.
30. Density: Minor amendments were proposed to the policy on density which confirm the key criteria to identify the core area are: capacity for growth, accessibility to public transport and the character of the area.
31. Transport: The words "road network" in AAP policy 33 on s106 were substituted for "surface transport network". This change was agreed with TfL prior to the hearings. This meets the GLA's concern that the wording of the policy did not give sufficient priority to public transport improvements. It also enables Southwark to continue to prioritise improvements to the highway network around Lower Road.
32. Status of diagrams: Surrey Quays Ltd (SQL) sought clarification in the AAP that the figures in the plan are indicative. Minor amendments were proposed to confirm this.
33. Parking: SQL also raised a concern about parking policies in the plan. SQL indicated that policy 9 on parking should recognise London Plan policy 6.13 which suggests that parking policy may be flexed where it can be demonstrated that this is needed to support the vitality and viability of the centre. A change was proposed to the AAP which cross refers back to the London Plan.

34. Leisure and schools: Factual updates were made regarding investment in the 7 Islands leisure centre and with regard to pupil planning and funding for schools.
35. Open spaces: An amendment was proposed to policy 18 on open spaces to refer to a commitment to maintain park provision of at least 1.22ha per 1000 population. This was a key finding of the draft open spaces strategy. It would not entail the provision of new space, but would focus on improving the quality of existing spaces. This approach is considered to be reasonable given the quantity and quality of existing spaces in the area.
36. These changes are minor in nature and are not considered to change the substance of the AAP.

#### **Additional changes recommended by the inspector**

37. The Inspector recommends two further changes: that the Quebec Industrial Estate, 24-28 Quebec Way and the vacant car park to the north of 24-28 Quebec Way are taken out of the suburban density zone and located in the Core Area and that the area around Needleman Street is taken out of the suburban density zone and redesignated as an urban zone. This recommendation potentially increases the density which can be achieved by developments on sites in these areas.
38. The council argued during the hearings that these areas, due to their relationship with Russia Dock Woodland and their existing character, should be included in the suburban zone. The inspector however took the view that given the level of opportunity on the Quebec Way sites, their existing uses and relationship with Harmsworth Quays and other large development sites that they should be in the core area. As is noted above, this allows densities up to 700 habitable rooms per hectare. It is important to note however that the inspector states that “It must be reiterated that such a change does not equate to an unwarranted high density of redevelopment given their more peripheral location and close proximity to the important MOL of Russia Dock Woodland” (paragraph 28).
39. The Inspector also concludes that the area around Needleman Street should be located in an urban zone (with densities also up to 700 habitable rooms per hectare). The impact of this is expected to be limited as there are currently no development sites in this area.
40. While it is disappointing that the inspector recommended the change to the core area boundary, this should not deter the council from adopting the AAP. Overall, the AAP provides a strong basis for making planning decisions and will ensure that the necessary infrastructure, including improvements to the highway network, can be put in place to accommodate growth.

#### **Community impact statement**

41. The purpose of the AAP is to facilitate regeneration and deliver the vision of Southwark 2016 in a sustainable manner ensuring that community impacts are taken into account.
42. In preparing the AAP, the council completed equalities impact assessment (EqIA) report (Appendix 4). This highlighted the AAP would have a number of beneficial impacts. It noted with regard to transport that the AAP approach in

principle would benefit all members of the community. Car ownership levels tend to be lower among the young and elderly. Therefore a policy which seeks to promote walking and cycling, creating routes which are safe from conflict with vehicles, which prioritises non-car users, and which also maximizes opportunities to use public transport should benefit these groups in particular, promoting inclusivity and equality of access to jobs and services.

43. The approach to jobs and business would have positive impacts by creating local jobs which all members of the community will be able to access. Focusing on office and light industrial space instead of larger industrial units will provide more of a wide range of jobs for different equalities groups such as young people, women and disabled people who may be more likely to pursue jobs in office environments. Employment and training opportunities created by new development will be targeted at local people. This will have a particularly positive effect on young people, particularly school leavers who live in the area and want to work locally.
44. The aim of the AAP to provide facilities to support the growing population. This includes new health facilities, a new school, improved sports provision, leisure facilities and the protection of existing leisure facilities, youth provision and new community facilities. This approach will have a positive impact on all members of the community as access to local services help to create good community relations and improve satisfaction with the local area. Locating new community facilities together will have a positive impact on young people, the elderly and disabled people who may be less likely to have access to a car to get to different facilities.
45. The equalities impact assessment was updated in March 2011 to take into account the further changes (Dwelling sizes and sites of importance for nature conservation) which the council consulted on in 2010. The EqIA found that the minimum dwelling size standards would benefit all residents, in terms of the quality of accommodation provided, but in particular those with protected characteristics.
46. Maintaining a network of well used, high quality open spaces will benefit all residents including those with protected characteristics by ensuring everyone has access to outdoor space. The designation of sites as sites of importance for nature conservation will raise the profile of these areas in terms of their contribution to biodiversity and role as an ecological resource.
47. The EqIA has been finalised to take into account the changes recommended by the inspector. Because these are very minor in nature their impact on groups with protected characteristics is expected to be negligible. The impact of the changes to the boundaries of the density zone would be broadly neutral. It would potentially result in more homes being provided which would help meet housing need. This would be balanced the additional pressure which could be placed on social and community infrastructure. However, the plan will be monitored to ensure that needs for social and community infrastructure are kept under review.

### **Sustainability appraisal**

48. A sustainability appraisal (Appendix 5) has been prepared to ensure the wider impacts of development are addressed. The sustainability appraisal has informed the decision making process to facilitate the evaluation of alternatives and has helped to demonstrate that the plan is the most appropriate given the reasonable



alternatives. At each stage of plan preparation the council appraised the options to ensure that the approach taken forward has the most positive impact; environmentally, socially and economically. The final approach taken forward through the area action plan is considered to be the most effective at achieving sustainable development.

49. The results of the SA show that the overall impact is predominantly positive. Some minor negative impacts have been identified particularly in relation to sustainable development objective (SDO) objectives relating to climate change, air quality, waste and vulnerability to flooding.
50. The negative impacts largely relate to the environmental impact as a result of the quantum of new development. Mitigation measures have been identified, which will need to be put in place to minimise the impacts. With regard to flood risk, a large proportion of the AAP area falls within the flood zone but it is recognised that it is necessary to develop here as there is a lack of developable land that is not within the flood zone. Flood risk assessments and flood resilient design will need to be proposed as part of the planning applications.
51. The SA has been finalised to take into account changes recommended by the inspector. These are minor in nature and have little impact on the overall sustainability of the plan. As in the case of the EqIA, the recommended changes to the density zone boundaries have a largely neutral impact. There are no development sites in the new urban zone and therefore this change is likely to have little impact on the sustainability of the plan. There are three sites within the extension to the core area. Two of the sites are identified in the plan and have mixed use allocations in the AAP. The third site will be released as a result of the Harmsworth Quays move. The core area designation may result in an uplift in density on the sites. The capacity estimate in the AAP for the Quebec Industrial Estate, the largest site, is for approximately 250 homes (389 habitable rooms per hectare). The council is currently considering a planning application proposal for 366 homes (517 habitable rooms per hectare), representing an uplift of 116 homes. The core area density policy allows for densities between 350 habitable rooms per hectare and 700 habitable rooms per hectare and therefore it is difficult to say with certainty what the eventual uplift across the three sites will be. The change would have a benefit to SDO 15 which relates to housing and is counterbalanced by the potential to harm SDO 11 which relates to the quality of landscape and townscape. Overall, in view of the fact that there are only three development sites in the density zones which are subject to change and in a context in which over 3,400 new homes will be provided across the AAP area, the overall impact on the plan would be small, particularly given that there are strong design policies in the core strategy which ensure that development must respect the character of surrounding areas.

### **Financial implications**

52. This report is seeking council assembly to consider the binding report of the planning inspector on the Canada Water Area Action Plan (Appendix 1); adopt the Canada Water Area Action Plan (Appendix 2) incorporating the binding recommendations of the Inspector and note the consultation report (Appendix 3), sustainability appraisal (Appendix 4) and equalities impact assessment (Appendix 5).
53. There are no immediate financial implications arising from:

- Consideration of the planning inspector's binding report and other amendments to the original planning policy document;
  - The adoption of the Canada Water Area Action Plan in its current amended form; and
  - Noting the consultation and other supporting reports.
54. All the background work that has fed into the amendment has been completed by existing establishment staff and resources within the planning policy team. Any additional work required to finalise the policy document or in response to additional queries will be done by the policy team without call on additional funding or resources.
55. Any potential additional costs from any specific proposals emerging from the adoption of the plan to the document or any queries thereof shall be submitted as separate reports for consideration in line with the appropriate protocols.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Strategic Director of Communities, Law & Governance**

#### **Functions and responsibilities**

56. On 28 February 2012, in accordance with Part 3F, paragraph 1 of the Southwark Constitution, planning committee commented on the adoption of the CWAAP which is to form part of the local development framework documents (LDFs).
57. Under Part 3B of the constitution, cabinet 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, is reserved to cabinet (Para 20, Part 3C).
58. The Canada Water 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) (Amendment) (No 2) (England) Regulations 2005 - Regulation 2, paragraph (4) the approval of a DPD is a shared responsibility with council assembly and cannot be the sole responsibility of cabinet.
59. Accordingly, on 24 January 2012 members of cabinet considered the content and recommendations of the Inspector's Report in respect of the adoption of the CWAAP and accompanying documents, and recommend to council assembly that the CWAAP be adopted together with the accompanying sustainability appraisal and with the Inspector's recommended changes.
60. Under Part 3A, paragraph 10 the function of adopting development plan documents is reserved to council assembly. Accordingly, council assembly will upon recommendations from planning committee and cabinet be requested to adopt the AAP with the Inspector's binding recommendations. Notably the Inspector endorses the CWAAP as sound with two key recommended changes: -
- That the Quebec Industrial Estate, 24-28 Quebec Way and the vacant car park to the north be taken out of the **suburban area** and located in the **core area**;

- That the area around Needleman Street is removed from the **suburban zone** and re-designated as an **urban zone**.

61. From 15 January 2012, section 112 of the Localism Act 2011 amends section 23 of the Planning and Compulsory Planning Act 2004 so that the council does not have to implement Inspector's recommendations. The council will still only be able to adopt a development plan document if the Inspector has recommended adoption, as is the case with the CWAAP. The council will also be able to make non-material modifications that taken together do not materially affect the policies set out in the CWAAP before adoption. Section 112(6) of the Localism Act 2011 specifies that these amendments to the Planning and Compulsory Purchase Act 2004 apply to all adoptions of DPDs that take place after coming into force of section 112, including an adoption where steps in relation to the document have taken place before then. The CWAAP falls into the latter category and could be adopted by members as recommended by the Inspector and / or with non-material modifications.

### **Examination in public**

62. Regulation 7 of the Town and Country Planning (Local Development) (England) Regulations 2004 ('the Regulations') provides that an area action plan must be a development plan document ("DPD"). The CWAAP is identified as a DPD in the council's revised local development scheme, which came into effect in June 2011.
63. As set out in the report, the CWAAP was subject to an examination in public (EiP) by a planning inspector appointed by the Secretary of the State in August 2011.
64. 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 (as to preparation) & s24(1) (as to conformity with regional / London Plan policies) of the 2004 Act and
  - The associated regulations (*The Town and Country Planning (Local Development) (England) Regulations 2004; SI.2004 No. 2204*); and whether it is sound.
65. In making an assessment of soundness, the CWAAP was examined against the requirements set out in Planning Policy Statement 12 – Local Spatial Planning (PPS 12) – namely as to whether it is justified, effective and consistent with national policy.
66. The Inspector concluded in his decision dated 22 November 2011 that the CWAAP is considered to be sound subject to his recommended amendments set out in his report. Members can adopt the CWAAP as recommended by the Inspector or with modifications that (taken together) do not materially affect the policies set out in the AAP under section 23(2) Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011.

### **Sustainability appraisal**

67. Section 19(5) of the Planning and Compulsory Purchase Act 2004 requires sustainability appraisal of the economic, social and environmental sustainability

of plans in DPDs. Accordingly, a sustainability appraisal was prepared to ensure the wider impacts of the CWAAP policies are addressed. The sustainability appraisal provides a sound evidence base for the plan and forms an integrated part of the plan preparation process. The iterative sustainability appraisal in respect of the CWAAP has informed the evaluation of reasonable alternatives. The Inspector concluded that the iterative SA process “has been consistently undertaken from initial issues and options through to submitted AAP and... included the pre-examination changes proposed...”

68. The iterative sustainability appraisal has fully informed the preparation of the CWAAP and is recommended for adoption by Members. The SA should be expressly adopted along with the CWAAP and must have a separate adoption statement pursuant to Environmental Assessment of Plans and Programmes Regulations 2004, regulation 16 (3) and (4) which summarises “...*how environmental considerations have been integrated into the plan or programme... the reasons for choosing the plan or programme as adopted, in light of other reasonable alternatives dealt with, and the measures decided that are taken to monitor the significant environmental effects...*” .

### **Equalities**

69. The Equality Act 2010 brought together the numerous acts and regulations that formed the basis of anti-discrimination law in the UK. It provides for the following “protected characteristics”: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation. Most of the provisions of the new Equality Act 2010 came into force in October 2010 (“the 2010 Act”).
70. In April 2011 a single “general duty” was introduced namely the Public Sector Equality Duty (PSED). Merging the existing race, sex and disability public sector equality duties and extending the duty to cover the other protected characteristics namely age, gender reassignment, pregnancy and maternity, religion or belief and sexual orientation, (including marriage and civil partnership).
71. The single public sector equality duty requires all public bodies to “eliminate unlawful discrimination, harassment and victimisation”, “advance equality of opportunity between different groups” and “foster good relations between different groups”.
72. Disability equality duties were introduced by the Disability Discrimination Act 2005 which amended the Disability Act 1995. The general duties in summary require local authorities to carry out their functions with due regard to the need to:
- (a) Promote equal opportunities between disabled persons and other persons;
  - (b) Eliminate discrimination that is unlawful under the Act
  - (c) Eliminate harassment of disabled persons that is related to their disabilities;
  - (d) Promote a positive attitude towards disabled persons
  - (e) Encourage participation by disabled persons in public life; and
  - (f) Take steps to take account of disabled person’s disabilities even where that involves treating disabled persons more favourably than other persons”
73. The production and examination of the CWAAP has straddled this process. However, the council’s approach to equalities has always been broader than that

required under previous legislation by protecting the now extended 'protected characteristics'. Therefore in terms of approach the Equality Act 2010 does not represent a significant change.

74. Throughout the production process of the CWAAP from issues and options, preferred options to a publication / submission, the council has undertaken thorough iterative equalities impact assessment (EqIA) involving the council's equality and diversity panel including assessment of borough's demographics and the potential impacts of the plan on its diverse communities with particular regard to its equalities duties. The council's EqIA processes extend beyond its current statutory equalities duties to incorporate religion/belief, sexual orientation and age. It is notable that the Inspector's report deemed the council's iterative equalities assessment evidence to be adequate.

#### **General conformity of the CWAAP**

75. Section 24(1)(b) of the Planning and Compulsory Purchase Act 2004 requires that local development documents (LDDs) issued by the council, such as the CWAAP, must be in general conformity with the spatial development strategy, namely the London Plan 2011. On submission of the final draft of the CWAAP to the Secretary of State for independent examination, the council sought the Mayor's opinion in writing as to whether the CWAAP was in general conformity (Reg 30, the Regulations). Accordingly the Mayor and the Inspector following examination have both confirmed that the CWAAP is in general conformity with the London Plan.

#### **Soundness of the CWAAP**

76. Under the Planning and Compulsory Purchase Act 2004 S 20(5)(a) the Inspector has examined the CWAAP on behalf of the Secretary of State to ensure that the plan complies with the legislative framework and is otherwise sound. Section 20(5)(b) of the Act requires the Inspector to determine whether the plan is 'sound' and:
  - a. Has been prepared in accordance with the local development scheme;
  - b. Is in compliance with the statement of community involvement and the Regulations;
  - c. Has been subject to sustainability appraisal;
  - d. Has regard to and is consistent with national policy;
  - e. conforms generally to the London Plan;
  - f. Has regard to other relevant plans, policies and strategies such as other DPDs which have been adopted or are being produced by the council;
  - g. Has been subject to an Appropriate Assessment pursuant to the Habitats Directive to ensure that the CWAAP or any of its policies are not likely to have any significant discernible impacts on European protected species;
  - h. Has regard to any sustainable community strategy for its area; and
  - i. Has policies, strategies and objectives which are coherent, justified, consistent and effective.
77. Subject to his recommendations and amendments, the Inspector was satisfied that the CWAAP is sound and complies with statutory requirements.

#### **Human rights considerations**

78. The decision to adopt the CWAAP potentially engages certain human rights

under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant. In the case of the CWAAP, a number of rights may be engaged: -

- **The right to a fair trial (Article 6)** – giving rise to the need to ensure proper consultation and effective engagement of the public in the process;
- **The right to respect for private and family life (Article 8)** – for instance the CWAAP has opted for a combined growth 'core areas' and housing growth approach which impacts on housing provision, re-provision or potential loss property / homes. Other considerations may include impacts on amenities or the quality of life of individuals;
- **Article 1, Protocol 1 (Protection of Property)** – this right prohibits interference with individuals' right to peaceful enjoyment of existing and future property / homes. It could be engaged, for instance, if the delivery of any plan necessitates CPOs or results in blight or loss of businesses/homes;
- **Part II Protocol 1 Article 2 Right to Education** – this is an absolute right enshrining the rights of parents' to ensure that their children are not denied suitable education. This is a relevant consideration in terms of strategies in the plan which impact on education provision.

79. It is important to note that few rights are absolute in the sense that they cannot be interfered with under any circumstances. 'Qualified' rights, including the Article 6, Article 8 and Protocol 1 rights, can be interfered with or limited in certain circumstances. The extent of legitimate interference is subject to the principle of proportionality whereby a balance must be struck between the legitimate aims to be achieved by a local planning authority in the policy making process against potential interference with individual human rights. Public bodies have a wide margin of appreciation in striking a fair balance between competing rights in making these decisions.
80. This approach has been endorsed by *Lough v First Secretary of State* [2004] 1 WLR 2557. The case emphasised that human rights considerations are material considerations in the planning arena which must be given proper consideration and weight. However, it is acceptable to strike a balance between the legitimate aims of making development plans for the benefit of the community as a whole against potential interference with some individual rights.
81. Public bodies have a wide margin of appreciation in striking a fair balance between competing rights in making these decisions. The approach and balance between individual and community rights set out in the publication/submission is within justifiable margins of appreciation.
82. The council has undertaken robust public participation, iterative sustainability and equalities assessments throughout the production of the CWAAP as well as engaging with the issue of human rights at each decision making process. Therefore the CWAAP is not deemed to interfere with any human rights which may be engaged and strikes the appropriate balance between making strategic policies for its communities against any potential interference. In deciding upon the adoption of the CWAAP, members are reminded to have regard to human rights considerations and strive to strike a fair balance between the legitimate aims of making development plans for the benefit of the community against potential interference with individual rights.

### **Adoption process – Procedural requirements**

83. Members' are advised that should the CWAAP be adopted by council assembly, following the recommendation of cabinet, 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.
84. 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 Inspector's recommendations and reasons as follows :
  - (a) That the recommendations of the Inspector's report be deposited for the purposes of public inspection at the same venue that the pre-submission proposal documents were deposited;
    - (i) That Inspector's recommendations be published upon the council's web-site; and
    - (ii) That notification of publication be provided to those persons who requested to be notified of the recommendations publications.
85. 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 CWAAP;
  - b) An adoption statement, and
  - c) The sustainability appraisal report
  - d) Publish the adoption statement on the council's web-site;
  - e) Give notice by local advertisement of the adoption statement and details of where it can be inspected
  - f) Send the adoption statement to any person who has asked to be notified of the adoption of the CWAAP; and
  - g) Send the CWAAP and adoption statement to the Secretary of State.

### **Application to the High Court**

86. The CWAAP has been prepared in accordance with the relevant legislation and regulations. If adopted this final version will establish the strategic planning policy framework for Southwark. Under Section 113 of the 2004 Act, any party aggrieved by the adoption of the CWAAP may make an application to the High Court within 6 weeks of the publication of the adoption statement. Such applications may only be made on limited grounds namely that: -
  - a) The document is not within the appropriate power; and / or
  - b) That a procedural requirement has not been complied with
87. Officers believe such risk is minimal. The Inspector has concluded the CWAAP has been prepared in accordance with the relevant regulations and guidance and due process has been followed.

### **Saved UDP policies**

88. If this CWAAP is not adopted planning applications in the council's area will continue to be assessed against saved policies of the unitary development plan, namely the Southwark Plan 2007, the core strategy, such other specific DPDs that have been adopted by the council.

### **Finance Director**

89. This report recommends that cabinet consider the report of the planning inspector on the Canada Water Area Action Plan, recommend that council assembly adopt the Canada Water Area Action Plan and note the consultation report, sustainability appraisal and equalities impact assessment.
90. The DFM notes that there are no immediate financial implications arising from the report but should subsequent costs arise, they will be the subject of a further report. Officer time to effect the recommendations will be contained within existing budgeted revenue resources.

### **BACKGROUND DOCUMENTS**

<b>Background paper</b>	<b>Held at</b>	<b>Contact</b>
Core strategy April 2011	160 Tooley Street, London SE1 2QH	Sandra Warren 020 7525 5471
London Plan 2011	160 Tooley Street, London SE1 2QH	Sandra Warren 020 7525 5471
Cabinet - 24 January 2012 - agenda and minutes	160 Tooley Street, London SE1 2QH	Paula Thornton 020 7525 4395
Planning committee - 28 February 2012 - agenda	160 Tooley Street, London SE1 2QH	Kenny Uzodike 020 7525 7236

### **APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Inspector's report on the Canada Water AAP (Appendices A and B of the inspector's report are available on the website)
Appendix 2	Proposed final version of the Canada Water AAP (circulated separately to all councillors)
Appendix 3	Consultation statement (available on the website)
Appendix 4	Equalities Impact Assessment (available on the website)
Appendix 5	Sustainability Appraisal (available on the website)
Appendix 6	Sustainability appraisal adoption statement (available on the website)



**AUDIT TRAIL**

Lead Officer	Eleanor Kelly, Deputy Chief Executive		
Report Author	Tim Cutts, Acting Head of Planning Policy		
Version	Final		
Dated	15 March 2012		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title		Comments Sought	Comments included
Strategic Director of Communities, Law & Governance		Yes	Yes
Departmental Finance Manager		Yes	Yes
Cabinet Member		Yes	Yes
Date final report sent to Constitutional Team			15 March 2012



The Planning  
Inspectorate

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# **Report to The London Borough of Southwark**

**by Andrew Seaman BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date: 15<sup>th</sup> December 2011**

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

**REPORT ON THE EXAMINATION INTO  
SOUTHWARK COUNCIL CANADA WATER AREA ACTION PLAN  
DEVELOPMENT PLAN DOCUMENT**

Document submitted for examination on 26 March 2010

Examination hearings held between 2 August and 11<sup>th</sup> August 2011

File Ref: PINS/A5840/429/6

## Abbreviations Used in this Report

AA	Appropriate Assessment
CS	Core Strategy
CCS	Southwark Community Strategy
CIL	Community Infrastructure Levy
DPD	Development Plan Document
ELR	Employment Land Review
IC	Inspector Recommended Change
LDS	Local Development Scheme
LP	London Plan 2011
MOL	Metropolitan Open Land
NPF	Draft National Planning Policy Framework
PC	Proposed Change
PPS	Planning Policy Statement
S106	Section 106 of Town and Country Planning Act 1990 (as amended)
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SINCs	Sites of Importance for Nature Conservation
The Report	Development Impact Report Rotherhithe Multi Modal Study 2010
UDP	Southwark Plan - Unitary Development Plan

### **Non-Technical Summary**

This report concludes that the Canada Water Area Action Plan (AAP) Development Plan Document, subject to a review as far as necessary due to the potential availability of Site CWAAP12 after 2014, provides an appropriate basis for the planning of the Area over the plan period. The Council has sufficient evidence to support the strategy and can show that it has a reasonable chance of being delivered.

A limited number of changes are needed to meet legal and statutory requirements. These can be summarised as follows:

- Clarification and amendment of the defined Core Area and housing density zones;
- Clarification and acknowledgement of the factual position known in relation to AAP Proposal Site CWAAP12;
- Acknowledgement and refinement of open space matters, including those to be addressed as part of the Council's intended Strategy and subsequent LDF documents
- Revisions to ensure the effectiveness of the delivery and monitoring of the AAP objectives; and
- Alterations to ensure a consistency of approach with national guidance, including Planning Policy Statement (PPS) 3<sup>1</sup> and PPS5<sup>2</sup>.

The overwhelming majority of the changes recommended in this report are based on proposals put forward by the Council in response to points raised and suggestions discussed during the public examination. The changes do not alter the thrust of the Council's overall strategy.

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<sup>1</sup> Housing

<sup>2</sup> Planning and the Historic Environment

## Introduction

1. This report contains an assessment of the AAP in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004. It considers whether the AAP is compliant in legal terms and whether it is sound. Planning Policy Statement (PPS) 12 (paragraphs 4.51-4.52) makes clear that to be sound, a DPD should be justified, effective and consistent with national policy. As stated at the start of the Examination, this report does not deal with every representation made to the AAP.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted Canada Water Action Area Plan (January 2010) which was accompanied by a Table of Proposed Changes. Since submission, the AAP has been subject to further proposed changes which are shown in the Council's Table of Pre-Examination Changes (Ref CDCW20) which have been subject to consultation, SA and an equalities impact assessment. The cumulative content of these documents represents the Council's intentions for the Canada Water area and therefore these shall represent the effective starting point for my report.
3. A Consolidated Table of Changes (CDCW26) which includes matters arising from Statements of Common Ground has subsumed CDCW20. In producing this report regard has been had to these documents in conjunction with a further table of changes arising from the examination hearings (ref CDCW 27). This report deals with all the proposed changes that are needed to make the DPD sound and they are identified in bold (**PC**) and refer to the numbered changes of the Council (eg **TOC1**, **EIP2** etc). All but two of these changes have been proposed by the Council and are presented in Appendix A. Other recommended changes are set out in Appendix C, identified in bold in the report (**IC**).
4. Some of the changes put forward by the Council are factual updates, corrections of minor errors or other minor amendments in the interests of clarity. As these changes do not relate to soundness they are generally not referred to in this report although I endorse the Council's view that they improve the plan. These are those changes shown within CDCW26 and CDCW27 (Appendix B) and not referenced in Appendix A. There is no reason for the Council not to make any additional minor changes to page, figure, paragraph numbering and to correct any spelling errors prior to adoption.
5. Where changes are proposed that go to soundness (for example in relation to dwelling room sizes) they have been subject to public consultation, in addition to necessary SA, and the consultation responses have been taken into account in completing this report.
6. References in my report to documentary sources are provided in footnotes, quoting the reference number in the examination library where necessary. Regard has been had to the core documents (CD) provided.

## Assessment of Soundness

### Preamble

7. Since the preparation and submission of the AAP, the Mayor of London has adopted the new London Plan 2011 (LP). The Mayor has indicated that the AAP is in general conformity with this latter document. Submissions were made to the contrary upon a number of specific policy areas and these are dealt with below as necessary. Ultimately, I agree with the Mayor. Consequently, in this respect, the AAP is sound.
8. The AAP was submitted in 2010 alongside its Core Strategy (CS). Due to the passage of time some circumstances have changed, including the content of the adopted CS, some elements of national planning policy and, unexpectedly, the factors relating to Harmsworth Quays, AAP site CWAAP12. The implications of these are dealt with as necessary below.

### Main Matters and Issues

9. In addition to the above and taking account of all the representations, written evidence and the discussions that took place at the examination hearings, there are seven main matters upon which the soundness of the plan depends.

#### **Matter 1 – Does the AAP provide an adequate and justified vision for the Canada Water area which will lead to an effective plan containing clear and deliverable objectives through to 2026?**

10. The AAP has been prepared in a manner which has followed adequately the Council's Local Development Scheme<sup>3</sup> (LDS). Whilst lessons may be learnt from the potential for consultation confusion in developing the AAP in parallel with the CS, the production of the former has met the terms of the Statement of Community Involvement<sup>4</sup> (SCI). There is limited and ultimately unpersuasive evidence to suggest that the thrust of the SCI has not been followed adequately in the production of the AAP, albeit that I recognise that there is invariably more that could be done in the pursuit of more effective and comprehensive consultation upon any LDF document, especially with those communities likely to be affected directly by its content.
11. It is clear, particularly with regard to Parts 1 and 3, that the AAP is informed by and aligned with the Council's Community Strategy<sup>5</sup> (CCS). As a consequence there is a consistency between the two documents and the Council's adopted CS. Regard has been had to the comprehensive body of evidence prepared in support of both the latter and the AAP.
12. The AAP has been informed by an iterative process of SA<sup>6</sup> that has assessed the vision, objectives and policies of the AAP. This process has been consistently

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<sup>3</sup> CDL22

<sup>4</sup> CDL4

<sup>5</sup> CDL2 Southwark 2016:Sustainable Community Strategy (2006)

<sup>6</sup> CDCW1, 10, 11, 22

undertaken from initial issues and options through to the submitted AAP and subsequently has included the pre-examination changes proposed. Whilst concerns have been raised that the process was limited in its scope and thoroughness, there is no persuasive evidence to conclude that the work of SA that has informed the AAP is inadequate or fundamentally flawed.

13. Similarly, concerns have been voiced that the Equalities Assessments<sup>7</sup> that have been undertaken by the Council, essentially through the work of its Borough wide panel, fail to acknowledge the local interests of the diverse residents of the AAP area. In this instance, no substantive reason has been put forward as to why a competent equalities assessment cannot be carried out by individuals who may not specifically live within or are associated with the AAP area. As a consequence and with due regard to the general duty contained within the Equality Act 2010, the submitted Equalities Assessment evidence is adequate.

#### *Vision*

14. Whilst rather long, the AAP sets out a clear vision for the locality that demonstrates the Council's intentions for the area. This recognises existing issues and constraints, for example the connectivity of existing town centre facilities, in conjunction with the desire to make best use of the range of opportunities which exist, such as the Canada Water basin. Sufficient reference is provided to the amount of intended development.
15. The vision is linked logically to the subsequent range of themes and objectives which are intended to provide clarity on how the vision will be realised and which provide a framework for monitoring outcomes. The objectives are in turn linked to the Policies of the AAP which provide further detail, as supported by the text within Part 4, as to what is intended to occur, where and, as necessary, when. The overall approach, which has evidently progressed through its evolution from the issues and options stage, is understandable, based on a broad range of evidence and has logic.

#### *Geographic Area*

16. The AAP covers a wide area which is known, at least in part, as the Rotherhithe peninsula. It is focussed upon the existing town centre of Canada Water which encompasses the traditional street of Lower Road and the retail development near to Canada Water basin. The western boundary abuts the significant townscape feature of Southwark Park. There are no compelling reasons to dispute the Council's AAP boundary which geographically encompasses those areas that would appear to have a direct spatial relationship to the town centre.
17. The town centre boundary as shown in the AAP, based upon the available evidence and my inspection of the locality, appears sound; including as it does the established commercial premises along Lower Road and extending to include the leisure and retail activities between Redriff Road and Canada Water station.

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<sup>7</sup> CDCW4, 21

18. The AAP identifies a Core Area, greater in size than the town centre, which will be the focus for new development. The Council has indicated that the Core Area is based upon an assessment of those areas that have the potential to accommodate change and an assessment of the existing character and density of development, linked to public transport accessibility. Such an approach, in the context of the AAP, is logical but inevitably places an onus upon the Council to ensure that its evidence in such regards is robust. The Council's suggested change to the text of the AAP which clarifies this approach in the interests of effectiveness is endorsed (**PC: EIP2**).
19. With regard to the Core Area itself, those centrally located areas, for example around the Canada Water basin and bounded by Surrey Quays Road in part, are specifically targeted for change. Their inclusion within the Core Area is clearly warranted. Furthermore, the northern element of the Core Area, between Canada Water station and Rotherhithe station, includes a number of locations where development is proposed and/or where regeneration is sought, for example Albion Street. The area displays urban characteristics as defined with regard to the LP and its inclusion within the Core Area is justified.
20. The Core Area western boundary runs along Lower Road, close to Southwark Park and includes the Seven Islands Leisure Centre. There is no persuasive evidence to suggest that this boundary is misplaced. In addition to the station and commercial premises on Lower Road to the south, the Core Area incorporates areas to the west of the railway line including the Hawkstone Estate. The evidence submitted indicates that the Council has considered the scope for investment into the housing stock in this location in addition to the creation of new school facilities; whilst less clear cut, the rationale for the inclusion of this predominantly urban residential area within the Core Area is, on balance, warranted.
21. Redriff Road establishes a logical south-eastern boundary for the Core Area, separating predominantly commercial activities and dwellings. Yet the submitted AAP shows the eastern boundary defined by Quebec Way, excluding the industrial premises occupying CWAAP Proposal Sites 10 and 11 and the overflow car park site adjacent to 24-28 Quebec Way. These premises are sensitively located close to Russia Dock Woodland which, there is no dispute, must have a material effect upon the capacity of change in this location. Nevertheless, the AAP recognises, via its Schedule of Proposal Sites that there is some scope for change in these areas. The sites are relatively close to the town centre and with Public Transport Accessibility Levels of 3/4; indeed the Greater London Authority identifies that CWAAP Site 11 is located in an urban context.
22. With full regard to the available evidence, which includes an understanding of the Council's rationale for its identified boundaries, the defined Core Area is not justified in this particular location. Such a flaw can be resolved reasonably by the inclusion of proposal sites CWAAP10 and 11 within the Core Area plus the overflow car park site adjacent to 24-28 Quebec Way. I recommend accordingly (**IC 1**). The AAP, as part of the extant development plan, makes clear that development proposals must have regard to the context of individual sites and thus there is no persuasive basis for considering that acceptable development should be uniform across the Core Area; as a consequence, the change which is recommended to the AAP does not mean that the overall scale and density of development which may occur within CWAAP Proposal Sites 10 and 11 should fail to reflect the sensitive and peripheral nature of their location.



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23. With regard to housing density alone, areas outside of the Core Area are identified as being part of a suburban character zone. With due regard to the evidence submitted in relation to Matter 6 below, this is not wholly convincing.
  24. AAP Policy 24 refers to the density of developments. The entire AAP area is identified as a suburban density zone with the exception of the Core Area which contains urban characteristics. I am very mindful of the evidence base which was submitted in relation to the CS and which was unpersuasive in relation to the Canada Water area.
  25. There is no dispute that the designated Core Area is, with due regard to the content of the LP, more urban in character. The Council's clarification in relation to the Core Area, wherein there lies the potential for higher densities of development, is endorsed (**PC: EIP 43**). Indeed, there would appear to be a general acceptance from those participating in the Examination that the areas including Southwark Park, around Greenland Dock, abutting the Thames and centrally placed around Russia Dock Woodland are suburban in character. It is those areas abutting the Core Area to the north-east which are disputed fundamentally.
  26. Set against the criteria of the LP and based upon the available submissions in conjunction with my own inspections of the area, I am not persuaded that Quebec Way is a defining boundary between the Core Area and the suburban density zone. In terms of characterisation, sites CWAAP 10 and 11 in particular, have no residential element and, in terms of building scale and location, relate more evidently to the land uses to the west of Quebec Way.
  27. The Council has made an assessment of building scale, urban grain and land use within its evidence relating to density across the Canada Water area. However and with this in mind, no satisfactory explanation has been provided as to why CWAAP Sites 10 and 11 are assessed in the context of the Russia Dock Woodland character zone which, elsewhere, is indeed of predominantly differing character to the Core Area. There is no very marked difference in scale, grain and land use between the AAP Core Area and these particular sites and they have an evident closer relationship in siting, built form and use to the Core Area than to the Metropolitan Open Land (MOL) and housing which lies to the north and east.
  28. I have recommended a change to extend the Core Area to include these two sites and there is no persuasive evidence to suggest that either location is particularly suburban in character such that my recommended change is not justified. It must be reiterated that such a change does not equate to an unwarranted high density of redevelopment given their more peripheral location and close proximity to the important MOL of Russia Dock Woodland.
  29. Elsewhere and whilst I recognise that the area affected is relatively small, there is evidence that the housing developments adjacent to Swan Road and including Needleman St, Garter Way and Wolfe Close are flatted, of relatively high density and with Public Transport Accessibility Level scores above 3. Indeed, recent development at Woodland Crescent and Water Gardens Square is of a significant scale and lacks clear suburban characteristics. In turn they link through to Salter Alfred Primary School. These areas have not been specifically assessed by the Council in its characterisation work undertaken within CDAI73.

30. The evidence submitted by the Council in relation to density is not sufficiently robust. Nonetheless, in conjunction with that cumulatively submitted by all parties to both the CS and the AAP Examinations and in the interests of consistency and robustness, the identification of an urban density zone to include the developments listed in the above would be justified and in accord with the content of the LP<sup>8</sup>. Due to the absence of any material capacity for further change, this area would be outside of the Core Area. Such an alteration is recommended accordingly (**IC 2**).

#### *Harmsworth Quays*

31. Unexpectedly, circumstances affecting site CWAAP12 have altered since the AAP was submitted. This has a potential bearing upon the content of the document.
32. Subject to the receipt of planning permission, the current operations at Harmsworth Quays print works are intended to relocate out of the area, possibly by 2014/2015. The site is within the central Core Area, is comparatively large and is consequently significant in the context of the AAP. There is considerable uncertainty, linked in part to existing lease arrangements, as to the future of the site at present.
33. Whilst a new occupant for the site could be found to continue related commercial activities, it is also possible that redevelopment of the site or part of the site could occur. As stated by the Council and discussed in part at the Hearings, the fundamental vision and objectives of the plan are unlikely to be altered by the intended vacation of the site by the current occupants. Nevertheless, it remains possible that the overall amount of business space to be provided could be influenced by any redevelopment within the site area which would feasibly exceed those currently shown within the AAP. Redevelopment may also impinge upon other uses including housing and possibly the retail provision within, and the physical layout of, the town centre. Redevelopment of the site, certainly if it involved new uses, would be likely, given the sites overall scale, to have effects upon its built form, transport and other key infrastructure.
34. The Council accepts that the unforeseen availability of the site has implications for the submitted AAP. It intends to review elements of the AAP via a consultation process during 2012 leading to the submission of amendments to the AAP in the autumn of 2013 with a view to adoption, following examination, in summer 2014. This would appear necessary, unavoidable and a suitable opportunity to engage meaningfully with all stakeholders, including residents of the area, the leaseholder and other interested parties, to ensure a reasoned and deliverable set of outcomes for the site.
35. The purpose of the AAP is to guide development within the locality to meet the stated vision and strategic intentions of the both the Core Strategy (CS) and the LP. The AAP would fail in its purpose were it not to address in an adequate and timely fashion the potential of redevelopment of a significant central site. Nonetheless, considerable time and resource has been expended to enable the

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<sup>8</sup> See CDCW28 produced to clarify the proposed change.

AAP to reach its current position and it is a truism to state that the world will not stand still to await plans to be made.

36. Any delay of the current AAP Examination to enable the Council to formulate and consult upon options for Site CWAAP12 prior to revised submission would likely run into 2014. Such a time period could impact materially upon the delivery of the Council's vision as laid out in the CS and impinge upon the effective planning of development within Canada Water. Whilst still a draft document, the National Planning Policy Framework (NPF) indicates the importance of the plan-led system, wherein positive long term visions for an area are enabled. This is achieved by the AAP. The NPF identifies the need to keep plans up to date and this would be secured by the early review proposed by the Council.
37. To be effective, planning must be flexible and responsive to change. The Council suggest a number of changes acknowledging the need for review which are endorsed for reasons of clarity and effectiveness (**PC: EIP 0, 29, 44, 55, 79**). It is upon this basis that the soundness of the AAP, in relation to other extant LDF documents and the LDS, falls to be considered. There is no compelling evidence to indicate that the AAP is consequently not sound.

#### *Other Matters*

38. The Council has clarified that a number of Figures within the AAP which contain illustrative material are not intended to provide a prescriptive guide to future development and, for reasons of flexibility and effectiveness, the proposed changes of the Council are endorsed accordingly (**PC: EIP 18 and 27**).
39. The proposals map would be altered in the event that the AAP was adopted and there is no reason to conclude that the changes necessary would fail to be sufficiently clear and comprehensive. The AAP contains adequate and clear references to the saved policies of the Southwark Plan (UDP).

#### *Summary*

40. The submitted AAP provides an adequate and justified vision for the area, has clear and deliverable objectives and, especially and most crucially in relation to the first five year phase of the plan, is based on an adequate evidence base. There are no persuasive reasons to find that the document, when considered as a whole and in relation to other extant LDF documents including the LDS and the intended partial review, will not be effective in delivering its clear objectives over the plan period.

### **Matter 2 – Shopping, Jobs and Business: Is the approach of the AAP to shopping, jobs and business justified by the evidence base and deliverable?**

41. In support of the AAP approach to shopping, jobs and business which is expressed by AAP Policies 1 to 5, the Council has produced a reasonably extensive evidence base<sup>9</sup> that was also used to inform its adopted CS. This

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<sup>9</sup> CDCWB2 Retail Background Paper; CDB5 Core Strategy Retail Background Paper; CDE5 Retail Study et al.

evidence acknowledges cumulatively the advice of Planning Policy Statement 4 'Planning for Sustainable Economic Growth' (PPS4). Matters of viability are not ignored<sup>10</sup>. No persuasive contrary evidence has been provided to fundamentally undermine the justification of the Council's strategy.

### *Retail*

42. With regard to retail matters, the AAP clarifies the intended role of Canada Water within the town centre hierarchy as established by the LP and the CS. The evidence supports the amount of additional floor space proposed (35,000m<sup>2</sup>) which will endeavour to stem and claw back the leakage of comparison goods expenditure outside of the borough and area whilst increasing market share. Similarly the evidence, which appears sufficiently up to date and robust, supports the capacity for new convenience goods floor space within the town centre.
43. In the interests of retail diversity and in line with the content of PPS4, the requirements of Policy 1 are not inflexible and are justified sufficiently in seeking to ensure that a proportion of new shop units are made available as independent units.
44. The importance of other shopping locations, such as found at Lower Road or Albion Street, is recognised suitably by AAP Policy 3. The aim to avoid a proliferation of hot food takeaways is, in the interests of shopping frontage vitality, justified by the evidence base.
45. The Council addresses the importance of markets adequately within the AAP.

### *Jobs and Business*

46. AAP Policy 25 identifies the intention to promote a business cluster within the Core Area. Such an approach is warranted by the Council's Employment Land Review<sup>11</sup> (ELR) which, amongst other matters, forecasts a need for new office space throughout the borough; this accords with the thrust of the Council's Economic Development Strategy and the LP which contains an indicative employment capacity of 2,000 new jobs to 2031.
47. In the absence of compelling evidence to the contrary, the ELR represents a robust evidence source that justifies the level of proposed business floor space over the life of the plan; it acknowledges suitably the local office space market. The objectives and detail of the AAP in relation to jobs and business is therefore warranted by the available evidence and is sound.
48. Set against this context, the principles embodied in the proposals for site CWAAP7 would appear predicated on sound evidence with, notwithstanding concerns relating to stipulated building heights discussed under Matter 4, the potential to be delivered reasonably. In the interests of effectiveness, the

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<sup>10</sup> CDD5 The Benoy Town Centre Feasibility Study; CDD47 CBRE Town Centre Feasibility Study

<sup>11</sup> CDE1

Council's suggested change to the delivery of business space in relation to Site CWAAP7 is endorsed (**PC: EIP47**).

49. The development of options for Site CWAAP12 may have implications for the extant evidence base relating to jobs and business. The intended review of the AAP in this regard will provide a suitable opportunity to ensure that a suitably holistic and comprehensive plan led approach to the Core Area is provided. The Council's proposed additional paragraph (PC: EIP44) will assist in clarifying the means by which alterations to the plan may be made. There is no compelling reason to consider that the submitted AAP is deficient in the interim.
50. The Council has had regard to the government's 'Plan for Growth' (2011) and the ministerial statement 'Planning for Growth'<sup>12</sup>. Comments upon the relationship of the AAP to these publications have been sought from the community and interest groups through a consultative process. Regard has been had to all responses submitted and there is no persuasive evidence to suggest that the AAP, particularly through elements of its vision, objectives and themes, runs counter to the government's ambition to prioritise growth and job creation within an overall context of sustainable development.
51. Based upon the available evidence, the approach of the AAP to shopping, jobs and business is justified by the evidence base and is deliverable.

**Matter 3 – Transport: Is there adequate evidence that the transport implications of the AAP have been considered suitably and that the necessary transport infrastructure will be in place to support the development intended over the plan period?**

52. The AAP identifies significant levels of development for the area over the plan period. Inevitably such development will have implications for the transport infrastructure of the locality.
53. The Council's Development Impact Report<sup>13</sup> (the Report) endeavours to identify both short and long term transport impacts within the AAP area with due regard to developments in the local and adjacent area. This report acknowledges and draws upon a previous multi modal study undertaken in 2006 and covers peak travel times and Saturdays. Transport for London and other Boroughs were consulted with regard to specific development and infrastructure improvements. Overall, this evidence is professionally robust and effectively supplements further information to be found within evidence sources such as Southwark's Transport Plan.
54. The Report makes a number of key conclusions and recommendations that inform the AAP, for example in relation to the need for Transport Assessments to accompany development proposals within the AAP area and improvements to Lower Road. Based upon other submissions and my own inspections, Lower Road and the A200 carry significant levels of traffic, including that which merely

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<sup>12</sup> Minister of State for Decentralisation, 23 March 2011

<sup>13</sup> CDI16 Development Impact Report Rotherhithe Multi Modal Study 2010

passes through the area, and experience frequent congestion. This is acknowledged within the Report.

55. The AAP makes clear, via AAP Policy 8 and Appendix 6, that a number of specific transport improvements are required throughout the area. Indeed, there is a reasonable degree of clarity as to what projects are proposed, when and by whom projects will be undertaken and how such projects will be funded. There are many variables and factors which can influence the successful completion of significant transport schemes, yet there is no strong reason to consider that the objectives of the AAP in this regard are anything other than justified and capable of effective implementation. By so doing, the transport implications of the AAP are acknowledged adequately.
56. The AAP provides an indication of funding sources for some road projects including sums to be obtained from the use of planning obligations. However, it is clear that the figures provided are indicative only and that, in addition to the use of the intended Community Infrastructure Levy (CIL), the AAP does not adopt a prescriptive approach to such matters. There is adequate flexibility in the AAP to ensure that it can be effective in securing infrastructure provision.
57. The AAP, specifically through Policies 6 and 7, identifies that improvements will be made to walking and cycling routes in addition to improvements to public transport. The Council's approach to alternative forms of transport is further clarified within its Sustainable Transport SPD<sup>14</sup>. Whilst Figure 7 of the AAP is indicative with regard to such improvements, there is sufficient clarity on the intentions of the AAP to enable the delivery of necessary works in conjunction with development proposals. Such details include the objectives of securing improved east-west routes and the aspiration to obtain a better route between Canada Quays Station and Albion Street to the north.
58. The use of the river for transport is referenced adequately and flexibly within AAP Policy 7 notwithstanding the limited evidence that supports a need for any increased service provision. Overall, the AAP is sound in such regards.
59. For reasons of efficiency, the AAP identifies that car parking for retail and leisure developments within the town centre should be available for the general public as town centre car parking. The Council has suggested changes to the supporting text of AAP Policy 9 which would ensure a consistency of approach between the AAP and the LP whilst providing flexibility, linked to viability, for the assessment of town centre car parking in relation to proposals. These changes are endorsed in the interests of clarity and effectiveness (**PC EIP 21 and 22**).
60. Submissions to the Examination have sought a more prescriptive approach to car parking which would stipulate the number of car parking spaces to be provided for the town centre. However, such an approach would not provide due flexibility for the assessment of necessary parking in light of development proposals which have yet to come forward. Such schemes would need to be assessed within their particular context, which may or may not include an

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<sup>14</sup> CDSPD3

extension of the current Controlled Parking Zones on nearby streets. I am not persuaded that a prescriptive approach would necessarily be effective for the plan period and see no reason why a negotiated approach, as indicated by the Council, should not provide a suitable outcome for the parking needs of the town centre. Such an approach would enable due regard to be had to a range of factors which would include car parking management techniques and the relative availability of alternative transport modes.

61. AAP Policy 10 indicates maximum parking standards within the Core Area and is an approach that accords with the thrust of, amongst other publications, Planning Policy Guidance Note 13 'Transport', the CS and the LP. The AAP makes clear that this approach is linked to the relatively good accessibility of the Core Area to public transport and will, in time, be supplemented by the detailed parking guidance of the intended Development Management DPD. The submitted approach is sound.
62. There is no substantive evidence from the operators of emergency vehicles to suggest that the limitations of the transport infrastructure are such that the approach of the AAP is unsound. Indeed, the AAP recognises current problems with the road network which it aims to address. Based upon the available evidence, the AAP is not fundamentally flawed in its approach to emergency vehicles using the transport system of the area.
63. Similarly the approach of the AAP seeks to improve the road system and flows of all traffic, including freight, into, across and out of the AAP area to the benefit of all. Whilst there are undoubtedly transport issues to resolve, there is no compelling evidence which suggests that a 'bypass' is required or indeed could be secured reasonably over the lifetime of the plan. Transport emissions affecting the environment, such as air quality, are a material consideration of note in parts of Canada Water; nonetheless and in association with other aspects of the extant development plan, there is limited evidence to suggest that they would not be capable of being assessed effectively as part of individual development proposals.
64. Overall there is adequate evidence to demonstrate that the transport implications of the AAP have been considered suitably and that the necessary transport infrastructure will be in place to support the development intended over the plan period.

**Matter 4 – Places and Leisure: Are the AAP intentions with regard to the built environment and open space based upon a sufficiently robust evidence base, effective and deliverable?**

*Built Environment*

65. The AAP indicates significant redevelopment of the town centre. AAP Policies 14, 15, and 16 take a positive approach to the design of streets, spaces and building blocks that seeks to maximise opportunities to mix uses and reconfigure key elements of the town centre. Such an approach is supported adequately by the

thorough preparatory evidence compiled by the Council<sup>15</sup>.

66. To support the AAP vision, the Council identifies the retention and provision of additional leisure and entertainment facilities in the town centre. This is consistent. Whilst modern design solutions may affect the layout and appearance of leisure and entertainment space in a manner different to that which exists, there is no substantive evidence to find that AAP Policy 11, which requires no diminution of such floor space, is either inflexible or unsound.
67. The Council's evidence, including its Tall Building Background Paper<sup>16</sup>, informs AAP Policy 17 which addresses building heights within and adjacent to the Core Area. A range of prevailing building heights around the Canada Water Basin are stipulated which reflect, in general terms, the existing and permitted developments of the locality and which are supported by the urban design analysis of the Council. The AAP indicates two sites for tall buildings potentially in excess of 30m for the reasons summarised in AAP paragraph 4.5.16 and this approach is most persuasive. Subject to the Council's suggested change (**PC: TOC13**) which is endorsed, the LP Viewing Corridors are acknowledged and protected. In broad terms, the Council's approach to building heights and urban design is both considered and justified.
68. Submissions have been made to the Examination, including that from the representatives of part of site CWAAP7<sup>17</sup>, which raise concerns at the veracity of the Council's approach to building heights, particularly in terms of whether the AAP would, with due regard to the viability of redevelopment on sites such as intended by CWAAP7, be deliverable over the plan period.
69. The Council identifies that, in addition to other evidence, its Benoy Study<sup>18</sup> and CBRE financial appraisal<sup>19</sup> are sufficiently indicative of the general viability of the AAP approach to development within the Core Area. I am mindful that the combined viability evidence of the Council is designed to explore the feasibility of development within Canada Water although it does not seek to cover all development and design options nor does it seek to exhaust the range of different assumptions which can be made in relation to phasing or economic factors such as the availability of housing grant. Such an approach represents a proportionate and robust evidence base.
70. Invariably the delivery of new development, and that which involves effective redevelopment, can face a number of challenges which are linked to the individual characteristics of sites. The Site C extant permission toolkit viability information submitted would certainly appear to indicate that the development which has been permitted by the Council is not currently likely to be implemented.
71. Nevertheless, the AAP is intended to operate over a 15 year period during which

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<sup>15</sup> CDCWB6, CDCWB21 et al

<sup>16</sup> CDB11

<sup>17</sup> CDAI41 et al

<sup>18</sup> CDD5

<sup>19</sup> CDD47



time many variables, including land values, can change. Whilst matters such as the availability of housing grant, the terms of tenancy agreements, necessary development mitigation and the density of development can affect the viability of development proposals, all such matters are capable of being presented reasonably as part of specific planning applications. The AAP, via Policy 17 and CWAAP7, provides a considered and evidenced urban design approach to development in and adjacent to the Core Area and there is insufficient contrary evidence to convince me that the AAP is flawed in this regard.

72. Policy 17 indicates the height range that buildings should satisfy. However, and as evidenced by the 10 storey element of the extant permission, this does not preclude the emergence of alternative proposals which may, on an individual basis, be justified relative to site circumstances. Such circumstances may include matters such as the urban design context and development viability.
73. The approach of Policy 17 and CWAAP7 is therefore founded on an adequate and robust evidence base wherein flexibility to achieve effective implementation is not precluded.
74. As a related albeit separate matter, the Council's proposed changes to the AAP will ensure consistency with the advice of PPS5 whilst the heritage assets of the locality, in conjunction with the CS, will be acknowledged suitably. The Council's suggested changes are endorsed (**PC: SCG 4, 5, 6; EIP26**) accordingly.
75. The AAP intentions with regard to the built environment are based upon a sufficiently robust evidence base, are effective and there is no substantive reason to conclude they would not be deliverable over the plan period.

#### *Open Space*

76. As an addition to CS Policy 11, which takes a strategic approach to open spaces and wildlife within the Borough, AAP Policy 18 provides a more detailed approach to such matters within the locality.
77. The AAP sets out an intention to protect, maintain and improve the open spaces, green corridors and wildlife habitats of the area which accords suitably with the thrust of the CS and the LP. MOL, Borough Open Land and Other Open Spaces are protected whilst the AAP identifies three new Sites of Importance for Nature Conservation (SINCS) that are supported by bespoke analysis and site specific evidence. For reasons of clarity and effectiveness the Council's suggested changes are endorsed in this regard (**PC: FC1 and FC2**) and such SINCS are duly justified. I also endorse the Council's suggested change which clarifies the intention to achieve high quality green infrastructure alongside the highest possible environmental standards (**PC: EIP7, 20**).
78. The AAP follows the strategic direction provided by the CS in its references to the support for green corridors and green chains and there is no conflict with the aims of the LP upon these matters. Indeed, the AAP carries a clear commitment to the improvement and 'greening' of the public realm, especially in the Core Area.
79. AAP Policy 12 supports the improvement of sports facilities within the area with particular reference to the Council's commitment to refurbish the Seven Islands Leisure Centre. There is no evidence to suggest that the Council's approach is

not sound in such regards. Furthermore, there is also no convincing evidence to indicate that the active leisure needs of people, including the young, will not be addressed during the next 15 years.

80. In relation to Open Space the Council relies on various pieces of evidence, particularly its Open Space Study<sup>20</sup> and Sub Area Report<sup>21</sup> relevant to Canada Water. The latter pre-empt the yet to be published Borough wide strategy. The provisions of PPG17 and its Companion Guide<sup>22</sup> are most relevant.
81. It is clear that the Council, in line with the provisions of the LP, is continuing to develop its strategy for the Borough. This will lead, in time, to the creation of suitable standards for the area (and borough). Other than a minimum public park provision of 1.22ha/000 population which will require further consideration as part of the Council's overall strategy, neither AAP Policy 18 'Open spaces and biodiversity' nor AAP Policy 19 'Children's play space' seek to set standards of provision. Both seek to take a positive approach to the provision of open space and play facilities. In such a context and mindful of the continuing work being undertaken, the evidence available supports both policies in a proportionate manner. In the interests of clarity and effectiveness the changes of the Council in this regard are endorsed (**PC: PEC5, PEC7**).
82. The evidence has been prepared in accord with the overall thrust of PPG17 and its guide and with this in mind I note that the intended Borough wide strategy will be subject to public consultation at a later date. At this stage, it is clear that some open space provision, for example allotments and amenity green space, will require further consideration and analysis as to how standards will be set and provision made.
83. Whilst the available evidence supports adequately the approach of the AAP Policies, it is important to consider how the intentions will be realised. As indicated by the Council and in terms consistent with CS Policy 11, this could be via the intended Sites Allocation DPD or the S106/Community Infrastructure Levy DPD. In any event, the AAP should reflect the evident shortfall in allotment provision and the importance of amenity green space; the Council has suggested a change to the text of the AAP to ensure that these particular matters are acknowledged suitably and identified for action which is endorsed for reasons of effectiveness (**EIP31A**).
84. The AAP intentions with regard to open space are positive, cogent and, on balance, based upon a sufficiently robust evidence base which, subject to the creation of a considered open space strategy that addresses the hierarchy of open spaces effectively, will be deliverable.
85. With regard to a separate matter, AAP Policy 20 'Energy' establishes a district heating system approach to serve new and existing development within the vicinity of the Core Area. Mindful of the available evidence, particularly the

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<sup>20</sup> CDEN3

<sup>21</sup> CDEN26

<sup>22</sup> CDN12 and 13 – Planning for Open Space, Sport and Recreation.

Council's Energy Study and that which relates to viability, this approach appears justified and sound.

### *Summary*

86. The AAP intentions with regard to the built environment and open space are, on balance, based upon a sufficiently robust evidence base. Where considered in the context of the LDF as a whole, there is no persuasive evidence to indicate that the AAP will not be deliverable and effective in such regards.

### **Matter 5 – Community and Education: Is the evidence underpinning the details within the AAP relating to community and educational issues robust? Will the AAP be effective in achieving its objectives in these regards?**

87. AAP Policies 26 to 29 relate to a range of educational and community matters. With regard to school and pre-school places, the approach of the AAP has been formulated with reliance upon a range of evidence sources which includes its Infrastructure Background Paper<sup>23</sup>. Such evidence provides an analysis of pupil places with projections into the plan period of the AAP. There is no persuasive contrary evidence which suggests that the Council's approach is not adequately robust albeit the Council's intention to keep the capacity of places within the area under review is noted.
88. Precise projections for the need for early year facilities are challenging. The Council has made a range of reasonable assumptions with which there are no reasons to disagree. AAP Policy 28 is consequently justified and, allowing for the intended process of review, effective.
89. Similarly, it is clear that the Council has identified a need for additional primary school places which will be addressed through AAP Policy 26 which is supported adequately by the available evidence. This policy also identifies an intention to provide a new secondary school within the area to meet a projected need for additional Year 7 places. Submissions to the Examination indicate that this issue remains somewhat fluid in terms of projections, funding, and the effect of initiatives which include 'Free Schools' and the development of a University Technical College.
90. The Council's preferred new school site is at Rotherhithe Primary School although detailed submissions have been made which question the veracity of the site selection process for such provision. Nevertheless, with due regard to all matters raised which includes the criteria led site evaluation process (indicated by the Council within Appendix 3 of CDCWB4), I have no fundamental reason to find the Council's approach unjustified or that alternative sites such as CWAAP10 are preferable and should be identified as such.
91. It is apparent from the Council's updates that the funding of any new school is subject to considerations of need and value for money. Indeed, it is clear from the Examination hearings that discussions continue as to the optimal site for any

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<sup>23</sup> CDCWB4 (updated by CDCWB19)

new school places. AAP Policy 26 does not preclude the provision of additional pupil places or any new school outside of the Council's preferred site and thus, whilst a clear lead is provided by the policy and site allocation CWAAP17, there remains sufficient flexibility to ensure that the AAP can be effective in meeting the need for secondary school places within the area.

92. Subject to the suggested changes of the Council which are endorsed for reasons of effectiveness, the health needs of the area will be addressed suitably by AAP Policy 29 (**PC: SCG1, 2, 7, EIP 48**).
93. Similarly, other community facilities are addressed sufficiently by AAP Policy 27 including facilities for the police. Concerns have been raised by residents in relation to crime, policing and other emergency services but there is no substantive empirical evidence to demonstrate that the content of the AAP is flawed. As a predominantly separate matter, the provision of new community spaces on specific sites form part of the Council's policy approach and, overall, such an approach appears sound.
94. Overall, the evidence underpinning the details within the AAP relating to community and educational issues is sufficiently robust. The AAP can be effective in achieving its objectives in these regards.

**Matter 6 – Housing: Is the approach of the AAP towards housing provision justified by a robust evidence base and in conformity with the London Plan?**

95. The CS contains a number of housing policies that set out a clear approach towards housing within the Borough. These were established with reference to a comprehensive evidence base which also informs the AAP<sup>24</sup>. The AAP approach to housing is further informed by additional evidence<sup>25</sup> which includes material on dwelling sizes that has been subject to public consultation.
96. The AAP specifies a minimum number of new homes that will be focussed upon the Core Area. This is consistent with the vision of the AAP, the CS and the LP. The Mayor of London considers the AAP to be in general conformity with the LP with regard to housing matters and, in short, I agree.
97. The evidence indicates a clear need for affordable housing and family housing which is addressed by the balanced approach towards housing provision indicated by the CS and the AAP. AAP Policy 23 indicates that in schemes of 10 or more homes at least 35% should be affordable of which 70% should be social rented and 30% intermediate housing. The available viability evidence supports this approach and is sufficiently robust to support the objectives of the AAP; the consideration of specific viability evidence in relation to individual development proposals is not precluded. The Council's proposed changes which will ensure consistency between the AAP and the advice of PPS3<sup>26</sup> are consequently endorsed (**PC: EIP39**).

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<sup>24</sup> CDB2, 3, 4; CDH4, 7, 16 et al

<sup>25</sup> CDCWB 3, 13, 18 et al

<sup>26</sup> Planning Policy Statement 3 'Housing'

98. The Council has suggested a change to AAP Policy 22 which reflects its stance in relation to the Hawkstone Estate. Whilst this represents clarity of a factual position, it does not specifically fix the Council's programme to improve the housing in this locality. There remains flexibility within the AAP to secure the necessary improvements by alternative means where warranted which allows any options appraisal to be meaningfully undertaken and which, amongst other matters, should ensure issues such as suitable play space are addressed in line with the intentions of the development plan. This change does not represent a significant alteration to the CS.
99. AAP Policy 23 provides detail as to the breakdown of housing unit sizes in schemes of 10 or more units which seeks to address the identified need for family housing. This is consistent with the thrust of the CS, particularly Policy 7.
100. The Council suggests changes affecting AAP Policy 23 which are endorsed for reasons of clarity, effectiveness and consistency with the LP (**PC: PEC10, FC4, FC5, FC6**). The minimum dwelling sizes included within Table 1 provide sufficient flexibility to accommodate varying levels of designed occupancy; simultaneously, clarity is provided to assist in securing housing of adequate size and good design. The available evidence in relation to the broad viability of such an approach<sup>27</sup> appears adequate and is not substantively disputed.
101. The requirements of the AAP are clear in their intention, justified by the available evidence and, whilst detailed, are not inflexible so as to be ineffective in delivering the required housing across the AAP area and plan period. The Council has suggested a revised Housing Trajectory which, for reasons of effectiveness, is endorsed (**PC: TOC38 and EIP 91**). Issues relating to the provision of housing for gypsies and travellers are covered by the CS and there is no evidence to suggest sites are required within the AAP area.
102. Overall and subject to my recommended changes in relation to density zones, the approach of the AAP towards housing provision is justified by the evidence base and in conformity with the LP.

**Matter 7 – Implementation, Monitoring and Other Matters: With due regard to the provision of necessary infrastructure, is the AAP deliverable and capable of effective monitoring? Are matters of risk and contingency planning evidenced adequately?**

103. The AAP, within Appendix 5, contains a clear monitoring framework which links the plan's objectives to its policies and subsequently provides targets and indicators against which progress can be monitored effectively. This approach, which will supplement the effective monitoring of the CS, is sound.
104. Appendix 6 of the AAP identifies a schedule of infrastructure projects for the area, for example transport improvements, that provides some detail as to what will be done, how funding will be secured, when it will be done and by whom. This is a useful, although not exclusive, list of necessary projects against which

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<sup>27</sup> CDR86

the success of the planned delivery of the AAP objectives can be gauged.

105. AAP Policy 33 sets out the Council's approach to S106 Planning Obligations. This does not preclude the due consideration of development viability on individual schemes. As a separate matter, it also does not preclude the use of obligations and financial contributions for river based transport schemes if warranted.
106. The Council has suggested various changes to the AAP to reflect its intention, as indicated within its LDS, to produce a CIL/S106 DPD. This is a rational response to the emergence of The Community Infrastructure Regulations 2010 which has occurred since the preparation of the AAP began. The effective use of CIL will be dependent upon the intended DPD which will be the mechanism by which the details and viability of any proposed charging schedule will be assessed. In principle the use of CIL to provide funding in support of the AAP objectives is a sound approach and will aid effective implementation. The Council confirmed that the financial amounts referred to within AAP Appendix 7 are indicative and not fixed.
107. There is no substantive evidence to suggest that the Council's approach to flood risk, which includes reference to the CS, is not consistent with national policy and is not robust. The need for the careful management of foul and surface water drainage is identified in various submissions to the Examination; however, whilst careful attention to the design of drainage will be required, there is no persuasive evidence to suggest that satisfactory means of drainage cannot be secured for individual proposal sites or the overall level of development intended within the AAP. The Thames Tunnel project is referenced suitably.
108. The AAP includes information on contingency and risks to successful implementation; the Council informed me that it recognises the challenging economic circumstances which currently prevail. There is no reason to dispute the oral updates relating to market yields on business space which show some improvement since 2009. In essence the Council intend to operate a monitoring and management regime to assess the effective implementation of the AAP which is intended to operate over a 15 year period. There is no compelling evidence to suggest that such an approach is flawed, inappropriate against alternatives or ineffective.
109. The AAP and its evidence base support adequately the rationale for Policies 30 and 31 whilst providing some indication as to their deliverability. With due regard to the Council's intention to monitor and manage the AAP as a whole, there is no evidence to indicate the Council's approach is not sound.
110. Similarly Appendix 8 provides a list of proposals sites that include an assessment of their phased implementation. Subject to the Council's suggested changes which reflect known circumstances and an acceptance that the scale of development relating to CWAAP7 is likely to occur over the entire plan period, there is no reason to dispute the content of Appendix 8.
111. **For reasons of effectiveness, the suggested changes of the Council as they affect the delivery and monitoring of the AAP are endorsed accordingly (PC: EIP 59, 60, 61, 62, 64, 65, 82, 92, TOC 22, 29, 32, 33, PEC 25, 27). With due regard to the provision of necessary infrastructure, the AAP is deliverable and capable of effective monitoring wherein matters of risk and contingency planning are**

**evidenced in a proportionate and adequate manner.**

## Legal Requirements

112. My examination of the compliance of the Canada Water AAP with the legal requirements is summarised in the table below. The Canada Water AAP meets them all.

<b>LEGAL REQUIREMENTS</b>	
Local Development Scheme (LDS)	The AAP is identified within the revised and approved LDS June 2011 which sets out an expected adoption date of February 2012. The content and timing of the AAP are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in 2008 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed changes (PC) and further proposed changes (FPC).
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (December 2009) sets out why AA is not necessary.
National Policy	The AAP complies with national policy except where indicated and changes are recommended.
London Plan (LP)	The AAP is in general conformity with the London Plan.
Sustainable Community Strategy (CCS)	Satisfactory regard has been paid to the CCS.
2004 Act and Regulations (as amended)	The AAP complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

113. With the changes proposed by the Council, set out in Appendix A, and the changes that I recommend, set out in Appendix C, the SOUTHWARK COUNCIL CANADA WATER AREA ACTION PLAN DPD satisfies the requirements of s20(5) of the 2004 Act and meets the criteria for soundness in PPS12. Therefore I recommend that the plan be changed accordingly. For the avoidance of doubt, the Council's proposed minor changes are endorsed, set out in Appendix B.

*Andrew Seaman*

Inspector

This report is accompanied by:

Appendix A (separate document) Council Changes that go to soundness

Appendix B (separate document) Council's Minor Changes

Appendix C (attached) Changes that the Inspector considers are needed to make the plan sound

## Appendix C – Changes that the Inspector considers are needed to make the plan sound

Inspector Change No.	Policy/Paragraph/Page	Change
IC 1	Figure 2	Boundary of Core Area to include Sites CWAAP 10 and 11 and the overflow car park site adjacent to 24-28 Quebec Way.
IC 2	Figure 13  Policy 24	<p>Title – Core Area and density zones</p> <p>The figure shall be amended<sup>28</sup> to identify an urban density zone outside of the amended Core Area that runs from Alfred Salter Primary School to the B205 and includes Needleman St, Garter Way, Wolfe Close, Woodland Crescent, Water Gardens and Swan Road.</p> <p>Amend penultimate sentence to read "With the exception of one area, the remaining part of the AAP ...</p>

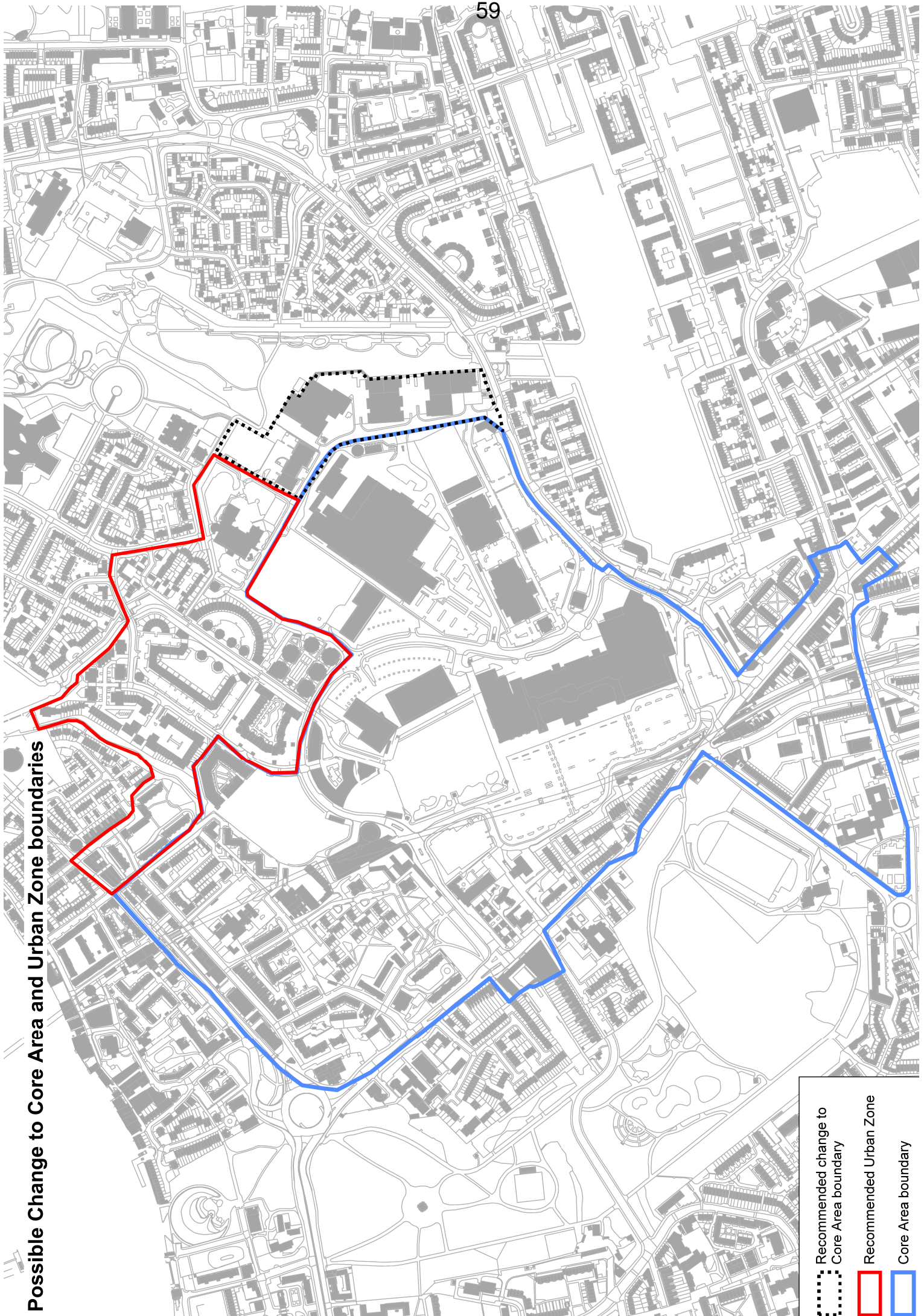
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<sup>28</sup> See CDCW28



# Possible Change to Core Area and Urban Zone boundaries

- Recommended change to Core Area boundary
- Recommended Urban Zone
- Core Area boundary



<b>Item No.</b> 5.2	<b>Classification:</b> Open	<b>Date:</b> 28 March 2012	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Report back on motions referred to cabinet from council assembly	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Cabinet	

**MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL ASSEMBLY PROCEDURE RULE 2.10 (6) – MOTION ON THEMED DEBATE - HOUSING**

Cabinet on 25 January 2012 considered the following motion referred from council assembly on 29 November 2011 which had been moved by Councillor Paul Noblet and seconded by Councillor Michael Bukola and subsequently amended.

1. That council assembly believes Southwark faces immense challenges in relation to its housing stock over the next 30 years that can only be resolved by taking a long-term, strategic approach.
2. That council assembly notes that Southwark Council still owns 31% of Southwark's housing stock (down from 70% in 1981) – around 40,000 homes. Despite this reduction in local authority control, there are nearly 17,000 people on the council's waiting list.
3. That council assembly believes that decent housing – where communities are mixed – is key to securing a better future for our young people, developing stable and vibrant communities, tackling crime and anti-social behaviour and improving public health.
4. That council assembly notes the immediate challenge faced on estates with high investment needs including Abbeyfield Estate, Four Squares Estate and Hawkstone low rise and calls for dialogue between council and tenants and leaseholders to continue.
5. That council assembly notes the uncertainty many tenants and leaseholders faced under the last housing investment programme, and welcomes the new £326 million, five year programme which will ensure every council home is warm, dry and safe by 2015/16.
6. That council assembly also welcomes the review of leaseholder charges to ensure Southwark has an accurate, fair and transparent system of charging leaseholders for the services they receive.
7. That council assembly notes the focus of the debate as outlined to all councillors in advance:
  - How do we balance the increasing demand for the council to supply housing with the need to maintain existing stock and with the limited geographical and financial resources available?

- The proportion of housing stock in the private rented sector has ballooned in the last 30 years to a point where the numbers of private rented, privately owned and council homes are roughly equal. How do we ensure tenants rights and responsibilities are guaranteed in a sector over which the council has less control?
  - What role can other social landlords play in helping to ensure we deliver the housing which Southwark needs?
8. That council assembly welcomes the council's decision to set up an independent housing commission to investigate these issues outlined above and calls on members and residents to contribute their views.

We noted and agreed the motion.

**MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL ASSEMBLY PROCEDURE RULE 2.10 (6) – RETENTION OF SCHOOL CROSSING PATROLS IN DULWICH**

Cabinet on 25 January 2012 considered the following motion referred from council assembly on 29 November 2011 which had been moved by Councillor Toby Eckersley and seconded by Councillor Michael Mitchell and subsequently amended.

1. That council assembly;
  - Notes the unprecedented financial situation the council must deal with following estimated Tory/Liberal Democrat government cuts over three years of £90 million to the council's non-housing budget.
  - Notes that as part of looking for all possible sources of funding or ways of continuing to run school crossing patrols, senior council officers are currently in discussions with local schools; both private and community and local residents across the borough.
2. That council assembly further notes following the deliberations of the Democracy Commission, the cabinet intends to propose as part of the forthcoming budget process the introduction of a cleaner, greener, safer revenue budget, equating to £10,000 per ward, for community councils to determine from 1 April 2012.

That, therefore, council assembly invites Dulwich and those community councils affected by previously agreed budget savings to school crossing patrols to consider whether they wish to prioritise the continued funding of those crossing patrols as part of this cleaner, greener safer revenue spend from 2012/13 onwards.

We noted and agreed the motion.

**MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL ASSEMBLY PROCEDURE RULE 2.10 (6) – LOCAL GOVERNMENT PENSION SCHEME**

Cabinet on 25 January 2012 considered the following motion referred from council assembly on 29 November 2011 which had been moved by Councillor Patrick Diamond and seconded by Councillor Mark Glover and subsequently amended.

1. That council assembly notes that the local government pension scheme is a sustainable, good quality pension scheme that benefits from being funded and locally managed. It is valuable to employers and employees alike.
2. That council assembly is concerned by proposals announced by the Chancellor in the last comprehensive spending review to impose an extra 3.2% contribution tax on scheme members, increasing scheme average member contributions from 6.6% to 9.8%.
3. That council assembly also notes that none of the additional revenue raised from this increase will go towards improving the financial security of the scheme and risks the sustainability of public sector pension schemes in the long term by encouraging people to opt out of occupational schemes because they cannot afford to pay this increase; ultimately costing the tax payer more in the future.
4. That council assembly welcomes the recent but limited change in position from the government and hopes that this indicates, after months of grandstanding, a willingness to finally enter into proper negotiations with trade unions.
5. That council assembly believes that both private and public service workers have suffered as a result of the austerity measures of the Conservative/Liberal Democrat government and regrets the impact any industrial action will have on people in Southwark who rely on council services. We urge both the government and unions to explore every other possible course of action.

We noted and agreed the motion.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Cabinet agenda and minutes – 25 January 2012	Constitutional Team, 160 Tooley Street, London SE1 2QH	Paula Thornton 020 7525 4395

## AUDIT TRAIL

<b>Lead Officer</b>	Ian Millichap, Constitutional Manager		
<b>Report Author</b>	Paula Thornton, Constitutional Officer		
<b>Version</b>	Final		
<b>Dated</b>	16 March 2012		
<b>Key Decision?</b>	No		
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>			
<b>Officer Title</b>		<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance		Yes	Yes
Finance Director		No	No
<b>Cabinet Member</b>		No	No
<b>Date final report sent to Constitutional Team</b>			16 March 2012

<b>Item No.</b> 6.1	<b>Classification:</b> Open	<b>Date:</b> 28 March 2012	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Annual Report on the Work and Performance of the Audit and Governance Committee in 2011/12	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Audit and Governance Committee	

## RECOMMENDATION

1. That council assembly notes the work and performance of the audit and governance committee in 2011/12.

## BACKGROUND INFORMATION

2. The audit and governance committee's terms of reference include a requirement to report annually to council assembly on its work and performance during the year.
3. The aims of the report are to make council assembly aware of the audit and governance committee's work in relation to its audit, regulatory, financial reporting and treasury management responsibilities and to provide assurance on areas covered or to identify any concerns.
4. The purpose of this report is to report on the audit and governance committee's work and performance in 2011/12. The audit and governance committee considered its annual report on 27 February 2012 and subject to an update to take account of that meeting and minor amendments, all of which have been incorporated, agreed to refer it to council assembly.
5. This report also considers the effectiveness of the audit and governance committee which forms a part of the review of internal audit and which will in turn be reported as part of the review of the system of internal control, as required under the Accounts and Audit Regulations 2011.

## KEY ISSUES FOR CONSIDERATION

### Role of the committee

6. The purpose of the audit and governance committee is to provide
  - Independent assurance of the adequacy of the council's governance arrangements, including the risk management framework and the associated control environment
  - Independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment
  - Oversight of the financial reporting process

- Scrutiny of treasury management strategy and policies.
7. In line with the above, the committee's terms of reference are structured by reference to its four key functions in terms of audit activity, the regulatory framework, the accounts and treasury management.

### **Work programme 2011/12**

8. The following paragraphs summarise the matters considered by the committee in 2011/12.

### **Audit activity**

#### **Internal audit**

9. The committee considered the Head of Anti-Fraud and Internal Audit's annual report on the work of internal audit and anti-fraud 2010/11. Members questioned the Head of Anti-Fraud and Internal Audit and the engagement manager for the auditors, RM Tenon. The committee asked officers to email an update on the status of recommendations due to be completed in June and July 2011.
10. The committee received and considered regular reports on the performance of internal audit and the outcome from its work during the year. Members questioned the Head of Internal Audit and the RM Tenon engagement manager about the internal audit progress and made requests for further information on areas to be included in future reports, including the audit of the housing complaints procedure and the number of prior years' sanctions for fraud and for an update to be emailed to them on the Housing Improvement Agency recommendations.
11. The committee also requested briefing notes on:
  - the transfer of assets from the council to new academies
  - the outcome of the campaign to reduce illegal subletting in January/February 2011.
12. The committee agreed the internal audit plan for 2012/13 and strategy for internal audit for 2012/13 – 2016/17. In considering the internal audit plan, the committee asked officers to bring the issue of IT performance/contract monitoring to the attention of the finance director.

#### **External audit (Audit Commission)**

13. The committee received regular progress reports from the District Auditor throughout the year and a briefing on fraud. It also considered the District Auditor's annual reports on the certification of claims and returns for both 2009/10 and 2010/11 and her opinion plans for 2010/11 for both the council and the Southwark pension fund and her annual audit letter for 2010/11.
14. The committee considered the District Auditor's Annual Governance Report for 2010/11 for the council and for the Southwark pension fund and asked officers to confirm the status of the prior year review of the fixed asset register against land registry. It also considered a follow-up report on the implementation of the Audit Commission's recommendations made in the annual governance reports for



2009/10 and in the 2009/10 annual audit letter.

15. The committee considered the Audit Commission annual fee letters for 2011/12 for both the Council and the Southwark pension fund.

### **Accounts**

16. The committee considered and approved the 2010/11 statement of accounts: in July 2011 the committee reviewed its work programme to take account of new arrangements under the Accounts and Audit Regulations 2011 for approving accounts and as a result, the accounts were noted at its July meeting and formally approved at its meeting in September 2011.

### **Regulatory framework**

17. As with the statement of accounts, the committee reviewed the annual governance statement for 2010/11 at its July meeting and approved it at its September meeting. Following the committee's decision to invite strategic directors to attend meetings to report on governance arrangements in their departments, the governance-themed meetings during the year were attended by the finance director, the strategic director for housing services, the strategic director of children's services and the strategic director of environment and leisure. Members asked questions about particular aspects of their arrangements and asked for further information from each director on such matters as the definition of partnerships, information on the electrical testing regime in the council's housing and fostering figures.
18. The committee received reports on retrospective contract-related decisions. In considering them, members asked questions of the officers responsible for the decision reports and requested further information. At its September meeting, the committee recommended that in future retrospective decisions should be brought to the attention of the chair of the committee prior to reports being put on the agenda and this has been put in place. Following a discussion at their February meeting about the adoption of advice given on contract-related reports, further information is to be brought to the committee on departmental and corporate contracts review boards.
19. Following consideration by the committee of the annual report on corporate risk and insurance for 2010/11, the committee identified further specific areas for inclusion in the report on key risks and insurance. These were picked up and considered by the committee at its meeting in November.
20. The committee received its annual report on whistle blowing outcomes and, following discussion, asked officers for a briefing note about the fraud outcomes.
21. Following a review by the Audit Commission, the committee received a report on the revised governance arrangements of the Southwark local strategic partnership (LSP). Members asked officers to ensure that the findings of the review were made available to LSP members.

### **Treasury management**

22. Members received a report on the 2011/12 treasury management strategy which had been approved by council assembly in February 2011 and sought

clarification and assurance from officers on a number of points.

### **Effectiveness of the Audit and Governance Committee**

23. The Accounts and Audit Regulations require a review of internal audit to be carried out, including consideration of the effectiveness of the audit and governance committee. This will be carried out later in the year and the results will be brought to a future meeting of the committee.
24. To complement this, the audit and governance committee assesses itself using a checklist produced by CIPFA. The committee considered this on 27 February and requested an amendment, which has been made. The completed checklist is attached at appendix A. The committee was advised that the checklist should be considered as part of the review of internal audit and the annual governance statement.
25. The completed checklist confirms that there are no significant areas of concern in relation to the committee's effectiveness. However, it highlights that training is an area that members may wish to continue to keep under review.

### **Training**

26. Induction training was made available to new members in June 2011 and members were asked to indicate areas in which they would welcome training in order to help focus future provision.
27. With the 2010/11 accounts being the first year of the requirement on local authorities to produce their accounts on an IFRS (International Financial Reporting Standards) basis, a session was held on IFRS issues for members prior to their consideration of the accounts. The training materials were made available to those members not able to attend the session.
28. The self-assessment checklist (see above) identified that training will be provided as required and officers will continue to arrange training as opportunities arise.

### **Development opportunities**

29. The audit and governance committee has now been in place for five years. The management of its agenda in order to ensure that it can focus its resources effectively remains one of the key challenges for the future.
30. The year saw the following principal achievements:
  - greater assurance of departmental governance arrangements, following constructive sessions with strategic directors throughout the year
  - further strengthening of the external audit relationship with the chair and committee members
  - further recognition by the District Auditor of improvements in the quality of information supporting the financial statements, resulting in part from member scrutiny
  - ongoing constructive challenge from members in respect of reports received by them.
31. For the coming year, the following are areas where the committee has the



opportunity to effect further development or to which it may wish to give consideration:

- review of committee membership and remit in context of emerging issues including the localism agenda and the future of local public audit, following the outsourcing by the Audit Commission of its audit service
- role of the committee in relation to fraud prevention, including use of data interrogation and other appropriate measures
- future training needs.

## **Conclusion**

32. The committee's work programme aims to ensure that the committee is able to carry out its functions effectively. To this end, the programme is structured to cover the key areas of audit activity, the regulatory framework, financial reporting and scrutiny of the treasury management strategy and policies.
33. During the committee's fifth year of operation, it continued to ask questions on matters before it in a challenging yet constructive way. In some cases, this has resulted in further information being provided to the committee to provide the assurance sought; in others, it has resulted in increased focus on the implementation of action plans.
34. The committee kept its work programme under review in 2011/12 and made changes when appropriate. It agreed at its meeting in July to revise its work programme in line with requirements in the Accounts and Audit Regulations 2011 relating to the approval of the statement of accounts.
35. Through its work, the committee is able to confirm that:
  - the council's system of risk management is adequate to identify risk and to allow the authority to understand the appropriate management of those risks
  - there are no areas of significant duplication or omission in the systems of governance in the authority that have come to the committee's attention and not been adequately resolved.
36. The work programme for the committee for 2012/13 was included elsewhere on the 27 February 2012 agenda for consideration and agreement, and this will be reviewed and amended on an ongoing basis as necessary to help ensure that the committee can continue to provide assurance of the adequacy of the council's governance arrangements.

## **Policy implications**

37. There are no policy implications in the proposals in this report.

## **Community impact statement**

38. This report is not considered to contain any proposals that would have a significant impact on any particular community or group.

### Resource implications

39. There are no direct resource implications in this report.

### Consultation

40. There has been no consultation on this report.

## SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

### Finance Director

41. The finance director is mindful of the important role of the audit and governance committee and is pleased that it continues to function in line with its terms of reference. He notes that its remit will remain under review as circumstances change, in the context of changes in funding arrangements for local authorities and the likelihood of continued reductions in resources available for services.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Financial Governance files	Finance and Resources, 160 Tooley Street London SE1 2QH	Jo Anson 020 7525 4308

## APPENDICES

No.	Title
Appendix A	Measuring the Effectiveness of the Audit Committee – Self-assessment Checklist

## AUDIT TRAIL

<b>Lead Officer</b>	Duncan Whitfield, Finance Director		
<b>Report Author</b>	Jo Anson, Head of Financial Governance		
<b>Version</b>	Final		
<b>Dated</b>	12 March 2012		
<b>Key Decision?</b>	No		
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>			
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>	
Strategic Director for Communities, Law & Governance	Yes	Yes	
Finance Director	Yes	Yes	
<b>Cabinet Member</b>	No	No	
<b>Date final report sent to Constitutional Team</b>		12 March 2012	

## APPENDIX A

## Measuring the Effectiveness of the Audit Committee – Self-assessment Checklist

Priority	Issue	Yes	No	N/A	Comments/action
<b>ESTABLISHMENT, OPERATION AND DUTIES</b>					
<b>Role and remit</b>					
1	Does the audit committee have written terms of reference?	✓			
1	Do the terms of reference cover the core functions of an audit committee as identified in the CIPFA guidance?	✓			
1	Are the terms of reference approved by the council and reviewed periodically?	✓			
1	Has the audit committee been provided with sufficient membership, authority and resources to perform its role effectively and independently?	✓			
1	Can the audit committee access other committees and full council as necessary?	✓			
1	Does the authority's annual governance statement include a description of the audit committee's establishment and activities?	✓			
2	Does the audit committee periodically assess its own effectiveness?	✓			
2	Does the audit committee make a formal annual report on its work and performance during the year to full council?	✓			
<b>Membership, induction and training</b>					
1	Has the membership of the audit committee been formally agreed and a quorum set?	✓			
1	Is the chair independent of the executive function?	✓			The chair in 2011/12 is also the deputy cabinet member for families, but this role does not include the exercise of any delegated powers. In relation to the chair's audit & governance committee

Priority	Issue	Yes	No	N/A	Comments/action
					role, advice will be sought from the strategic director of communities, law & governance if needed.
1	Has the audit committee chair either previous knowledge of, or received appropriate training on financial and risk management, accounting concepts and standards, and the regulatory regime?	✓			
1	Are new audit committee members provided with an appropriate induction?	✓			
1	Have all members' skills and experiences been assessed and training given for identified gaps?	✓			In part – training is provided as opportunities arise.
1	Has each member declared his or her business interests?	✓			
2	Are members sufficiently independent of the other key committees of the council?	✓			
<b>Meetings</b>					
1	Does the audit committee meet regularly?	✓			
1	Do the terms of reference set out the frequency of meetings?		✓		As for other committees, these are determined each year and reviewed as needed.
1	Does the audit committee calendar meet the authority's business needs, governance needs and the financial calendar?	✓			
1	Are members attending meetings on a regular basis and if not, is appropriate action taken?	✓			
1	Are meetings free and open without political influences being displayed?	✓			
1	Does the authority's S151 officer or deputy attend all meetings?	✓			
1	Does the audit committee have the benefit of attendance of appropriate officers at its meetings?	✓			

Priority	Issue	Yes	No	N/A	Comments/action
<b>INTERNAL CONTROL</b>					
1	Does the audit committee consider the findings of the annual review of the effectiveness of the system of internal control (as required by the Accounts & Audit Regulations) including the review of the effectiveness of internal audit?	✓			
1	Does the audit committee have responsibility for review and approval of the SIC (AGS) and does it consider it separately from the accounts?	✓			
1	Does the audit committee consider how meaningful the SIC (AGS) is?	✓			
1	Does the audit committee satisfy itself that the system of internal control has operated effectively throughout the reporting period?	✓			
1	Has the audit committee considered how it integrates with other committees that may have responsibility for risk management?	✓			
1	Has the audit committee (with delegated responsibility) or the full council adopted "Managing the Risk of Fraud – Actions to Counter Fraud and Corruption"?	✓			
1	Does the audit committee ensure that the "Actions to Counter Fraud and Corruption" are being implemented?	✓			
2	Is the audit committee made aware of the role of risk management in the preparation of the internal audit plan?	✓			
2	Does the audit committee review the authority's strategic risk register at least annually?	✓			
2	Does the audit committee	✓			

Priority	Issue	Yes	No	N/A	Comments/action
	monitor how the authority assesses its risk?				
2	Do the audit committee's terms of reference include oversight of the risk management process?	✓			
<b>FINANCIAL AND REGULATORY MATTERS</b>					
1	Is the audit committee's role in the consideration and/or approval of the annual accounts clearly defined?	✓			
1	Does the audit committee consider specifically: <ul style="list-style-type: none"> <li>• The suitability of accounting policies and treatments</li> <li>• Major judgements made</li> <li>• Large write-offs</li> <li>• Changes in accounting treatment</li> <li>• The reasonableness of accounting estimates</li> <li>• The narrative aspects of reporting?</li> </ul>	✓			
1	Is an audit committee meeting scheduled to receive the external auditor's report to those charged with governance including a discussion of proposed adjustments to the accounts and other issues arising from the audit?	✓			
1	Does the audit committee review management's letter of representation?	✓			
2	Does the audit committee periodically review the accounting policies of the authority?	✓			Considered as part of approval of accounts.
2	Does the audit committee gain an understanding of management's procedures for preparing the authority's annual accounts?	✓			
2	Does the audit committee have a mechanism to keep it aware of topical legal and regulatory issues, for example by receiving	✓			Training provided as necessary; Audit Committee Updates from CIPFA's Better Governance Forum are

Priority	Issue	Yes	No	N/A	Comments/action
	circulars and through training?				circulated to committee members.
<b>INTERNAL AUDIT</b>					
1	Does the audit committee approve annually and in detail, the internal audit strategic and annual plans including consideration of whether the scope of internal audit work addresses the authority's significant risks?	✓			
1	Does internal audit have an appropriate reporting line to the audit committee?	✓			
1	Does the audit committee receive periodic reports from the internal audit service including an annual report from the Head of Internal Audit?	✓			
1	Are follow-up audits by internal audit monitored by the audit committee and does the committee consider the adequacy of implementation of recommendations?	✓			
1	Does the audit committee hold periodic private discussions with the Head of Internal Audit?	✓			If needed.
1	Is there appropriate cooperation between the internal and external auditors?	✓			
1	Does the audit committee review the adequacy of internal audit staffing and other resources?	✓			
1	Has the audit committee evaluated whether its internal audit service complies with CIPFA's Code of Practice for Internal Audit in Local Government in the United Kingdom?	✓			
2	Are internal audit performance measures monitored by the audit committee?	✓			
2	Has the audit committee considered the information it wishes to receive from	✓			

Priority	Issue	Yes	No	N/A	Comments/action
	internal audit?				
<b>EXTERNAL AUDIT</b>					
1	Do the external auditors present and discuss their audit plans and strategy with the audit committee (recognising the statutory duties of external audit)?	✓			
1	Does the audit committee hold periodic private discussions with the external auditor?	✓			If needed.
1	Does the audit committee review the external auditor's annual report to those charged with governance?	✓			
1	Does the audit committee ensure that officers are monitoring action taken to implement external audit recommendations?	✓			
1	Are reports on the work of external audit and other inspection agencies presented to the committee, including the Audit Commission's annual audit letter?	✓			Where relevant.
1	Does the audit committee assess the performance of external audit?	✓			
1	Does the audit committee consider and approve the external audit fee?	✓			Considers but does not approve explicitly.
<b>ADMINISTRATION</b>					
<b>Agenda management</b>					
1	Does the audit committee have a designated secretary from Committee/Member Services?	✓			
1	Are agenda papers circulated in advance of meetings to allow adequate preparation by audit committee members?	✓			
2	Are outline agendas planned one year ahead to cover issues on a cyclical basis?	✓			
2	Are inputs for Any Other Business formally requested in advance from committee members, relevant officers, internal and external audit?	✓			Any other business may be added to an agenda within 5 clear days of the meeting; in exceptional circumstances, an item



Priority	Issue	Yes	No	N/A	Comments/action
					may be notified to the chair at the start of the meeting and accepted by the chair as urgent.
<b>Papers</b>					
1	Do reports to the audit committee communicate relevant information at the right frequency, time, and in a format that is effective?	✓			
2	Does the audit committee issue guidelines and/or a proforma concerning the format and content of the papers to be presented?	✓			In line with corporate requirements
<b>Actions arising</b>					
1	Are minutes prepared and circulated promptly to the appropriate people?	✓			
1	Is a report on matters arising made and minuted at the audit committee's next meeting?	✓			
1	Do action points indicate who is to perform what and by when?	✓			

<b>Item No.</b> 6.2	<b>Classification:</b> Open	<b>Date:</b> 28 March 2012	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Pay Policy Statement	
<b>Ward(s) affected:</b>	<b>or groups</b>	All	
<b>From:</b>		Acting Chief Executive	

### RECOMMENDATIONS

1. That the council's pay policy statement, as set out in Appendix 1, be agreed.
2. That the arrangements be agreed to determine the salary package for new appointments to top manager posts, as set out in paragraph 11 below.

### BACKGROUND INFORMATION

3. On the 10 October 2011 a report was considered by overview and scrutiny committee on top managers' pay. This set out the council's existing arrangements and plans for the future.
4. The Localism Act 2011 sets down requirements on authorities to prepare pay policy statements on an annual basis. These statements must describe an authority's policy for the pay of its workforce. To include, specific information relating to senior staff and pay policies for the remuneration of its lowest paid employees. Unlike senior staff, that are defined in the Act, it does not seek to impose a single definition of the "lowest paid".

### KEY ISSUES FOR CONSIDERATION

5. The first statement, for year 2012/13, must be prepared and approved before the end of 31 March 2012. Thereafter pay statements must be approved annually for the coming financial year. Pay statements must be published and thus open to public scrutiny. It is recognised that this is a new development and therefore the content and format may change in future years as more information and examples of good practice become available.
6. Under the Localism Act; the statement must describe specific elements of remuneration paid to chief officers. The roles of chief officers are defined and accord with the descriptions used in the Local Government & Housing Act 1989; these being:
  - The head of the authority's paid service designated under section 4(1) of the Act
  - Its monitoring officer designated under section 5(1) of that Act
  - A statutory chief officer mentioned in section 2(6) of that Act
  - A non-statutory chief officer mentioned in section 2(7) of that Act

- A deputy chief officer mentioned in section 2(8) of that Act.
7. Nothing in the Act supersedes existing responsibilities and duties placed on authorities in their role as employers. Each local authority is an individual employer in its own right and has the autonomy to make decisions on pay that are appropriate. Instead, the Act focuses on requiring authorities to be more open about their policies and how decisions are made.
  8. The Act does not require authorities to publish specific salary data as part of the pay policy statement. Doing so risks data being out of date where any pay awards apply. The declaration of specific salary information is managed by the publication of the statement of accounts and other information under data transparency arrangements. Such specific information is published on the council's website.
  9. Appendix 1 to this report sets out the proposed pay statement for agreement by members. This reflects the scope of the posts to be captured and the range of information to be included; as defined in the Act. Subject to members' agreement it is proposed to publish the document on the Southwark website as part of open data. For the purpose of this report Appendix 3 gives the salary and grading structure. The salary scales are as at 1 April 2009, i.e. the date that the last pay award took effect; there being pay freezes in 2010/11 & 2011/12. This information is retained on the Southwark website and will be referenced in the pay policy statement.

### **Top managers**

10. The pay policy statement is primarily concerned with the salary arrangements of chief officers as defined in the Local Government & Housing Act 1989 (as above). In Southwark this cadre of posts forms the top management team of the council. Members will be aware that the leader of the council has begun a process to review existing organisational arrangements with a view to save up to £1 million over a phased basis. This will be achieved through numbers rather than a dramatic shift from current pay policy. As reported to members at the Overview & Scrutiny Committee on 10 October 2011, arrangements are considered robust in rewarding individuals for the jobs that they do and allowing the council to be competitive in attracting talent. Concurrent with the structure review, new job descriptions and evaluation of posts will take place and suitable reward packages proposed. This will be incorporated into the annual reports on pay policy.

### **New employees**

11. Members will note that the proposed pay policy statement (Appendix 1) also makes specific reference to the salary package for staff appointed to top manager posts. The Localism Act has the impact of amending the Local Government Act 1972 (appointment of staff) as follows:

*"A local authority's power to appoint officers on such reasonable terms and conditions as the authority thinks fit is subject to section 41 of the Localism Act 2011 (requirement for determinations relating to terms and conditions of chief officers to comply with pay policy statement)".*

12. Members have a special role in the appointment of chief officers (roles as described in paragraph 6 above), whereby they must be given the opportunity to raise any well founded and material objection to appointment prior to an offer being made. It is proposed that to meet requirements under the Localism Act, this process is amended so that notification of an appointment includes confirmation of the salary package which attaches to the post and whether this accords with the council's pay policy statement. Were the proposed salary package to be outside the current statement, this to be deemed as an amendment to the pay policy which requires explicit members' approval.

### **Lowest paid employees**

13. The Act requires the council to describe the relationship between the remuneration of its chief officers, and other staff; and to define the "lowest-paid employees" adopted by the authority for the purposes of the statement. The specific information to be included on pay actuals is limited.
14. As described in the statement; the use of job evaluation and the grading structure is the method used to determine the relativities of posts across the Southwark structure. The council's decision to adopt the London Living Wage rate sets the minimum pay rate for staff across the council. employers' participation in the London Living Wage is voluntary and the council's commitment to adopt aims to stop working Londoners from falling into poverty; making sure that the unemployed in London are better off in work than living on benefits. London Living Wage is currently £8.30 (2011/12) per hour compared to the national minimum wage of £6.08 per hour, (October 2011). Rates will increase in line with inflation (as recommended by GLA economics, low pay unit) and be incorporated into the pay spine in year 2012/13.

### **Policy implications**

15. The statement is used as a method to articulate the council's existing policy on remuneration, with specific details on top manager posts in particular. As such it does not amend or introduce new policy. Were current arrangements to be amended as a result of the development of the statement; the policy implications and contractual implications of doing so, would require review by cabinet.

### **Community impact statement**

16. Development and publication of the pay policy statement is a useful step in increasing accountability and transparency of council business to the local community. This continues the trend of openness. It allows elected members, those who are directly accountable to the local community, to have input into how decisions on pay are made, particularly senior pay.
17. The equality analysis provided in Appendix 2 to this report concludes that there are no adverse implications for people of protected characteristics. Publication of the statement accords with good practice of openness in pay arrangements.

### **Resource implications**

18. There are no specific implications arising from the development and publication of the pay statement so far as this represents existing policy. Were future statements

seeking agreement to move away from established arrangements it would be necessary to consider financial resources and the employment implications. Changes to individual's terms and conditions are likely to reflect a contractual change requiring consultation and due process.

19. Publication of the pay statement as presented in Appendix 1 does not create conflict with the Data Protection Act as it does not contain information relating to a particular individual.

### **Consultation**

20. The trade unions have been advised of the need to publish the statement and have been provided with a copy. As the statement is a method to articulate existing policy rather than a change it is not part of the formal consultation process.

### **Legal implications**

21. Section 38 of the Localism Act ('the Act') requires a relevant authority to prepare a pay policy statement. Pursuant to section 43 of the Act a London borough is defined as a 'relevant authority'. The statement must set out an authority's policies towards a range of issues relating to the pay of its workforce including the remuneration of its chief officers; the remuneration of its lowest-paid employees; and the relationship between the pay of its chief officers and that of other employees. Chief officer is defined to include chief and deputy chief officers as defined in the Local Government and Housing Act 1989. The statement must state the definition of "lowest paid employees" adopted by the authority for the purposes of the statement and the authority's reasons for adopting that definition. Pay policy statements have to be prepared for each financial year, beginning with 2012/13.
22. The pay policy statement must also specifically cover the authority's policies relating to:
  - the level and elements of remuneration for each chief (including salary, bonuses and benefits in kind)
  - remuneration of chief officers on recruitment
  - increases and additions to remuneration for each chief officer
  - the use of performance-related pay for chief officers
  - the use of bonuses for chief officers
  - the approach to the payment of chief officers on their ceasing to hold office under or to be employed by the authority and
  - the publication of and access to information relating to remuneration of chief officers.
23. Section 39 of the Act states that an authority's pay policy statement must be approved by a resolution of the authority before it takes effect. This means that the resolution must be by full council. For the first statement this must be done no later than 31 March 2012. Following approval the statement must be published as soon as possible on the authority's website and in any other manner the authority thinks fit. An authority can amend its pay policy statement and any amendment must be made by a similar resolution.

24. In complying with its duties on the pay policy requirements relevant authorities in England must have regard to any guidance issued or approved by the Secretary of State. The Department of Communities and Local Government ('DCLG') will be publishing guidance to help English authorities understand and comply with their new duties. Draft guidance has already been published by DCLG entitled 'DCLG: Openness and accountability in local pay: Draft guidance under section 40 of the Localism Act'. The guidance sets out the key policy principles that underpin the pay accountability provisions.
25. The draft pay policy statement in Appendix 1 will enable the council to meet its obligations under sections 38 to 43 of the Act.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Communities & Local Government: Openness and accountability in local pay	Human Resources, 160 Tooley Street, London SE1 2QH	Bernard Nawrat 020 7525 7185
Localism Act – Sections 38 – 43	Human Resources, 160 Tooley Street, London SE1 2QH	Bernard Nawrat 020 7525 7185

## APPENDICES

No.	Title
Appendix 1	Southwark Council – Pay Policy Statement
Appendix 2	Equality Analysis – Pay Policy Statement
Appendix 3	Salary and Grading Structure

## AUDIT TRAIL

Lead Officer	Eleanor Kelly, Acting Chief Executive		
Report Author	Bernard Nawrat, Head of Human Resources		
Version	Final		
Dated	6 March 2012		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title	Comments Sought	Comments included	
Strategic Director of Communities, Law & Governance	Yes	Yes	
Finance Director	Yes	Yes	
Cabinet Member	Yes	Yes	
Date final report sent to Constitutional Team		6 March 2012	

**APPENDIX 1****Southwark Council – Pay Policy Statement**

The Localism Act 2011 requires the council to publish a pay policy statement for financial year 2012/13 and for each financial year thereafter.

This statement is approved by Council Assembly.

**Scope**

The statement describes our policies towards the pay of top managers (referred to in the Act as “chief officers”) and our approach to the pay of our lowest paid employees.

Provisions in the Act do not apply to the staff of local authority schools.

Under the Act a “chief officer” is defined as

- The head of the authority’s paid service designated under section 4(1) of the Local Government and Housing Act 1989
- Its monitoring officer designated under section 5(1) of that Act
- A statutory chief officer mentioned in section 2(6) of that Act
- A non-statutory chief officer mentioned in section 2(7) of that Act
- A deputy chief officer mentioned in section 2(8) of that Act.

In Southwark, this would apply to the Chief Executive, Executive Directors and Directors of services. We refer to these as “top managers”. The posts are in the grade range 17 and above. The actual grade applicable to an individual post is determined by the job evaluation process.

**Remuneration**

For existing top managers the term remuneration is used to describe salary, bonus, performance related pay, expenses and other monetary allowances or benefits.

We do not engage top managers under a contract for services (people who are self employed) and therefore remuneration for such arrangements is not described. All top manager employees are paid via the Council’s payroll with appropriate tax and National Insurance deductions made in accordance with HMRC regulations.

**Salary**

In Southwark posts<sup>1</sup>, including top managers, are job evaluated using a single system (Hay) to determine the job size. All job evaluations results for top managers are scrutinized by independent experts at the Hay Group.

The job size determines a job’s placement against the pay spine, through a grading structure.

The pay spine is increased in accordance with pay award settlements determined by the National Joint Council for Local Authorities Services.

Individual staff are paid within the grade. People may move through the grades through incremental progression; subject to how well they have performed.

Flexibility allows the payment of market factor supplements subject to justification against external data and with annual review. The council voluntarily participates in an annual cross London survey to compare our top manager posts with roles elsewhere. Where comparison is possible, results show that the remuneration levels paid to Southwark top managers fall either within the median or top quartile ranges. No top manager posts will attract a market supplement payment in year 2012/13.

For posts grade 16 and above, specific benefits up to a financial cap may be taken in kind, (e.g. season ticket purchase, car leasing), or paid as an addition to salary. For top managers the annual financial value of such benefits in 2012/13 will be £3,400 - £6,007<sup>2</sup>; dependent on grade.

<sup>1</sup>The only exceptions in the council are a small number of posts under different national schemes – education related and craft.

<sup>2</sup>The council's subsidy to car leasing is less, with rates frozen since 2006. Car leasing is now closed to top managers joining the organisation.

### **Performance Related Pay, Other Payments & Expenses**

Top managers' contractual terms include performance related pay (PRP). The award of PRP directly links to business outcomes. Each year work plans are agreed identifying corporate, service and personal targets from which achievements can be measured and award judged. Decisions are made by the organisational "parent" with the Leader of the council responsible for the chief executive.

In the light of the financial climate, over recent years there has been a cap on PRP. In 2012/13 PRP will be frozen at 0%.

With the exception of standby payments made to a limited number of posts in social care<sup>3</sup>, no additional allowances are paid to top managers<sup>4</sup>.

Top managers are not eligible to receive overtime for excess hours worked. In line with all other (non teaching) staff their full time equivalent weekly hours are 36. However, for top managers the contract of employment states this as a minimum and individuals are required to do whatever hours are necessary to get the job done, with no additional payment. Where hours are worked outside "normal office hours"; top managers do not receive enhancements or shifts that may be payable to other staff on NJC conditions for Local Authorities Services.

Top managers do not receive an expenses allowance. In line with all other staff where essential expenses are incurred in the performance duties, costs can be reclaimed, where these are reasonable and public money is being used prudently.

<sup>3</sup> Where occurring this would be included in the declared salary data included in the Statement of Accounts.

<sup>4</sup> Although Returning Officer fees are reported with the current Returning Officer's salary in our accounts (whether paid by central government or by the authority in respect of local elections only); they are paid as a separate fee. In relation to local elections those chief officers who assist on election night may also be paid a proportion of the RO fee as Deputy Returning Officers

### **New Appointments**

Top Managers joining the organisation –



- Are paid on the grade for their post.
- Join at the bottom spinal column point of the grade; unless the person can demonstrate that payment above the minimum is essential to match current earnings or to reflect experience and skills to secure engagement. No staff are paid above the grade maximum.
- Do not receive a lump sum payment on joining, sometimes referred to as “golden hellos”.
- May receive expenses relating to their home relocation where this is necessary to secure engagement.

Members have the opportunity to consider all salary packages to be offered as part of the recruitment to top manager posts.

### **Leaving the Organisation & Pensioners**

Staff leaving the council on a voluntary resignation basis do not receive a severance payment.

Top managers leaving the council on a voluntary resignation basis will receive no severance payment.

Were the council to terminate any employee's service on the basis of redundancy, or mutual termination on the basis of efficiency of the service; payments would be made in accordance with the statutory table for redundancy and the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006. Payments are made on the basis of an actual week's pay<sup>5</sup>. Were an employee's services to be terminated on this basis the council would not re-engage on a contract for services (i.e. self employed).

Vacant top manager posts are recruited to in accordance with the council's recruitment policy with the overarching aim of employing on merit; to engage the best person for the job. Such a person may be in receipt of a pension under the Local Government Pension Scheme (LGPS) as a result of service with another Authority. In such cases, the employee's pension entitlement would be abated as required under LGPS regulations but this would have no impact on the council's remuneration arrangements.

Under the LGPS Regulations eligible employees may be considered for one of the Scheme's flexible retirement options. This would include instances where the employee reduces to a part time basis. On such occasions the council's remuneration arrangements described above would continue to apply to the person's employment; any pension which is payable determined by application of LGPS Regulations and that person's membership entitlements.

<sup>5</sup> For top managers, where occurring this would be included in the declared salary data included in the Statement of Accounts.

### **Lowest Paid Staff**

All posts are job evaluated to determine their relative job size; the responsibilities and impact of the post and the level of knowledge, and skill required to carry out those responsibilities. Job sizes are used to determine the grade. Grades are linked to the salary scale. Staff have the potential to move through the grades by incremental progression, based on performance.

Appropriate terms and conditions, e.g. shift allowances, reflect the duties and obligations of posts in accordance with the NJC for Local Authorities Services<sup>6</sup>. Bonus is not a feature of pay arrangements. Staff are contracted to work 36 hours per week (full time equivalent). Where service provision demands that it is necessary for additional hours to be worked above the full time equivalent, overtime rates would apply. Rates are determined in accordance with NJC Conditions of Service.

Notwithstanding the application of this framework the council has determined that no employee should receive an hourly rate less than the London Living Wage<sup>7</sup>. This therefore is the baseline payment for the lowest paid staff. The London Living Wage (LLW) is not the same as the national minimum wage, (currently £6.08 per hour, October 2011). As the name suggests it is London specific, promoted by the Greater London Authority and participation by employers is voluntary. The level aims to provide a reliable margin above the national minimum wage to stop working Londoners from falling into poverty and to make sure that the unemployed in London are better off in work than living on benefits.

<sup>6</sup>There are a small number of posts under different national schemes – education related and craft.

<sup>7</sup>In year 2011/12 London Living Wage was £8.30 per hour. Once rates for 2012/13 are available sums will be adjusted accordingly

### **Other Information**

In addition to this statement the council publishes other information on the detail of payments. Information can be found on the Open Data section of the council's website ([www.Southwark.gov.uk](http://www.Southwark.gov.uk)). This includes -

The council's grading structure and salary scales.

The annual statement of accounts. This includes the numbers of people earning £50,000 per year or more in £5,000 bandings. It includes schools. The accounts also give detail, including the name, for those whose salary is £150,000 or more. This includes all remuneration elements including employer's pension contribution.

**APPENDIX 2****EQUALITY ANALYSIS – PAY POLICY STATEMENT****Overview**

1. The Localism Act 2011 requires Authorities to develop and publish a pay policy statement. This would include the remuneration arrangements for its most senior staff and approaches on remuneration to its lowest paid employees.

**Impact**

2. The development and publication of the pay statement does not in itself amend policy. Were changes to arise as a consequence, proposals would require scrutiny including the impact upon people of different protected characteristics.

3. The publication of the pay statement does however accord with good practice on managing equal pay; increasing transparency on organisational arrangements. There are no adverse impacts on people of specific protected characteristics arising from this development. Instead it may reasonably be argued that greater openness may reduce the fear of potential discrimination by setting out arrangements which are in force.

4. On a continuing basis the council undertakes monitoring of its workforce to identify and take action to address potential adverse impacts on people of specific protected characteristics. Monitoring data is published on the council's website through the annual workforce report, in accordance with the specific duties of the Equality Act 2010.

## Appendix 3

## SALARY &amp; WAGES SCALES

Provincial wef 1/4/09		Inner London Spine										JNC wef 1/4/09	
4	15036	01		02		03		04		05		1	44463
5	15306	2		5	£15,306	8	£16,503	11	£18,030	15	£19,353	2	45894
6	15714	3		6	£15,714	9	£16,896	12	£18,342	16	£19,731	3	47391
7	16104	4	£15,036	7	£16,104	10	£17,181	13	£18,732	17	£20,127	4	48939
8	16503	5	£15,306	8	£16,503	11	£18,030	14	£19,032	18	£20,460	5	50529
9	16896	6	£15,714	9	£16,896	12	£18,342	15	£19,353	19	£21,102	6	52188
10	17181	7	£16,104	10	£17,181	13	£18,732	16	£19,731	20	£21,750	7	53901
11	18030	8	£16,503	11	£18,030	14	£19,032	17	£20,127	21	£22,422	8	55674
12	18342							18	£20,460	22	£22,920	9	57495
13	18732											10	59400
14	19032	06		07		08		09		10		11	61362
15	19353	19	£21,102	23	£23,496	27	£26,259	31	£29,571	35	£32,532	12	63396
16	19731	20	£21,750	24	£24,156	28	£27,009	32	£30,345	36	£33,306	13	65487
17	20127	21	£22,422	25	£24,819	29	£27,945	33	£31,152	37	£34,152	14	67671
18	20460	22	£22,920	26	£25,515	30	£28,770	34	£31,935	38	£35,055	15	69921
19	21102	23	£23,496	27	£26,259	31	£29,571	35	£32,532	39	£36,096	16	72267
20	21750	24	£24,156	28	£27,009	32	£30,345	36	£33,306	40	£36,960	17	74667
21	22422	25	£24,819	29	£27,945	33	£31,152	37	£34,152	41	£37,851	18	77169
22	22920	26	£25,515	30	£28,770	34	£31,935	38	£35,055	42	£38,733	19	79752
23	23496											20	82425
24	24156	11		12		14		15		16		21	85194
25	24819	39	£36,096	43	£39,621	1	£44,463	6	£52,188	11	£61,362	22	88071
26	25515	40	£36,960	44	£40,506	2	£45,894	7	£53,901	12	£63,396	23	91029
27	26259	41	£37,851	45	£41,340	3	£47,391	8	£55,674	13	£65,487	24	94107
28	27009	42	£38,733	46	£42,258	4	£48,939	9	£57,495	14	£67,671	25	97290
29	27945	43	£39,621	47	£43,152	5	£50,529	10	£59,400	15	£69,921	26	100572
30	28770	44	£40,506	48	£44,043	6	£52,188	11	£61,362	16	£72,267	27	103980
31	29571	45	£41,340	49	£44,910	7	£53,901	12	£63,396	17	£74,667	28	107496
32	30345	46	£42,258	50	£45,807	8	£55,674	13	£65,487	18	£77,169	29	111153
33	31152											30	114927
34	31935	17		18		19		Chief Officer		Chief Executive		31	118827
35	32532	16	£72,267	21	£85,194	27	£103,980	30	£114,927	37	£145,317	32	122877
36	33306	17	£74,667	22	£88,071	28	£107,496	31	£118,827	38	£150,297	33	127056
37	34152	18	£77,169	23	£91,029	29	£111,153	32	£122,877	39	£155,439	34	131394
38	35055	19	£79,752	24	£94,107	30	£114,927	33	£127,056	40	£160,767	35	135867
39	36096	20	£82,425	25	£97,290	31	£118,827	34	£131,394	41	£166,275	36	140508
40	36960	21	£85,194	26	£100,572			35	£135,867			37	145317
41	37851	22	£88,071	27	£103,980			36	£140,508			38	150297
42	38733	23	£91,029	28	£107,496			37	£145,317			39	155439
43	39621											40	160767
44	40506											41	166275
45	41340												
46	42258												
47	43152												
48	44043												
49	44910												
50	45807												
51	46701												
52	47592												
53	48501												
54	49452												

Planned Overtime per hr		
grade 9	£	19.18
grade 10/11	£	20.54
grade 12	£	22.29

sleeping in	unit standby
£ 32.94	£ 8.75

On SAP these grades will be prefixed LBS-0. Grades prefixed LBS-1 are for w/e working where +2 SCP apply

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MUNICIPAL YEAR 2011/12**

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Susannah White	1		Irene Bishop, ASCL	1
Gerri Scott	1		<b>Local MP</b>	<b>1</b>
			Simon Hughes MP	1
			<b>Others</b>	<b>2</b>
			Shahida Nasim, Audit Commission, Ground Floor, Tooley Street	1
			Mr. Mark Roelofsen	1
			<b>Total:</b>	<b>124</b>