

Cabinet

Tuesday 14 May 2013

4.00 pm

Ground Floor Meeting Room GO2A, 160 Tooley Street, London
SE1 2QH

Membership

Councillor Peter John
Councillor Ian Wingfield
Councillor Fiona Colley
Councillor Dora Dixon-Fyle
Councillor Barrie Hargrove
Councillor Claire Hickson
Councillor Richard Livingstone
Councillor Catherine McDonald
Councillor Veronica Ward

Portfolio

Leader of the Council
Deputy Leader and Housing Management
Regeneration and Corporate Strategy
Children's Services
Transport, Environment and Recycling
Communities and Economic Wellbeing
Finance, Resources and Community Safety
Health and Adult Social Care
Culture, Leisure, Sport and Olympic Legacy

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Contact

Everton Roberts 020 7525 7221 or Paula Thornton 020 7525 4395

everton.roberts@southwark.gov.uk; paula.thornton@southwark.gov.uk

Webpage: <http://www.southwark.gov.uk>

Members of the committee are summoned to attend this meeting

Councillor Peter John

Leader of the Council

Date: 3 May 2013



Cabinet

Tuesday 14 May 2013

4.00 pm

Ground Floor Meeting Room GO2A, 160 Tooley Street, London SE1 2QH

Order of Business

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PART A - OPEN BUSINESS

MOBILE PHONES

Mobile phones should be turned off or put on silent during the course of the meeting.

1. APOLOGIES

To receive any apologies for absence.

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

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

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

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To note the items specified which will be considered in a closed meeting.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

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

5. PUBLIC QUESTION TIME (15 MINUTES)

To receive any questions from members of the public which have been submitted in advance of the meeting in accordance with the cabinet procedure rules.

Item No.	Title	Page No.
6.	MINUTES	2 - 10
	To approve as a correct record the minutes of the open section of the meeting held on 16 April 2013.	
7.	DEPUTATION REQUESTS	
	To consider any deputation requests.	
8.	DRAFT REVISED CANADA WATER AREA ACTION PLAN (AAP)	11 - 25
	To agree the draft revised Canada Water area action plan for public consultation.	
9.	COMMUNITY SAFETY INITIATIVES 2013/14	26 - 31
	To note the work undertaken with the Mayors Office for Policing and Crime (MOPAC) and the Metropolitan Police Service (MPS) to fund replacements for police front counters and the work done to identify further community safety initiatives.	
10.	LAKANAL INQUIRY - CORONER'S RECOMMENDATIONS	32 - 55
	To note and approve the contents of the report which provides detailed information and considerations which will shape the response to the Coroner's Rule 43 letter of 28 March 2013.	
11.	HOUSING REVENUE ACCOUNT (HRA) CONSULTATION ON PROGRAMMES	56 - 81
	To note the results of the consultation with residents, staff and unions and the proposed use of £4m from the heating account surplus on communal heating energy efficiency measures. To agree the proposed programme for door entry and security, estate action days, external redecoration, communal heating energy efficiency measures and the introduction of communal repairs compliance officers.	
12.	GATEWAY 2 - CONTRACT AWARD APPROVAL, LONG-TERM REPAIRS AND MAINTENANCE CONTRACT	82 - 94
	To approve the contract award of the repairs and maintenance contract covering Camberwell, Peckham, Peckham Rye, Nunhead and Dulwich (and borough wide temporary accommodation).	

Item No.	Title	Page No.
13.	GATEWAY 1 - APPROVAL OF THE PROCUREMENT STRATEGY FOR ARBORICULTURAL SERVICES	95 - 107
	To approve the procurement strategy and transfer of service to the in-house team for the borough wide arboricultural services.	
14.	DISPOSAL OF THE SITE COMPRISING 184-188 SOUTHAMPTON WAY, 5A HAVIL STREET AND PART OF THE BEACON ESTATE, LONDON SE5	108 - 115
	To approve the disposal of the council's freehold interest in 184-188 Southampton Way, 5a Havil Street and part of Beacon House Estate for residential purposes to Family Mosaic housing association.	
15.	MOTIONS REFERRED FROM COUNCIL ASSEMBLY - 27 MARCH 2013	116 - 122
	To consider motions referred from council assembly 27 March 2013:	
	<ul style="list-style-type: none"> • Basic safety and security for residents • Localising planning decisions • Fire at Walworth Town Hall / Cuming Museum 	

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

EXCLUSION OF PRESS AND PUBLIC

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

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

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure Rules of the Constitution.”

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PART B - CLOSED BUSINESS

16. MINUTES

To approve as a correct record the closed minutes of the meeting held on 16 April 2013.

17. GATEWAY 2 - CONTRACT WARD APPROVAL - LONG TERM REPAIRS AND MAINTENANCE CONTRACT

18. GATEWAY 1 - APPROVAL OF THE PROCUREMENT STRATEGY FOR ARBORICULTURAL SERVICES

19. DISPOSAL OF THE SITE COMPRISING 184-188 SOUTHAMPTON WAY, 5A HAVIL STREET AND PART OF THE BEACON HOUSE ESTATE, LONDON SE5

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

Date: 3 May 2013



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

Cabinet 14 May 2013

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

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

This notice issued in accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 is to confirm that the cabinet meeting to be held on 14 May 2013 at 4.00pm, Council offices, 160 Tooley Street, London SE1 2QH will be held partly in closed session for consideration of the following items listed on the agenda:

- Item: 17** Gateway 2 – Contract Award Approval - Long Term Repairs and Maintenance Contract
- Item: 18** Gateway 1 – Approval of the Procurement Strategy for Arboricultural Services
- Item: 19** Disposal of Freehold Land Comprising 184-188 Southampton Way, 5a Havil Street and Part of the Beacon Estate, London SE5

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

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

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

Ian Millichap,
Proper Constitutional Officer
Dated: 3 May 2013



Cabinet

MINUTES of the OPEN section of the Cabinet held on Tuesday 16 April 2013 at 4.00 pm at the Council Offices, 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Peter John (Chair)
Councillor Ian Wingfield
Councillor Fiona Colley
Councillor Dora Dixon-Fyle
Councillor Barrie Hargrove
Councillor Claire Hickson
Councillor Richard Livingstone
Councillor Catherine McDonald
Councillor Veronica Ward

1. APOLOGIES

All members were present.

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

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

Item 8 – Deputation requests

Item 21 – Lakanal Inquiry: Coroner's recommendations

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

No representations were received.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

None were declared.

5. PUBLIC QUESTION TIME (15 MINUTES)

Public question from Matthew Egan

1. The following public question was asked by Matthew Egan to Councillor Catherine McDonald, cabinet member for health and adult social care:

“Is the cabinet aware of the damaging impact that zero hour contracts can have on both care standards for those people receiving homecare services in Southwark and on the workers providing it?”

Response by Councillor Catherine McDonald

“I recognise the potential impact and uncertainty that the use of 'zero hours' contracts can have for homecare workers - for example on their hours and income - and that 'zero hours' contracts along with many other factors can affect the quality of care provided.

I want to work towards eliminating providers' use of zero hours contracts to help front-line workers and to help in the quality of provision.

I want to thank Unison for providing its helpful ethical home care charter highlighting this issue. That is why I am asking cabinet to agree to create a task and finish group (with Unison and stakeholders' input) to support the implementation of principles of the charter (including those relating to the three outstanding areas and report back in Autumn 2013. I hope to be able to make firm commitments on each of the areas after receiving that report, subject to the results of that feasibility work.”

Public question from Sue Plain

2. The following public question was asked by Sue Plain to Councillor Catherine McDonald, cabinet member for health and adult social care:

“Can the council confirm that they have tested the contracts of employment issued to home care workers employed by London Care, Enara and other home care Agencies to determine whether they meet the "mutual obligation" criteria? If not, would you say on what grounds the council has described them as "permanent contracts" in the report "developing a quality strategy and best practice principles for home care services: initial review of Unison's ethical care charter.”

Response by Councillor Catherine McDonald

“The council has not reviewed each and every contract of employment in place between the many hundreds of home care workers employed by private sector providers and the wide range of other providers who operate in the borough, but I am aware that there will be many different arrangements.

I understand the reference to permanent contracts within the report (see paragraphs 53 and 54 of the report) sets out the council's interpretation of the principle of stage 2 of the charter that "zero hours" contracts will not be used in place of permanent

contracts. The report makes no comment on whether employment contracts used by our local providers are permanent or not.

Home care workers provide a crucial service and we need to ensure they have fair terms and conditions. Zero hours contracts of employment create uncertainty for home care workers; their hours and income can fluctuate week to week. This is why I am asking officers to set up a task and finish group with input from Unison and stakeholders to look at the feasibility of all the options available to reduce the use of zero hours contracts.”

6. MINUTES

RESOLVED:

That the open minutes of the meeting held on 19 March 2013 be approved as a correct record and signed by the chair.

7. PETITION - REDUCE AIR POLLUTION

The petition spokesperson addressed the meeting to outline concerns from residents' of the borough in respect of air pollution on main roads near schools with particular reference to the detrimental impact upon the health of children and the general community. The spokesperson asked the council to roll out the clean air for schools initiative, sign all schools up to the airtext service, the provision of a dedicated budget to the environmental protection team for air quality improvement initiatives, and to work closely with Transport for London (TfL) to reduce air pollution.

RESOLVED:

That a report is received by cabinet in three months to assess progress made, with specific reference to resources within the public health budget and measures to promote engagement with schools.

8. DEPUTATION REQUESTS

This item had not be circulated five clear days in advance of the meeting. The chair agreed to accept the item as urgent as the requests had been submitted in line with the constitutional deadline for the receipt of deputation requests and were therefore eligible for consideration by cabinet.

RESOLVED:

That the deputation requests be heard.

Southwark home care workers

The deputation spokesperson addressed the meeting in respect of an item on the cabinet agenda “Developing a quality strategy and best practice principles for home care services;

initial review of Unison's ethical care charter." The deputation reported that while they were grateful for the introduction of the London living wage there still remained some issues of concern relating to zero contract hours, including sickness and travel time. As well as the impact on home care workers these concerns were felt to potentially impact on the continuity of care with clients (especially when a client suffers dementia). The deputation requested that Unison and home care workers be included on the task and finish group.

Peckham Vision and businesses in Holly Grove and Blenheim Grove

The deputation spokesperson addressed the meeting in respect of an item on the cabinet agenda "Gateway to Peckham – public square and station regeneration". The deputation raised concerns about the impact the regeneration would have on properties and business in the immediate area. The deputation which comprised a number of businesses and residents to represent these concerns asked that the decision be deferred in order that their concerns relating the proposals before cabinet could be discussed before a decision was made. Particular concern was expressed in respect of recommendation 2 of the report.

9. REPORT INTO TRA HALLS AND COMMUNAL ROOMS (HOUSING, ENVIRONMENT, TRANSPORT AND COMMUNITY SAFETY SCRUTINY SUB-COMMITTEE)

Councillor Gavin Edwards, chair of the housing, environment, transport and community safety scrutiny sub-committee presented the report to cabinet.

RESOLVED:

That the recommendations of the review of tenants and resident association (TRA) halls and communal rooms be noted, and that the deputy leader and cabinet member for housing management bring back a report to cabinet, in order to respond to the overview and scrutiny committee, within eight weeks.

10. ACCESS TO MATERNAL HEALTH AND EARLY YEARS SERVICES FOR THE GYPSY AND TRAVELLER COMMUNITIES (HEALTH, ADULT SOCIAL CARE, COMMUNITIES & CITIZENSHIP SCRUTINY SUB-COMMITTEE)

Councillor Mark Edwards, chair of the health, adult social care, communities and citizenship scrutiny sub-committee presented the report to cabinet.

RESOLVED:

1. That the recommendations of overview & scrutiny committee, in respect of provision of travellers' sites and funding of Southwark Travellers Action Group, as set out at paragraph 9 of the report be noted.
2. That the recommendations of the review of access to maternal health and early years services for the gypsy and traveller communities in Southwark, and that the relevant cabinet members bring back a report to cabinet, in order to respond to the overview and scrutiny committee, within eight weeks.

11. DEVELOPING A QUALITY STRATEGY AND BEST PRACTICE PRINCIPLES FOR HOME CARE SERVICES: INITIAL REVIEW OF UNISON'S ETHICAL CARE CHARTER

RESOLVED:

Decisions of the Cabinet

1. That the key objectives of the UNISON ethical care charter and steps already being taken by the council to meet these objectives, including the prior commitment to introduce the London living wage (LLW) for all new contracts be noted.
2. That the council's aspiration to develop an approach to commissioning high quality home care services which fully embraces the principles of the charter be confirmed and the key milestones including the aim to implement LLW for existing home care contract in July 2013 be noted and it also be noted that the current contracts run until summer 2014.
3. That the strategic director of children's and adults services establish a task and finish group to develop a commissioning approach for Southwark that supports the council's aspiration to implement the principles of the charter – including those relating to the three outstanding areas – zero hours contracts, payment for travel time, occupational sickness schemes - subject to affordability, contractual commitments and with reference to the demands of personalised budgets. That Unison, home care users and providers be included on the task and finish group. That it be noted that the task and finish group will be required to report back on progress, feasibility, plans and affordability analysis to the cabinet in November 2013.
4. That the continual intention of the council to establish a reference group of key stakeholders, Unison and home care users and providers to have strong and regular input to the task and finish group be noted, including Unison, users and providers to inform the commissioning approach, including a set of best practice principles to inform the commissioning approach to home care services which are, as far as is practical, consistent with the ethical charter.
5. That the work currently underway to develop a training partnership with home care providers focused on developing the skills and quality of the home care workforce be noted.

Decisions of the Leader of the Council

6. That the cabinet member for health and adult social care be given delegated authority to approve any contract variation to existing home care contracts to implement LLW, taking account of legal and procurement advice and the incorporation of measures to ensure enhanced quality and performance is linked to payment of LLW.

12. GATEWAY TO PECKHAM - PUBLIC SQUARE AND STATION REGENERATION

RESOLVED:

1. That the progress made to date be noted.
2. That officers be instructed to commence negotiation with all interested parties in the area.
3. That the director of regeneration be authorised:
 - a) To approve the detailed provisions and requirements of a business engagement package in consultation with the cabinet members for regeneration and corporate strategy and communities and economic wellbeing.
 - b) To prepare and report back to cabinet at the earliest opportunity on a land information and assembly strategy, which would include:
 - i. Continued engagement and negotiations to acquire all interests and approve agreements with landowners of land within the area shown in Appendix 1 of the report
 - ii. Undertake referencing and/or obtain further information using requisitions under the Acquisition of Land Act 1981
 - iii. Amend the boundaries of the areas edged in bold and shown in Appendix 1 of the report should it be required
 - iv. Enter into agreement with Network Rail for the Gateway to Peckham project.

13. MANOR PLACE DEPOT, OCCUPATION ROAD, WALWORTH, LONDON SE17 3BE - DISPOSAL OF FREEHOLD INTEREST

RESOLVED:

1. That the head of property be authorised to dispose of the council's freehold interest in Manor Place Depot, Occupation Rd, SE17 (the "property"), on the terms outlined in the closed version of the report.
2. That the resulting capital receipt be recycled into the council's capital programme.
3. That the head of property agree any minor variations to the terms of the sale, with the purchaser, which may arise prior to completion of the transaction or alternatively to agree terms with any of the under bidders subject to best consideration requirements if in the unlikely event the original offer fails to progress to completion.

14. DISPOSAL OF 91-99 ATHENLAY ROAD, LONDON SE15

RESOLVED:

1. That the head of property be authorised to dispose of the council's freehold interest

in 91-99 Athenlay Road (“the land”), on the terms outlined in the closed version of the report.

2. That authority be delegated to the head of property to agree any minor variations to the terms agreed with the proposed purchaser which may arise prior to the completion of the transaction or alternatively agree terms with any of the under bidders subject to best consideration requirements if in the unlikely event that the original offer fails to progress to completion.

15. DISPOSAL OF 236 & 240 LORDSHIP LANE, LONDON SE22

RESOLVED:

1. That the disposal of the council’s freehold interest in land at 236 and 240 Lordship Lane SE22 (“the land”) for a residential development be approved on the following terms and conditions:
 - a. That the head of property be authorised to agree any variations to these terms that may be necessary to achieve the successful disposal of 236 & 240 Lordship Lane SE22.
 - b. That in the unlikely event that this recommended disposal does not proceed to exchange of contract, the head of property be authorised to agree the terms of a disposal with any one of the under bidders set out in the closed report and/or any other third party, subject to best consideration or market value requirements.
 - c. The capital receipt from the sale of the property is recycled into the housing investment programme.

16. ST. OLAV'S PUBLIC CONVENIENCE SITE, ALBION STREET RESOLUTION TO MAKE COMPULSORY PURCHASE ORDER FOR SITE ASSEMBLY PURPOSES

RESOLVED:

1. That the council makes a compulsory purchase order under Section 226(1) of the Town & Country Planning Act 1990 (as amended by section 99 of the Planning and Compulsory Purchase Act 2004) for the acquisition of the freehold interest in the land shown edged on the plan attached at Appendix 1 to the report for the purposes of securing the redevelopment of St Olav’s square as part of the wider Albion street regeneration and in line with the aspirations of the Canada Water Area Action Plan (AAP).
2. That the director of regeneration be authorised to:
 - a) Take all necessary steps to secure the making, confirmation and implementation of the compulsory purchase order including the publication and service of notices and the presentation of the council’s case at public inquiry should one be called.

- b) To acquire the freehold interest in the land within the compulsory purchase order either by agreement or compulsorily for the purposes of redeveloping St Olav's Square as part of the wider Albion Street regeneration.

17. HOUSING AND COMMUNITY SERVICES REPORT BACK ON DECIMA STREET TENANTS AND RESIDENTS ASSOCIATION DEPUTATION

RESOLVED:

That the contents of the report be noted.

21. LAKANAL INQUIRY - CORONER'S RECOMMENDATIONS

The item had not been circulated five clear days in advance of the meeting. The chair agreed to accept this item as urgent due to the importance of the recommendations and the requirement for cabinet to consider urgently.

RESOLVED:

That the contents of the report be noted and officers be instructed to provide a full response to the coroner's recommendations, to be considered by cabinet at its meeting of 14 May 2013.

EXCLUSION OF PRESS AND PUBLIC

That the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in category 3 of paragraph 10.4 of the Access to Information Procedure Rules of the Southwark Constitution.

The following is a summary of the closed part of the meeting.

18. MANOR PLACE DEPOT, OCCUPATION ROAD, WALWORTH, LONDON SE17 3BE - DISPOSAL OF FREEHOLD INTEREST

The cabinet considered the closed information relating to this report. See item 13 for decision.

19. DISPOSAL OF 91-99 ATHENLAY ROAD, LONDON SE15

The cabinet considered the closed information relating to this report. See item 14 for decision.

20. DISPOSAL OF 236 & 240 LORDSHIP LANE, LONDON SE22

The cabinet considered the closed information relating to this report. See item 15 for decision.

The meeting ended at 6.50pm.

CHAIR:

DATED:

DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 21 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, WEDNESDAY 24 APRIL 2013.

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

Item No. 8.	Classification: Open	Date: 14 May 2013	Meeting Name: Cabinet
Report title:		Draft Revised Canada Water Area Action Plan (AAP)	
Ward(s) or groups affected:		Surrey Docks, Rotherhithe, Livesey	
Cabinet Member:		Councillor Fiona Colley, Regeneration and Corporate Strategy	

FOREWORD – COUNCILLOR FIONA COLLEY, CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY

In March 2012 council assembly adopted the Canada Water area action plan following several rounds of public consultation and an examination in public.

In summer 2011 the Daily Mail Group confirmed that it would be moving its printing operation away from Canada Water, vacating the Harmsworth Quays printworks by 2014. However, the adopted plan assumes that the Harmsworth Quays printworks remains at Canada Water.

Harmsworth Quays is a large, strategic site and its availability creates an exciting opportunity which can help deliver the AAP vision to regenerate the town centre. We have therefore revised the AAP to provide a planning framework to guide a redevelopment of the site. Our aim is to maximise the amount of non-residential space which can be provided on the site and we are keen to work with the local community, King's College London, British Land and other landowners to deliver this. Non-residential uses, such as offices, higher education facilities, shops and leisure facilities have the potential to boost the day-time economy, create much needed jobs and deliver the AAP vision to create a thriving centre at Canada Water.

In view of the opportunity to expand the town centre eastwards, we have also revised our guidance on building heights, recognising that some tall buildings, in the right locations, can create more public realm, an environment which is easier to walk and cycle around, as well as provide facilities which help create an animated and vibrant town centre.

We have also reviewed the infrastructure which is needed to support growth. We are reiterating our commitment to refurbishing the Seven Islands Leisure Centre to extend its life by up to 10 years, while recognising the potential to provide a new leisure centre in the town centre in the longer term.

In line with our recently adopted open space strategy, we are also proposing to protect three additional open spaces and give the former nursery metropolitan open land (MOL) status.

We have also updated the plan to reflect the up to date position on secondary school places - that a new free secondary school will be opening just outside the plan's boundaries in Bermondsey rather than on the previous proposal at Rotherhithe Primary.

We will consult on the draft revised AAP over the next three months and listen carefully to all the responses we receive. We aim to publish the final plan for a further round of consultation in the autumn before submitting it to the Planning Inspectorate for an examination next year.

RECOMMENDATIONS

That cabinet

1. Approve the draft revised Canada Water area action plan (Appendix A) for formal public consultation in accordance with Regulation 18 of the Town and Country Planning (Local Planning)(England) Regulations 2012 (“the Regulations”).
2. Note the sustainability appraisal (Appendix B), the equalities analysis (Appendix C), the consultation plan (Appendix D) and appropriate assessment (Appendix E).

BACKGROUND INFORMATION

3. In March 2012 the council adopted the Canada Water area action plan (AAP). The purpose of the AAP is to help shape the regeneration of Canada Water. Like the Core Strategy (2011) it is a spatial plan which provides a vision, objectives and policies designed to help manage development and growth at Canada Water. It is a development plan and alongside the Core Strategy and saved Southwark Plan policies, it is used as the basis for determining planning applications in the area. As part of the development plan, the AAP must be consistent with the Core Strategy and in general conformity with the London Plan (2011).
4. Work on the AAP commenced in 2007 and its adoption followed four rounds of public consultation, as well as an examination-in-public (EIP) in which members of the public, developers and other stakeholder were able to set out their views to an independent planning inspector. The inspector found the AAP to be “sound”, subject to a number of amendments.
5. In August 2011, the Daily Mail which occupies the Harmsworth Quays printworks confirmed that it would be relocating its printing operations to a site in Essex. Because the Daily Mail had previously indicated that it would be staying at Harmsworth Quays, the adopted AAP is predicated on the printworks remaining in situ. However, the availability of Harmsworth Quays generates a number of opportunities. It is a strategic site in the core of the action area and its availability opens a significant opportunity for redevelopment. It also helps unlock development opportunities on adjacent sites, particularly the Surrey Quays Leisure Park, Site E on Surrey Quays Road and the Mulberry Business Park. At the EIP the council committed to undertaking a review of the AAP to put in place policy to guide a redevelopment of Harmsworth Quays and the adjacent sites. The inspector agreed with the council that any review of the AAP could take place within the scope of the vision and objectives set out in the adopted AAP. However, amendments to the plan should address the land uses and quantum of development, the infrastructure required to support additional development, pedestrian and cycle connectivity and urban design, including the building heights strategy.

6. The review of the AAP will be carried out in several stages, comprising of the following:
 - i. Stage 1 - consultation on a sustainability appraisal scoping report carried out over five weeks from 31 October 2012;
 - ii. Stage 2 - informal consultation on the revisions to the AAP which took place over quarter three and quarter four 2012/13;
 - iii. Stage 3 (the current stage) - consultation on a draft revised Canada Water AAP
 - iv. Stage 4 - consideration of comments on the draft CWAAP and preparation of the final revised plan for publication in the autumn
 - v. Stage 5 - Invitation of representations on the final plan and subsequent submission to the Planning Inspectorate for an examination-in-public
 - vi. Stage 6 - Adoption of the final revised CWAAP as part of Southwark's local plan in summer 2014.

7. The draft revised AAP has been subject to a sustainability appraisal (SA) (Appendix B), which takes into account comments made on the SA scoping report, an equalities analysis (Appendix C) and an appropriate assessment to screen any impacts on EU protected wildlife habitats (Appendix E).

CONSULTATION

8. The Planning and Compulsory Purchase Act 2004 (amended 2008) and the council's Statement of Community Involvement (SCI) require consultation at issues and options stage to be ongoing and informal. To guide the overall approach to consultation on the draft revised CWAAP, prepared a detailed consultation plan (Appendix D).

9. The council consulted extensively in preparing the adopted Canada Water AAP. Formal consultation was undertaken on an issues and options report, a preferred options report, the publication AAP and further alterations to the publication AAP. Because a significant amount of consultation has already taken place and because the vision and objectives of the AAP are already established, the council did not consider it necessary to reconsult on an issues and options report in revising the AAP. Instead, the council has carried out informal consultation which has informed the draft revised AAP.

10. On 17 November 2012 the council held a public consultation event at Alfred Salter school which aimed to provide a forum in which the public and other stakeholders could have their say on the future of Harmsworth Quays and the adjacent sites. The event was advertised on the council's website and invitations were sent to 400 groups and individuals on the Planning Policy database and around 400 contacts on the Bermondsey and Rotherhithe community council mailing list. In all, 46 people attended. Two workshops were held at the event: the first involved a facilitated discussion around four themes and the second involved playing a scenario game. The key messages which emerged from the event were that:
 - There is strong support for a university campus which could generate jobs, bring daytime activity to the town centre and raise the area's profile.
 - There was also support for other employment generating uses such as office and business uses, shops and community facilities which contribute to the town centre.

- There should be a green link connecting the Canada Water basin with the planned connection to Russia Dock Woodland through the Quebec Industrial Estate.
 - There was support for straightening Surrey Quays Road to provide an attractive link to the cinema and leisure facilities and Greenland Dock.
 - Building heights should be lower on the periphery of the sites adjacent to Redriff Road and Quebec Way. There is scope for more intensive development away from existing residential areas.
 - Views on tall buildings were mixed. Some felt they were appropriate and others not. It is important that the environment around tall buildings is comfortable and not overshadowed or windy.
 - Development should provide affordable housing.
 - Open space would be appropriate and should provide children's play facilities, space for food growing etc.
11. In addition to this event, letters were sent to all the TRAs in the area, inviting people to submit their views on the future of Harmsworth Quays and indicating that officers would be happy to attend meetings to discuss, if requested.
12. Between 31 October 2012 and 4 December 2012 the council consulted formally on the sustainability appraisal (SA) scoping report. The key comments made on this report were:
- Reference should be made to the following documents in the SA: English Heritage's Guidance on the Environmental Assessment, Sustainability Appraisal and the Historic Environment (2010); National Flood and Coast Erosion Management Strategy (July 2011); London River Restoration Action Plan (LRRAP) (English Heritage and the Environment Agency).
 - The final SA needs to take surface water flooding, land contamination and waste handling into account.
 - The approach is supported and the level of detail is appropriate.
13. The comments made during the informal consultation period and on the scoping report have informed the draft revised AAP. The draft revised AAP is a formal stage of consultation (Regulation 18 consultation). In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the council's statement of community involvement, the council will consult for 12 weeks, commencing on 7 May and including a formal consultation period between 18 June 2013 and 30 July 2013. Consistent with the 2012 Regulations and SCI the documents will be made available on the council's website and in the local library. An advertisement will be placed in the press and notification letters will be sent to around 3000 contacts on the Planning Policy database. Officers will offer to present the AAP or hold workshops at Bermondsey and Rotherhithe community council and will be available to attend other meetings as requested. An exhibition will be also be held to publicise the proposals. A consultation plan is contained in Appendix D.

KEY ISSUES FOR CONSIDERATION

14. The availability for Harmsworth Quays for development generates a number of opportunities both on that site and on the adjacent sites. These opportunities relate to land uses, supporting infrastructure, pedestrian and cycle connectivity and urban design.

15. Land uses: The AAP vision seeks to consolidate Canada Water as a major town centre in the borough's town centre hierarchy through intensification of town centre uses, such as shops, offices, cafes, restaurants, civic and leisure uses. The availability of Harmsworth Quays for development would enable the town centre to expand to the eastern side of Surrey Quays Road. Because of the need to ensure that development across Harmsworth Quays, Site E, Mulberry Business Park and Surrey Quays Leisure Park is coordinated to achieve the right combination of land uses, a network of routes and a coherent urban design, we have drawn these sites together into a single land use allocation, proposals site CW AAP 24 in appendix 5 of the AAP.
16. To inform the site allocation for CW AAP 24 the council has undertaken a Non-residential uses study. This study estimated that over the plan period (2011-2026) there would be demand for at least 5,300sqm of business uses based on current market share, generated mainly by small and medium sized (SME) businesses needing flexible office accommodation. However, the impact of regeneration and provision of complementary uses, such as shops, education and hotels is likely to make the area much more attractive for businesses and substantially increase the scope for the provision of business uses.
17. In addition to this general demand for business space, there may also be specific end users which require a much greater amount of space. An example is King's College, London. We are aware that King's College is exploring options to expand its portfolio to meet its need for a range of spaces which include teaching and research space, offices and supporting infrastructure. King's College currently has an option to acquire Mulberry Business Park. New academic and research facilities could make a strong contribution to the mix of activities in the town centre. Such facilities would generate jobs, strengthen the day-time economy and support other town centre uses such as shops and offices. Relocating a faculty or providing a significant amount of academic space could also help boost the town centre's profile.
18. Given the amount of retail space in the shopping centre and around the Canada Water basin we do not envisage that this part of the town centre would become a shopping destination. However, there is scope to provide shops, cafes and restaurants which will serve the local population and will also help enliven streets and public spaces. In view of good public transport accessibility and given Canada Water's proximity to central London and Docklands, our evidence base suggests that there could be demand for hotel space at Canada Water.
19. Site allocation CW AAP 24 requires development proposals to maximise employment generation and the contribution to the regeneration of the town centre. A range of criteria would be used to assess this policy, including demand for space and financial viability. Residential homes and student homes will be appropriate uses, providing that the maximum employment generation is secured. Student homes can contribute to widening the mix and choice of homes in the area. However, the appropriate level of student housing will depend on the accompanying mix of uses. If a significant number of student homes are proposed, this should be justified by other benefits associated with university campus development. The latter has also been emphasised in a new policy on higher education and student housing which has been inserted into the plan (policy 29a).

20. Supporting infrastructure: The adopted AAP recognises that improvements to the surface transport network are required in order to accommodate growth at Canada Water. The AAP provides a strategy to reintroduce two way traffic movement on Lower Road as part a wider set of improvements to the Lower Road gyratory. The council is undertaking a more detailed feasibility study for this project and will use the Rotherhithe Multi Modal Model to retest the growth envisaged on Harmsworth Quays, to ensure that impacts can be addressed.
21. With regard to schools, in policy 26 the AAP notes that the council will keep the need to expand existing primary schools under review. There may also be the potential to accommodate new primary schools, including on Harmsworth Quays, depending on the quantum of non-residential uses provided on that site. Anticipated demand for secondary school places would be met by provision of a new school in Bermondsey, approved to open in September 2013 and exploring the possibility of expanding existing secondary schools. The allocation of Rotherhithe Primary School for a new secondary school is deleted.
22. Funding is committed in the council's capital programme to refurbish the Seven Islands Leisure Centre. The revised AAP policy 12 suggests that this could be used to extend the life of the Seven Islands by up to 10 years. In the long term however, there is an opportunity to provide a new leisure centre in the town centre.
23. Pedestrian and cycle connectivity: A key aspiration of the AAP is to ensure that the town centre is well connected to the rest of Rotherhithe through a network of pedestrian and cycle routes. The new site allocation for Harmsworth Quays and the adjacent sites provides indicative routes.
24. Urban design: The site allocation for Harmsworth Quays emphasises the desirability of creating a network of streets and spaces that have a town centre and urban feel and which are not dominated by cars. At the EIP, the council recognised that the tall building strategy should be reviewed and the inspector concurred with this in his recommendation. The revised AAP maintains the guidance in the adopted AAP that building heights in the core area should generally be between 4 and 8 storeys. While these general heights should be maintained, officers recommend that the approach to tall buildings be revised.
25. The availability of Harmsworth Quays for development, the scope to expand the centre eastwards and bring in new land uses, such as business and higher education, provide an opportunity to rethink the approach to town centre development. Currently the footprint of the existing large sheds in the centre make it difficult to move around the area. With the exception of the plaza outside the library the public realm is uninspiring and offers little to residents, visitors or shoppers. A key advantage of tall buildings is that they can utilise much smaller footprints, enabling the creation of more public realm and making it easier for pedestrians to move around. The design policies in the AAP have been revised to make provision of new public realm a crucial element of new development.
26. The key to a vibrant and successful town centre is a range of shops, leisure opportunities and businesses which create a destination. Tall buildings can provide a range of uses to help animate the base of the building and contribute to the vibrancy of the centre. They are an important source of capacity and will help deliver the range of non-residential uses which are sought by the AAP vision.

27. Policy 17 in the revised AAP states that buildings will be appropriate in important locations in the town centre, where they reinforce the character and function of the centre. In particular, they will help to define the importance of the Canada Water basin and surrounding public spaces as the focal point within the town centre. The policy requires tall buildings which are significantly higher than existing tall buildings in the area (20-25 storeys) to make an exceptional contribution to the regeneration of the area and where feasible, contain a facility accessible to the public which takes advantage of spectacular views from upper floors.
28. Since adopting the AAP in March 2012, the council has also adopted its Open Space Strategy (2013). In accordance with this strategy, three additional spaces are proposed for designation as "other open space": Cumberland Wharf, Neptune Street park and Surrey Docks Adventure Playground. In addition to this, it is also proposed that the former nursery is designated as metropolitan open land. Together with Southwark Park, the former nursery is part of a clearly distinguishable break in the built environment which would justify extending the MOL designation over the site.
29. In his report on the adopted AAP, the inspector noted the lack of allotments and food growing spaces in the area. The open spaces policy has been amended to state that new development will be expected to provide opportunities for food growing. It is not envisaged that a significant new open space would be provided on Harmsworth Quays, given the proximity of Russia Dock Woodland and Southwark Park. However some provision would be made to provide play facilities, informal recreation, food growing, etc. The guidance states that a green link connecting Canada Water basin and Russia Dock Woodland should be incorporated.
30. Factual updates: A number of minor amendments have also been made in the revised AAP to reflect factual changes, changes in policy (eg. the fact that CIL can be used to fund infrastructure required to support growth, rather than s106 planning obligations) and progress in developments which have been completed, are under construction or are the subject of new planning applications.
31. The draft revised Canada Water AAP will be subject to three months of consultation in line with the Statement of Community Involvement. All documents will be available on the internet, in council offices, libraries and area housing offices. Adverts will also be placed in the press. The council will consider all representations made on the draft plan and take these into account in preparing the final version of the plan, which will be published for consultation in the autumn.

Community impact statement

Equalities analysis

32. In preparing the adopted AAP (2012), the council completed equalities impact assessment (EqIA) report. This highlighted the AAP would have a number of beneficial impacts for all members of the community, including new job opportunities, more homes, improved community facilities and more opportunities for walking, cycling and using public transport. The EqIA has been updated to reflect the preferred option for Harmsworth Quays. Site allocation CW AAP 24 would have a broadly positive impact on people with protected characteristics as it would encourage new uses on the site which would provide

jobs and increase the activity in the town centre as well as providing opportunities for new public spaces and routes through the area which would make it more accessible to all. It also has the potential to provide more new homes, potentially including some student homes. In preparing the final revised AAP, we will review the equalities analysis again to make sure we have taken all the impacts into account and used this information to shape the approach.

Sustainability appraisal

33. The adopted Canada Water AAP was accompanied by a detailed sustainability appraisal that informed the development of the final strategy and policies. The AAP had an overall positive impact on all the sustainability indicators, although some issues were identified around the possibility of new development increasing the risk of climate change, waste and flooding. The SA has been updated to take the changes to the AAP into account and assess their impact. Overall, the preferred option for CW AAP 24 and the other policies which have been changed as a result of this site coming forward for redevelopment, have a positive effect on the sustainability indicators. In particular, SDO 1 To tackle poverty and encourage wealth creation and SDO 5 To promote social inclusion, equality, diversity and community cohesion scored very well overall. This is due to the positive impacts of providing more new homes, attracting new business and investment which will increase the number of jobs in the area as well as providing an improved landscape and townscape. The findings of the SA and any consultation comments will be used to develop the updated AAP and refine our approach before the next stage of consultation.

Financial implications

34. There are no immediate financial implications arising from consultation on the draft revised Canada Water AAP.
35. Any potential additional costs from any specific proposals emerging from the preparation and adoption of the plan or any queries thereof will be submitted as separate reports for consideration in line with the appropriate protocols.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services (RM)

36. The recommendation seeks cabinet's approval of the draft revised Canada Water AAP (CWAAP) for formal public consultation in accordance with Regulation 18 of the Town and Country Planning (Local Planning)(England) Regulations 2012 ("the Regulations") and for the cabinet to note the Sustainability Appraisal (Appendix B), the Equalities Analysis (Appendix C), the Consultation Plan (Appendix D) and Appropriate Assessment (Appendix E) undertaken in respect of the proposed draft amendments to the CWAAP.
37. Regulation 18 provides that in the preparation of a local plan a Local Planning Authority must notify specific consultation bodies, that have an interest in the subject of a local plan, and such general consultation bodies and members of the public as the Local Planning Authority consider appropriate. The Regulation further provides that the Local Planning Authority should invite such consultees to make representations about what the respective local plan should contain. In preparing the local plan the Local Planning Authority has a statutory duty to take into account any representation made to them in this respect.

38. The approval of a development framework document for consultation is delegated to the cabinet member for regeneration and corporate strategy who may take individual executive member decisions (“IDM”) for her area of responsibility. However, the cabinet member has the option of taking the decision herself or to refer it the cabinet for decision. The cabinet member for regeneration and corporate strategy has exercised the option to refer the recommendation to the full cabinet for a decision and cabinet is requested to approve the draft revised Canada Water AAP for public consultation and to note the following background documents, that inform the draft revised CWAAP: the Sustainability Appraisal (Appendix B); the Equalities Analysis (Appendix C); the Consultation Plan (Appendix D); and the Appropriate Assessment (Appendix E) , in place of the cabinet member for regeneration and corporate strategy..
39. As advised at paragraph 3 of the report, the CWAAP was adopted by council Assembly on 28 March 2012 to shape the regeneration of Canada Water and the surrounding area. This followed an Examination in Public (“EiP”), conducted by an Inspector appointed by the Secretary of State, who found the plan to be ‘sound’.
40. Regulation 7 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. 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 this took place in August 2011.
41. 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 is sound and 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*);
42. 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. The Inspector concluded in his decision, dated 22 November 2011, that the CWAAP was considered to be sound subject to his recommended amendments set out in his report.
43. During the plan making process the Harmsworth Quays Print Works (“CWAAP12”), a strategic site within the core of the Action Area, announced its proposal to vacate and relocate its business from its current location. In view of the advanced stage that the CWAAP had reached at this juncture, the CWAAP was submitted for EiP and subsequently adopted without the addressing the implications that this would have in planning policy terms for the area.
44. The Inspector acknowledged the advanced stage that the plan had reached and that the fundamental vision and objectives of the plan were unlikely to be altered by the intended vacation of the site. The Inspector held that any delay of the CWAAP examination to enable the council to formulate and consult upon options for the Site, prior to revised submission, would cause substantial delay. It was

considered that such a time period could impact materially upon the delivery of the council's vision as laid out in the Core Strategy and impinge upon the effective planning of development within Canada Water. The Inspector held that any future review of the CWAAP, to deal with this site, could take place within the scope of the vision and objectives set out in the adopted CWAAP to consolidate Canada Water as a major town centre. The Inspector further held, that amendments to the plan should address the land uses and quantum of development, the infrastructure required to support additional development, pedestrian and cycle connectivity and urban design, including the building heights strategy.

45. Cabinet is advised that the relocation of the Harmsworth Quays Print Works has a significant impact upon the content of the adopted CWAAP. The site is comparatively large and offers significant development opportunities both on-site and in respect of adjacent sites. The existing CWAAP was predicated on the site remaining as a print works and employment use. The option that the site could come forward as a development site during the lifetime of the plan was not considered. As set out in paragraph 15 of the report, the availability of this site for development would enable the town centre to expand to the eastern side of Surrey Quays Road and incorporate additional sites into a new single land use allocation proposal site ("CWAAP24"). This would deliver the benefits set out in paragraphs 15-29 and Appendix 5 of the report as required by the Inspector.
46. The council has prepared a draft revised CWAAP to address the site allocation for the Harmsworth Quays Print Works site, parts of the CWAAP that are affected by the site becoming vacant have also been revised and updated. As part of this process, the draft revised CWAAP has been subject to a Sustainability Appraisal (Appendix B), the Equalities Analysis (Appendix C), Consultation Plan (Appendix D) and Appropriate Assessment (Appendix E). The recommendation of this report seeks cabinet approval of the draft revised Canada Water AAP (CWAAP) for formal public consultation and it is considered that the approval of the recommendation is within the remit of the decision making functions of cabinet.
47. As advised at paragraph 6 of the report, the draft revised CWAAP will comprise several stages of consultation, identified as Stages i-vi. cabinet will note, that in view of the fact that the vision and objectives of the CWAAP are already established and the significant amount of formal consultation that has previously been undertaken, the council has not reconsulted on proposed revisions to the adopted issues and options report. However, the council has carried out informal consultation, which combined with the responses received in respect of the sustainability appraisal scoping report, have informed the draft revised CWAAP and are summarised at paragraph 9 of the report.
48. Subject to the approval of the recommendation by cabinet, the draft revised CWAAP will be subject to three months of consultation in accordance with council's statement of community involvement. The statement of community involvement provides an additional six weeks of consultation concerning planning policy documents, in addition to the six weeks of statutory consultation that is required.
49. As the CWAAP is a development plan document (Regulation 7) provides that the proposed draft revisions to the CWAAP will be subject to independent examination by an Inspector appointed by the Secretary of State. This will take

place at Stage vi of the consultation process as set out at paragraph 6 of the report.

50. Following the current stage of consultation (Stage iii), the council will consider consultation responses, prepare the final revised plan for publication (Stage iv), invite representations on the final plan (Stage v) and subsequently submit it to the Planning Inspectorate for an EiP. Cabinet is advised at paragraph 6 of the report that it is expected that the revised CWAAP will be adopted as part of the Southwark Local Plan in 2014 (Stage vi).
51. The CWAAP focuses on implementation of planning policy, by providing an important mechanism for safeguarding development of an appropriate scale, mix and quality for the Canada Water area. The report before cabinet seeks approval of the amendments made to the CWAAP, in the form of the draft revised CWAAP, for public consultation. These amendments seek to address the land uses, quantum of development, the infrastructure required to support development, pedestrian and cycle connectivity, urban design, including a building heights strategy for the new proposal site CWAAP24. This will form part of the development plan document process which will be followed by formal consultation with the community and submission of the final draft revised CWAAP for EIP in summer 2014.
52. In preparing the final draft revised CWAAP the council must have regard to:
 - a) National Policies and Guidance
 - b) The London Plan
 - c) The Community Strategy
 - d) Any other DPDs adopted by the council
 - e) The resources likely to be available in implementing the proposals in the draft revised CWAAP

General conformity

53. Section 24(1)(b) of the Planning and Compulsory Purchase Act 2004 (as amended) (“the Act”) requires that local development documents (“LDDs”) issued by the council, such as this AAP, must be in general conformity with the spatial development strategy, namely the London Plan (consolidated with alterations since 2004). On submission of the final draft of the revised CWAAP to the Secretary of State for independent examination, the council will be required to simultaneously seek the Mayor’s opinion in writing as to whether the final draft revised CWAAP is in general conformity (Regulation 30). The purpose of the independent examination is to ensure legal compliance with the legislative framework, including consultation and soundness of the AAP (Section 20(5)(b) of the Act). General conformity must be determined as a matter of law and policy practice.
54. General conformity is not a defined term anywhere within the legislative framework. However, the Court of Appeal decision of *Persimmon Homes (Thames Valley) Ltd & Oths v Stevenage Borough Council* [2005] EWCA 1365 considered the judicial construction of the term and contains authoritative guidance. The term is to be given its ordinary meaning and take into account the practicalities of planning control and policy, namely the long lead times for the implementation of planning policy and the exigencies of good planning policy which are liable to change. The ‘general conformity’ requirement must accommodate these factors and on its true construction allow a ‘balanced

approach' favouring 'considerable room for manoeuvre within the local plan' in the measures taken to implement the structure plan (the London Plan) so as to meet the changing contingencies that arise.

55. The word 'general' is therefore designed to allow a degree of flexibility in meeting London Plan objectives within the local development plan. The fact that the statutory regime makes provision for the possibility of conflict between the London Plan and local plan to be resolved in favour of the latter subject to general conformity envisages that 'general conformity' requirement allows for flexibility at local level and not strict compliance with every aspect of the London Plan (Section 46(10) of the 1990 Act as substituted by the Act). This is provided that the effectiveness of the London Plan strategic objectives are not compromised and there is local justification for any departure.

Sustainability appraisal

56. Section 19(5) of the Planning and Compulsory Purchase Act 2004 requires Sustainability Appraisal ("SA") of the economic, social and environmental sustainability of plans in DPDs. Accordingly, a SA has been prepared to ensure the wider impacts of the draft revised CWAAP policies are addressed. The SA focuses on those areas of the plan which have been amended. While this has been the focus, to ensure that the plan remains coherent, all policies have been reassessed in full. The sustainability appraisal provides a sound evidence base for the plan and forms an integrated part of the plan preparation process.

Equalities

57. 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").
58. 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).
59. 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".
60. 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"

61. The adopted CWAAP was subject to a full Equalities Impact Assessment ("EqIA") which assessed the equalities impacts at each stage of drafting and consultation. The Equalities Assessment appended at Appendix C of this report represents an updated analysis that builds on the previous EqIA and reassesses the draft revised CWAAP and its revisions in light of the 2010 Equality Act.

Human rights considerations

62. The draft revised 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 draft revised 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 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.

63. 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.

64. 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.

65. 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.

66. The council has undertaken robust public participation, iterative sustainability and equalities assessments throughout the production of the CWAAP and draft revised CWAAP as well as engaging with the issue of human rights at each decision making process. Therefore the draft revised 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 approving the draft revised CWAAP for consultation, cabinet is 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

67. Members' are advised that should the draft revised CWAAP ultimately 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 and must be complied with as soon as reasonably practicable after the date of adoption.
68. In summary, Regulation 35(1) requires that the council complies with section 20(8) of the Act 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.
69. 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 draft final revised 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 draft final revised CWAAP; and
 - g) Send the draft final; revised CWAAP and Adoption Statement to the Secretary of State.

Application to the High Court

70. If the draft revised CWAAP is ultimately adopted the 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 draft revised CWAAP may make an application to the High Court within six 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.

Strategic Director of Finance and Corporate Services (FC/13/019)

71. The strategic director of finance and corporate services notes that this report contains no new financial implications and that any additional costs arising from specific schemes will be submitted in separate reports.

BACKGROUND DOCUMENTS

Background paper	Held at	Contact
Canada Water area action plan (2012) (available on the website: http://www.southwark.gov.uk/downloads/7125/adopted_canada_water_aap)	160 Tooley Street London SE1 2QH	Sandra Warren 020 7525 5471
Core strategy (2011) (available on the website: http://www.southwark.gov.uk/downloads/5823/adopted_core_strategy)	160 Tooley Street London SE1 2QH	Sandra Warren 020 7525 5471

APPENDICES

No.	Title
Appendix A	Draft revised Canada Water area action plan (circulated separately and available on the council website)
Appendix B	Sustainability appraisal (available on the council website)
Appendix C	Equalities Analysis (available on the council website)
Appendix D	Consultation Plan (available on the council website)
Appendix E	Appropriate assessment (available on the council website)

AUDIT TRAIL

Cabinet Member	Councillor Fiona Colley, Regeneration and Corporate Strategy	
Lead Officer	Eleanor Kelly, Chief Executive	
Report Author	Tim Cutts, Team Leader, Planning Policy	
Version	Final	
Dated	30 April 2013	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	30 April 2013	

Item No. 9.	Classification: Open	Date: 14 May 2013	Meeting Name: Cabinet
Report title:		Community Safety Initiatives 2013/14	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Richard Livingstone, Finance, Resources and Community Safety	

FOREWORD - COUNCILLOR RICHARD LIVINGSTONE, CABINET MEMBER FOR FINANCE, RESOURCES AND COMMUNITY SAFETY

In January, the Mayor of London announced his proposals, for consultation, to reduce the police budget, dismantle ward-based Safer Neighbourhood Teams and close police stations, including the East Dulwich and Rotherhithe stations, and reduce the hours of operation of the front counter service at other stations.

In February, the cabinet agreed to use the estimated £750,000 that the council saved in the 2012/13 financial year through the purchase of its Tooley Street offices on one-off community safety measures to help offset the impact of these decisions on the local community, with the hope that this investment might also help the Mayor and his deputy to come up with some more imaginative and helpful proposals for the borough.

It is disappointing that the Mayor and his deputy did too little to address these concerns when the outcome of the consultation was published in March. Nevertheless, it is still important that the council does what it can to ameliorate the negative impacts of this policy rather than just criticising them from the sidelines.

This report therefore sets out the first steps for utilising this money to provide this support. The recommendations here will enable the council to work with the Metropolitan Police Authority to establish a replacement police team base in the Rotherhithe area and develop with them police contact points. Furthermore, the proposals include innovative work with Victim Support to establish victim care points now that victims will have less access to police station front counter support.

There are also a set of further initiatives proposed to address other community safety issues. These will include the purchase of specialist equipment to help the police and council fight crime and investment into community solutions to reduce and solve crime.

We are not able at this time to set out firm proposals for support for police provision in Dulwich as discussions continue on the appropriate solution. Money is being set aside to enable that work to commence once the police are in a position to make those decisions.

RECOMMENDATIONS

Recommendations for the Cabinet

1. That the work done with the Mayors Office for Policing and Crime (MOPAC) and the Metropolitan Police Service (MPS) to fund replacements for police front counters is noted.
2. That the work done to identify further community safety initiatives is noted.

Recommendation for the Leader of the Council

3. That the leader of the council delegates authority to the cabinet member for finance, resources and community safety to determine which initiatives should be funded and the amounts to be spent from the £750,000 set aside in 2012/13.

BACKGROUND INFORMATION

4. In the cabinet's consideration of the Quarter 3 revenue monitoring report, the cabinet asked the strategic director of finance and corporate services to set aside the 2012/13 savings arising from the Tooley Street acquisition for additional investment in community safety schemes in the borough. Those savings amounted to £750,000.
5. The initial draft Police and Crime Plan 2013/14, the Mayors Office for Policing and Crime (MOPAC), announced the closure of a number of police stations and bases across London. Within Southwark the proposals were the closure of Dulwich and Rotherhithe Police Stations, the retention of Walworth Police Station as the only 24 hour 7 day a week police station, Peckham Police Station to be open 16 hours a day 7 days a week, Southwark Police Station to be opened Monday to Friday to cover extended office hours, and the retention of Seeley Drive, Dulwich and Bellenden Road Safer Neighbourhood bases as drop off points for police during their shifts.
6. Following the initial consultation process on draft Police and Crime Plan 2013/24, it was clear that the proposals put forward by the MOPAC, left a significant gap in provision in the south of the borough. This gap was compounded by the proposed closure of policing provision in the neighbouring areas on Croydon, Lambeth and Lewisham, which have been in part alleviated by the retention of Gypsy Hill Police Station. The impact of the MOPAC proposals for the Dulwich area meant that the only provision was the Seeley Drive Safer Neighbourhood Base. The council has offered to increase this provision by providing the facilities for police contact points both at the Kingswood Area Housing Office on Seeley Drive and at Dulwich Library. In addition the council has offered to fund the capital cost of alternative accommodation in the Dulwich area if that would enable Police Officers to have better provision for a local base in order to reduce travelling time and maximise police presence. Options are currently being discussed with the MOPAC and MPS Southwark, including the Gatehouse at Dulwich Hospital.
7. In light of the above changes, the priorities for the Tooley Street savings were to mitigate against the gaps in provision and accordingly the decision on the final allocation of spend for the £750,000 will be based on the following criteria:-

- Firstly, monies will be used to establish the most suitable police accommodation in both Rotherhithe and Dulwich. This will include a viable neighbourhood policing team base in Rotherhithe.
- Secondly, monies will be used to establish police contact points at a range of publicly accessible location in the borough. This will include the establishment of victim care points as part of the council's offer to support and improve the satisfaction of victims of crime. The proposals for the police contact points and victim care points are set out in detail below.
- Finally, any remaining monies will be used on a range of one off community safety initiatives which can be delivered to reduce crime and the fear of crime. Initiatives will be discussed and agreed through the Safer Southwark Partnership Board once the costs for the first two priorities have been established.

KEY ISSUES FOR CONSIDERATION

Replacements for front counters

8. While the council can offer funding to support police premises, it will only be accepted by MOPAC and the MPS where they consider that the premises meet their operational needs and they have the resources to staff and maintain it in future. Officers have therefore worked closely with MPS officers and property service to identify premises which the council can provide that meet operational needs.
9. This has resulted in a high level of agreement as to which premises the council will fund. However, there are some elements of the expenditure which are not at this stage clear, and there are some elements where the council has offered funding but MOPAC and the MPS have not at this stage indicated either the need for the premises or the ability to staff and resource them in the long term. This in turn means that decisions on the precise spend on other elements of the community safety initiatives cannot yet be taken.

Agreed council funded police premises

10. **Neighbourhood policing team base in the Rotherhithe area.** Rotherhithe Police Station is scheduled for closure and disposal. The council has offered part of Seven Islands Leisure Centre as a neighbourhood policing team base for the North East cluster. The MPS have confirmed that this is operationally useful and their property team have carried out a site visit and are working with officers to the most feasible use of the site. Whilst this is still in the early stage, the estimated cost to the council of the work needed to bring this into use as a police base is in the region of £100,000 to £150,000. More detailed work is needed to identify the precise cost and should this site not be feasible, to identify and secure another location in the Rotherhithe area.
11. **Police contact points on council premises:** The council has agreed with MOPAC and the MPS to provide facilities for a police contact point at Canada Water Library at a cost of £5,000. The council has also offered to provide facilities in the south of the borough at both Kingswood Area Housing Office and Dulwich Library. The precise location of these contact points will depend on the decisions to be made on other potential premises within Dulwich. Police contact points are resourced by the police for at least 3 hours a week.

Additional council facilities

12. **Victim care points:** Working with Victim Support, the council is able to provide additional Victim Care Points, where victims of crime can talk to Victim Support volunteers. These will be provided to give extra hours coverage where there are police contact points on council premises, together with additional coverage at Dulwich Library, Nunhead Library, the Aylesbury Area Housing Office on Thurlow St, the Harris Street Area Housing Office in Camberwell (until the new library is built in 2014, when the contact point will move to the library) and the council office at Queens Road. The cost of these will be around £50,000 in total.

Council provision that is not yet agreed

13. The council has in addition offered to make its police contact point facilities available for longer hours if the police are able to resource these. In addition, Council funding has been offered for additional provision in the Dulwich area, as set out above. MOPAC and MPS Southwark are considering their position on this, so funding of around £100,000 has been held until a final decision is reached by MOPAC.

Other community safety initiatives

14. Officers have been working with partner, community and voluntary agencies to identify a number of community safety initiatives that would make a significant contribution to tackling crime, anti social behaviour and improve confidence and satisfaction for those affected by crime.
15. Initiatives that have been recommended include:-
- Use of technological advances such as thermal imaging devices to detect cannabis factories and Police body cameras and the investment in property marking technology to prevent residential burglary.
 - Developing community based responses to prevent crime such as the expansion of neighbourhood watch and the city safe scheme which was launched in June 2012 and provides safe havens for people in fear of crime. In addition funding will be provided to improve confidence in the gypsy and traveler community through series of themed engagement events.
 - A strong youth based element including pre-work skills training, community reparation programmes, and safety on the street workshops.
 - Multi agency operational programmes to address robbery and the illegal economy which impacts significantly on crime anti social behaviour.

Community impact statement

16. The Community Safety Team support the work carried out by the Safer Southwark Partnership (SSP) to identify and highlight disproportionalities in crime types, victims, offenders, locations and times.
17. The SSP uses this information to ensure best use of resources and the most impact for the communities in most need. It is the intention that the proposals put forward through the community safety initiatives, highlighted in this report, will be taken through the existing SSP structure.

18. An equalities impact assessment will be carried out each of the individual community safety initiatives as part of the decision making process.

Resource implications

19. The £750,000 to be spent in 2013/14 has been allocated by the strategic director of finance and corporate services from the savings in the first year arising from the purchase of 160 Tooley Street. Lower priority initiatives will only be funded to the extent that they fall within this envelope.

Consultation

20. Consultation has taken place with senior officers in MPS Southwark to identify operational needs.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services (DFB/0413)

21. This report correctly indicates that it is for the leader to delegate to the cabinet member for finance, resources and community safety to make the determination.
22. The Localism Act 2011 grants councils a general power of competence whereby a local authority has the power to do anything that an individual generally may do. This power can be used even if legislation already exists that allows a local authority to do something. However the general power of competence does not enable a local authority to do anything which it is unable to do by virtue of a pre-commencement limitation.
23. However, as stated in paragraph 7 under Section 92 of the Police Act 1996 (“the 1996 Act”) the council may make grants to any police authority established under section 3 of the 1996 Act whose police area falls wholly or partly within the council’s area. Such grants under this section may be made unconditionally or with the agreement of the chief officer of police for the police area concerned, subject to conditions.
24. In addition, the Section 17 Crime and Disorder Act 1998 states that the council must exercise its various functions with due regard to the likely effect of the exercise of those functions on and the need to do all that it reasonably can to prevent, crime and disorder in its area.
25. When considering individual initiatives the cabinet member for finance, resources and community safety will be provided with an equalities impact assessment.

Strategic Director of Finance and Corporate Services (FC13/027)

26. This report seeks delegated authority to the cabinet member for finance, resources and community safety to determine which initiatives should be funded and the amounts to be spent from the £750,000 set aside in 2012/13 for Community Safety Initiatives.

27. Each proposed initiative will be financially appraised to determine initial capital or revenue costs and any on going revenue costs. These will need to be contained within available resources.
28. Contract awards, including those for carrying out building works will be subject the council's contract and financial standing orders.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Cabinet report and minutes – 12 February 2013. The document is available on this web page (item 10): http://moderngov.southwark.gov.uk/ie/ListDocuments.aspx?CId=302&MId=4251&Ver=4	Council offices, 160 Tooley Street, London SE1 2QH	Paula Thornton 020 7525 4395

APPENDICES

No.	Title
None	

AUDIT TRAIL

Cabinet Member	Councillor Richard Livingstone, Finance, Resources and Community Safety	
Lead Officer	Deborah Collins, Strategic Director, Environment & Leisure	
Report Author	Jonathon Toy, Head of Community Safety & Enforcement, E&L	
Version	Final	
Dated	29 April 2013	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	29 April 2013	

Item No. 10.	Classification: Open	Date: 14 May 2013	Meeting Name: Cabinet
Report title:		Lakanal Inquiry – Coroner’s Recommendations	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Ian Wingfield, Deputy Leader and Cabinet Member for Housing Management	

FOREWORD – COUNCILLOR IAN WINGFIELD, DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT

The inquest into the fire at Lakanal reviewed all of the factors which contributed to the tragedy, including areas where the council had failed. The coroner made a number of recommendations for the council, to address the failures, to review our working practices and the information, advice and guidance the council provides to make sure that the safety and well-being of our residents is fully protected into the future.

When reviewing the recommendations, I am constantly mindful of the responsibility the council has as a landlord to keep our residents and homes safe. Some of the recommendations have already been completed by the council, not least because of the dedicated fire safety team which already coordinates the council’s landlord responsibilities for fire safety. Others are of national significance for all landlords of social rented property and as such, require a coordinated response in partnership with other housing providers, government and the expert advice of strategic fire authorities.

We never forget the families and all those affected by the fire, and the need to reassure all of the council’s residents that we have an enduring and ongoing commitment to fire safety. We take these recommendations seriously, and ideally would like to act on all of them. However it should be noted that there are legal obstacles, detailed in this report that would prevent full progression of some of the recommendations.

I will be writing to the Secretary of State for Communities and Local Government in order to obtain clarity and guidance as to how some of these legal obstacles can be overcome so that all of our residents are best served by the coroner’s recommendations.

RECOMMENDATIONS

1. That Cabinet notes and approves the contents of this report which provides detailed information and considerations which will shape the response to the Coroner’s Rule 43 letter of 28 March 2013.
2. That the council defines high rise buildings as being those above 30m, equating to those of 10 storey and above.
3. That the coroner’s recommendations also apply to known lower storey but complex blocks, i.e. those with more than one means of escape, along with the council’s sheltered housing schemes and temporary accommodation units.

4. That officers investigate how a full internal stock condition survey of the council's housing stock, that includes those sold leasehold, would be possible.
5. That officers carry out a full feasibility study into the retro-fitting of sprinklers into high rise blocks and report back to cabinet on the findings by November 2013.
6. That Cabinet delegates the full response to the rule 43 letter to the Chief Executive.

BACKGROUND INFORMATION

7. The Lakanal fire on 03 July 2009 in which six people died was a dreadful tragedy and one of the darkest days in Southwark's recent history. In response to the fire the council made a number of improvements to its management of fire safety, including:
 - the creation and establishment of the in-house fire safety team;
 - the immediate undertaking of the programme of Fire Risk Assessments (FRAs) to all blocks of five storey and above, completed by April 2010;
 - the prioritisation of FRA works carried out, with £48m spent/committed to date;
 - the professionalisation of the FRA responsibility, with the in house fire safety team having responsibility for blocks of four storey and above and new FRAs completed in March 2013;
 - achieving full compliance with the Regulatory Reform (Fire Safety) Order 2005 (the legislation which governs the need for fire risk assessment) by having suitable and sufficient FRAs in place for all blocks where required;
 - the forging and maintenance of a strong relationship with the London Fire Brigade (LFB) operationally and strategically, initially with the co-signed Memorandum of Understanding;
 - clear advice, information and guidance given to residents including use of secondary means of escapes, the removal of grilles and gates, the need for clear walkways, stairs and common areas, the disposal of refuse;
 - working toward a strategy for enforcing fire regulations in leasehold properties sub-let as Houses in Multiple Occupation (HMOs).
8. The Coroner's inquest into the tragedy commenced on 14 January 2013 and narrative verdicts were returned by the jury on 28 March 2013.
9. Pursuant to Rule 43 of the Coroners Rules (as amended), the Coroner wrote to the London Borough of Southwark on 28 March 2013 (see Appendix 1).
10. The Rule 43 letter recognised steps the council had already taken since the tragedy, however it also made a number of recommendations.
11. Rule 43A of the Coroner's Rules requires that the council responds to the coroner within 56 days starting from the day the report was sent to the chief executive of the council.
12. The council's response must contain details of any action that has been taken or which it is proposed will be taken, or an explanation as to why no action has been taken.

13. Initial responses to the recommendations were presented to Cabinet on 16 April 2013 and officers were instructed to return and set out the fully detailed responses to each of the recommendations. This report constitutes the full response and the basis of the final response to the coroner's Rule 43 letter within the 56 day deadline, subject to cabinet approval.

KEY ISSUES FOR CONSIDERATION

14. The coroner's specific recommendations are appended as Appendix 2, with officers' proposed responses in italics. Estimated timescales for completion are also included for information and consideration.
15. Officers anticipate that, for the majority of the recommendations, the council can comply quickly. Some of the recommendations are already complete or are in train. These include:
- The use of pictogram signage for those for whom English is not their first language
 - Liaison with the LFB has started regarding the format of premises information plates and boxes and the prioritisation for installation
 - Training for staff is complete and our staff have been assessed against the competency criteria for fire risk assessors and meet the requirements
 - The electronic storage of information relating to building's design, construction and any recent refurbishment or replacement is due to complete imminently
 - Access for emergency vehicles is already a key component of the fire risk assessment and the LFB and the council have agreed a reporting/resolution process
16. For most of the remaining recommendations, officers anticipate that the council will be able to comply fully within clear timescales and Appendix 2 refers. There are however two recommendations that have significant resource and legal implications and are of significance to all landlords of social rented housing.
17. The first of these refers to the coroner's recommendation that the council should identify when individual flats or maisonettes should be inspected and how these should be selected for inspection. The council's current process for fire risk assessment identifies areas where further in-dwelling inspection may be required. However, in-dwelling inspection is currently outside the scope of the current legislation, the Regulatory Reform (Fire Safety) Order 2005 (FSO) which applies to common areas up to and including the front entrance doors to dwellings.
18. The council is already rolling out an annual property check process, which as well as carrying out a tenancy check of the occupancy of the dwelling, carries out the annual gas check for properties with gas appliances and checks the condition of the property, including whether any modifications have been made to the layout of the building. This check however only applies to the council's tenanted properties and the council does not currently have the legal right to check the internal layout of leasehold properties. This access issue is particularly important when the council is seeking to ensure the safety of all of its properties.

19. The Secretary of State for Communities and Local Government has also been sent a Rule 43 letter where it is recommended that the government provide clear guidance on the
- The definition of common parts of buildings containing multiple domestic premises
 - Inspection of a maisonette or flat which has been modified internally to determine whether compartmentation has been breached
 - Inspection of a sample of flats or maisonettes to identify possible breaches of the compartment.

Clearly this issue is of national significance and subject to further exploration of the legal basis for inspection of all council properties and the response from DCLG, officers recommend that the council continues with its current strategy.

20. The most significant recommendation is that the coroner asks the council to consider the question of retrofitting sprinkler systems to high rise buildings. The same recommendation was made in the Rule 43 letter relating to the inquest into the tragic deaths of two fire fighters in Southampton, which recommended that “Social housing providers should be encouraged to consider the retro-fitting of sprinklers in all existing high rise buildings in excess of 30 meters in height”.
21. Sprinkler guidance in BS 9991:2011 supports a definition of high rise being above 30m where it says “All buildings with a floor higher than 30m above ground should be fitted with sprinklers”.
22. Southwark has 68 blocks of 10 storey and above. There are also 37 known lower level complex blocks, 20 sheltered housing schemes and 20 temporary accommodation units. Details of these properties are appended at Appendix 3.
23. The installation of sprinkler systems into newly built high rise blocks is clearly defined by building safety guidance and should be installed in individual properties and in some rare cases to the common areas of high risk buildings. This is because the point of origin of most fires is in individual dwellings. This is confirmed in the Building Regulations 2000 Approved Document B, section 8.14 and also in BS 9991: 2011.
24. Officers have carried out initial research into the feasibility of the retrofitting of sprinkler systems into high rise and other smaller complex blocks. This included commissioning a specialist fire protection contractor to carry out a visual external survey at Peronnet House, Cornish House and Glenfinlas Way, blocks which are typical of the complexity of the housing stock. This initial research identified a number of issues for consideration which are set out below.

Retrofitting of Sprinkler Systems

25. The first issue identified was that of the legal ‘Right of Access’ to sold leasehold dwellings to carry out any such retrofitting of sprinkler systems. The council does not have an automatic right to access any leasehold dwelling to fit these, and it is only with leaseholders’ permission that they could be. This is an important issue because the effectiveness of a sprinkler system would be undermined if it was not installed to all individual properties in a block as it would leave parts of blocks unprotected, in some cases up to 50% of the block.

26. Any project to retrofit sprinklers would have to have the full written cooperation and consent of all of the leaseholders in that block to enable the full application and continuity of works. The work would also be rechargeable to leaseholders.
27. Because fire safety precautions have hitherto been focused on communal areas, including front entrance doors, and because we do not currently access flats and maisonettes to carry out internal surveys unless there is a clear need to, notwithstanding the coroner's recommendation that this should happen in the future, we do not have a comprehensive knowledge and understanding of the room layouts and size of individual properties. A full internal stock condition survey would be recommended and in any event would be required prior to retrofitting to ascertain if any of the original walls have been moved by tenants and leaseholders thus compromising any of the original fire compartmentation features such as the opening up of kitchens and dining area to make them semi-open plan. However because the council cannot legally access leasehold dwellings for such stock condition surveys, a full survey of all the dwellings in the blocks would not be possible. Officers therefore need to consider how to effectively carry out full stock condition surveys to all dwellings, including those sold leasehold.
28. Careful consideration would need to be given to the general routing of any pipework both within the communal areas and dwellings themselves ensuring that the piping is either hidden behind fire proof coving or fire board partitions and that all residents are made aware that the painting of the sprinkler heads will render them ineffectual if a fire should occur. The industry standard CPVC IPS Blazemaster piping is coloured bright orange and is not particularly aesthetically pleasing but it is not recommended that it should be painted as some acrylic based paints will have a serious deleterious effect on the plastics causing them to fail.
29. The builders works and electrical works required in support of any retrofit sprinkler programme would be disruptive as there would be a need for the coring/boring of holes through both ceilings and walls to facilitate the routing of both piping and fire signal cabling and the need for provision of a bespoke addressable fire alarm and pump power supplies by electrical contractors. There would also be required certified fire stopping, after all piping/cabling is complete, to all holes through the existing fire walls and floors.
30. It is also considered that asbestos would likely be disturbed and therefore would have to be carefully considered and managed. This could be costly and potentially disruptive to residents.
31. Based on the surveys carried out on the three blocks, the following works would be required:
 - Initial design/drawings for the sprinkler system
 - Structural Engineering report and recommendations for water storage tank, diamond/core drilling for services
 - The initial structural works that are required to install services, physical core drilling and destructive/exposure works to accommodate the sprinkler system.
 - The supply and installation of sprinkler services (pipe work) to all areas required.

- The supply and installation of electrical services to pumps and dwelling monitoring units
 - The supply and installation of water tank and pumps
 - The supply and installation of sprinkler monitoring panel
 - The supply and installation of plaster boarding/boxing/profiles to all new sprinkler services, communal and residential areas
 - Certificated fire stopping for all breaches formed in construction during works
 - The supply of materials and labour to decorate all areas affected, residential and communal
 - The supply and installation of a 60 minute fire rated service hatch to each and every dwelling for service/monitoring and isolation purposes
32. The estimated average unit cost for these works to each of the three blocks surveyed equates to £7500 per dwelling. These blocks have features which cannot necessarily be extrapolated across all of the 7803 unit/dwellings included in the list at Appendix 3, however if they did have similar requirements, the required investment would be in the region of £59m. In addition, there will be an ongoing revenue cost for maintenance. This has considerable resource implications for Southwark and other social housing landlords, however the scale of Southwark's stock is such that the initial investment and ongoing maintenance regime is particularly costly.
33. The installation and maintenance costs would also be service chargeable to leaseholders living in the blocks.
34. The social housing sector has looked to government for guidance on the retrofitting of sprinklers however the response from the Department of Communities and Local Government (DCLG), to the Southampton Rule 43 letter suggests that, instead of taking a view on behalf of all social housing landlords, that decisions regarding the retrofitting or not of sprinkler systems to high rise building is for landlords to consider themselves.
35. There are also differing opinions within the social housing sector and the fire industry as to whether compartmentation and other appropriate fire stopping (passive measures) and early warning systems (active measures), such as heat and smoke detection, are in themselves sufficient risk mitigation for high rise dwellings.
36. In conclusion, the scale of the task and its full implications suggest that it would be premature to make a recommendation based on a sample survey of 3 blocks. Officers therefore recommend that a full feasibility study is undertaken which looks at the requirements for each of the blocks in Appendix 3, taking into account the complexities of the blocks, their design intent, and existing fire safety features and arrangements, as well as thorough research into best practice and guidance from the government and fire authorities.
37. Officers consider that a full feasibility study can be concluded within six months.

Policy implications

38. The recommendations may require the revision of a number of policies which will be considered in line with the feasibility study.

Community impact statement

39. The coroner's recommendations impact on all residents of the council's housing stock.

Financial implications (FIN0770 – JP)

40. The costs arising from the works relating to the retro-fitting of sprinkler systems would be of a capital nature and no provision currently exists within the Housing Investment Programme for this. There would also be an additional on-going revenue commitment arising from the maintenance regime required for the systems post installation, which is as yet unquantified.
41. There is currently a base budget of £3.5m per annum (£17.5m over five years) available within the Housing Revenue Account for Fire Risk Assessment (FRA) testing and remedial works. Planned programmes and commitments over the next 5 years against this budget total £14.3m currently, subject to the requirement for additional remedial works and higher costs emerging over that period. However, there is potentially the opportunity to use the indicative headroom within this budget for the maintenance element, but it should be noted that the FRA spend profile is largely front loaded and any requirement to divert resources towards a sprinkler maintenance contract in the short-term would require the re-profiling of existing programmes to accommodate it.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Head of Specialist Housing Services

42. There are a number of issues concerning sold properties and leaseholders which do have an impact on the nature of the responses and need consideration.
43. Any work carried out to the communal areas of the blocks, including the retro fitting of sprinklers, would be service chargeable under the terms of the lease and would require that statutory consultation be carried out with leaseholders. In particular the retro fitting of sprinklers to communal areas of blocks could result in high service charges which may well be disputed by leaseholders. The Head of Specialist Housing Services advises that the council would not be able to fit sprinklers in individual sold properties.
44. In Southwark the majority of the leases leave the responsibility for the individual flat entrance doors to the council, rather than passing this obligation to the leaseholder as part of the demise. It is more common for local authorities to sell the flat entrance door to the leaseholder as part of the demise of the property. This means that the responsible person as regards ensuring that the flat entrance door is of a suitable standard would be the leaseholder rather than the council.
45. With regard to the provision of information and guidance to occupiers of high rise blocks, once a property has been sold under the right to buy or other such scheme the council will have difficulty in fulfilling this requirement.

46. The same problems arise with regard to fire action notices. Specialist Housing Services would recommend that these are included in the pack issued to new owners and also the Home Owners Guide, but the council would not be able to guarantee that this information would be disseminated to sub-lessees.
47. Home Ownership Services can arrange for relevant information to be included in the regular billing and statement runs sent to leaseholders. Additionally, Home Ownership Services will carry out a regular audit of contact details to ensure that as far as possible the council is able to identify sub-let properties. Home Ownership Services is also in the process of bringing a customer service portal on line for service charge accounts, which would allow block specific information to be available via the web.
48. Within the existing Southwark leases the council has little control over what it can do inside individual sold flats. The council has sold approximately 13,500 leases which would not allow the council to insist on installing notices or signage within the individual properties. Under the terms of the lease the interior of the property is the responsibility of the individual leaseholder, and the council can only enforce certain actions – and frequently this is under its powers as a local authority rather than as a landlord. For the purpose of the Fire Regulations the responsible person for the interior of the property is actually the individual leaseholder rather than the council.
49. In Southwark the council recognizes that the height of a block is not the only fact when considering action to take to improve fire safety. For example the council has a number of low rise sheltered accommodation units, which are considered to be high priority due to the vulnerable nature of the residents. The council has recently been out to tender on a £2m scheme to carry out fire safety works, to include sprinkler systems particularly for those blocks with atriums. The council has also carried out short term emergency work including smoke alarms and door closers.

Director of Legal Services

50. The Background Information section accurately summarises the relevant Coroners' Rules.
51. The Regulatory Reform (Fire Safety) Order 2005 (the "Order") imposes a number of duties on the Council to protect persons on the Council's premises and those in the immediate vicinity who are at risk from fire (referred to in the Order as "relevant persons"), in so far as the requirements are within the Council's control.
52. The duties imposed by the Order include duties to:
 - Take such general fire precautions as are reasonably required to ensure that the premises are safe;
 - Carry out a suitable risk assessment to identify the appropriate fire precautions to take at each premises, and keep such assessments up to date;
 - Make arrangements for the planning, control, and review of preventive and protective measures, including appointing competent persons to manage this;
 - Provide appropriate fire fighting equipment and implement appropriate measures for fire-fighting;
 - Comply with requirements in the Order for emergency routes and exits including indication by signage;

- Establish procedures to be followed in the event of serious and imminent danger; and
- Keep premises and fire-fighting equipment in good repair and working order to safeguard relevant persons.

53. It is an offence to fail to comply with these duties where that failure places one or more relevant person at risk of death or serious injury in case of fire.

Strategic Director of Finance and Corporate Services (FC13/028)

54. This report is requesting cabinet to note and approve the detailed information contained within the report which will form the basis of the council's response to the Coroner's Rule 43 letter of 28 March 2013 on the Lakanal Inquiry.

55. Details of the Coroners recommendations together with the council's proposed response against each of the recommendations are contained in Appendix 2. However, the most significant recommendation arising from the Coroner's letter asks the council to consider the question of retro fitting of sprinkler systems in high rise residential buildings and this option is explored in the main body of the report.

56. The report identifies the estimated cost of retro fitting of sprinkler systems in dwellings detailed in appendix 3 to be approximately £59m and it is noted that there are no capital budget allocation within the council's Housing Investment Programme to fund this expenditure.

57. The report also highlights further financial implications on departmental revenue budgets for the maintenance costs which could be significant. It is noted that, although there may be scope within the total revenue budget allocation over the 5 year period to allocate some resources towards the maintenance costs, any requirement to divert resources to the sprinkler contract, in the short term from other currently committed maintenance programme would require the re-profiling of existing programme. However, it is noted that the scale of the task on this proposal and the full financial implications cannot be quantified at this stage until a full feasibility study is undertaken.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Report to Cabinet 16 April 2013 http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=4250&Ver=4 "	160 Tooley St SE1 2QH	Tony Hunter Compliance Operations Manager Tel: 0207 525 1756

APPENDICES

No.	Title
Appendix 1	Coroners Rule 43 letter
Appendix 2	Proposed detailed response with timescales
Appendix 3	Lists of 10+ storey blocks, other known lower complex blocks, sheltered housing schemes and temporary accommodation units

AUDIT TRAIL

Cabinet Member	Ian Wingfield, Deputy Leader and Cabinet Member for Housing Management	
Lead Officer	Gerri Scott, Strategic Director of Housing and Community Services	
Report Author	Tony Hunter, Compliance Operations Manager	
Version	Final	
Dated	2 May 2013	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
Head of Specialist Housing Services	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	2 May 2013	

Inner Southern District of Greater London

**The Coroner's Court
1 Tennis Street
London SE1 1YD**

**Her Honour Frances Kirkham CBE
Assistant Deputy Coroner**

28 March 2013

The Mayor and Burgesses of The London Borough of Southwark
160 Tooley Street
London
SE1 2QH

Dear Mayor

Lakanal House fire 3 July 2009

I write concerning the inquests into the tragic deaths of Catherine Hickman, Dayana Francisquini, Thais Francisquini, Felipe Francisquini Cervi, Helen Udoaka and Michelle Udoaka who all died in a fire at Lakanal House, Camberwell, on 3 July 2009. The jury brought in Narrative Verdicts in respect of each of the deceased.

I write to you pursuant to Rule 43 of the Coroners Rules (as amended) which provides:

“(1) Where

- (a) a coroner is holding an inquest into a person's death,
- (b) the evidence gives rise to a concern that circumstances creating a risk of other deaths will occur, or will continue to exist, in the future; and
- (c) in the coroner's opinion, action should be taken to prevent the occurrence or continuation of such circumstances, or to eliminate or reduce the risk of death created by such circumstances,

the coroner may report the circumstances to a person who the coroner believes may have power to take such action.”

I announced at the end of the inquests that I would be sending a report to you as evidence adduced at the inquests gave rise to concern of the type identified in Rule 43. I believe that your authority has power to take action as set out in this report.

It has been drawn to my attention that your authority has taken some steps to address fire safety in relation to high rise residential buildings. I understand (1) that fire risk assessments have been undertaken in relation to all high rise residential buildings within the Borough, and it was your intention that any fire safety work be completed by March 2012; and (2) that fire safety information and advice have been given to residents of such buildings. I therefore make no recommendations in relation to such matters. I do however make the following recommendations.

Information and guidance to occupiers of flats and maisonettes in high rise buildings

Of those former residents of Lakanal House who gave evidence at the inquests, few recognised the extract from your authority's handbook containing advice about fire safety in the home and few knew about the fire safety features of the maisonettes.

It is recommended that, in relation to residents of high rise residential buildings, your authority:

- demonstrate to those who are about to enter into occupation of a flat or maisonette the fire safety features of their dwelling and of the building generally; this should include walking residents through relevant features such as escape balconies and demonstrating how to open fire exit doors and where these lead
- give residents clear guidance as to how to react if there is a fire in the building, namely to explain whether they should attempt to get out of their flat or maisonette and leave the building, or whether they should remain in their flat; that guidance should explain clearly how to react if circumstances change, for example, if smoke or fire enter their flat or maisonette
- consider additional ways in which information might be disseminated to residents, for example, by fixing inside each flat and maisonette a notice about what to do in case of fire.

Signage in high rise residential buildings

It is recommended that your authority review signs in common parts of high rise residential buildings to ensure that these are sufficiently prominent and provide useful information. It is recommended that signage:

- in common areas explain whether residents should normally remain in their flats or maisonettes or whether they should evacuate the building, in which case evacuation procedures should be explained
- provide clear information to residents to enable them to find escape routes
- use pictograms to assist those for whom English is not their first language
- provide information to those in the emergency services which would assist them to understand a building's layout and enable them quickly to find a particular flat or maisonette once inside the building.

It is also recommended that your authority liaise with London Fire Brigade regarding use of premises information plates and boxes.

Policies and procedures concerning fire risk assessment

The Regulatory Reform (Fire Safety) Order 2005 ("FSO") which came into force in October 2006, imposed obligations in relation to fire risk assessments in certain buildings.

It is recommended that your authority review its policies and procedures concerning fire risk assessments of high rise residential buildings.

- prioritising such buildings for regular rigorous review
- considering the skills and experience needed to undertake an assessment of higher risk residential buildings

- considering the training required for members of staff considered to be competent to carry out assessments
- identifying when individual flats or maisonettes should be inspected and how these should be selected for inspection
- ensuring that assessors have access to relevant information about the design and construction of high rise residential buildings and refurbishment work carried out to enable an assessor to consider whether compartmentation is sufficient or might have been breached.

Training of staff engaged in maintenance and refurbishment work on existing building

It is recommended that your authority consider the training needs of personnel who will be involved in procuring or supervising work to existing high rise residential buildings – whether maintenance, refurbishment or rebuilding of parts of buildings - to ensure that materials and products used in such work have appropriate fire protection qualities. Staff should, for example, be trained to understand the significance of the compartmentation principle and to appreciate when Building Control should be notified about work to be undertaken.

Access for emergency vehicles

It is recommended that your authority liaise with emergency services to consider access for emergency vehicles to high rise residential buildings, having particular regard to obstructions such as vehicle parking in locations which emergency services might need to use.

Retro fitting of sprinklers

Evidence adduced at the inquests indicated that retro fitting of sprinkler systems in high rise residential buildings might now be possible at lower cost than had previously been thought to be the case, and with modest disruption to residents.

It is recommended that your authority consider the question of retro fitting of sprinkler systems in high-rise residential buildings.

Response

Rule 43A of the Coroners Rules requires that you give a written response within 56 days beginning with the day on which the report is sent. If you are unable to respond within that time, you may apply to me for an extension. The response is to contain details of any action that has been taken or which it is proposed will be taken whether in response to this report or otherwise, or an explanation as to why no action has been taken.

As required by rule 43, I shall send a copy of this report to the Lord Chancellor.

At your request, I am copying this report to Ms Eleanor Kelly, Chief Executive.

Yours sincerely



Frances Kirkham

APPENDIX 2

No.	Coroners Recommendation	Detailed response	Timescale for completion
	Information and guidance to occupiers of flats and maisonettes in high rise buildings		
1	<p>Demonstrate to those who are about to enter into occupation of a flat or maisonette the fire safety features of their dwelling and of the building generally; this should include walking residents through relevant features such as escape balconies and demonstrating how to open fire exit doors and where these lead.</p>	<p><i>This will be undertaken and is fairly straightforward for non – complex blocks with a single means of escape, i.e. front door to a single staircase and exit. However for these and the more complex blocks there will be a need for the fire safety team to be involved in the process and it is considered that an additional fire safety surveyor will be required for 16 months.</i></p> <p><i>The additional FRA team resource will undertake an assessment of all high rise and complex blocks to develop information and guidance packs in relation to escape routes. This will be undertaken on an area basis. Upon completion packs will be passed to the lettings teams in Operations (training will be provided by the FRA team at the point of handover). The lettings team will incorporate this information into the ‘welcome pack’ and will go through the guidance with new tenants at the point of sign up. Tenants will be asked to sign to confirm they have had and understand the advice. The signed sheet will be stored on the council's electronic document management system, Info@Work, to ensure we have a record. For any particularly complex case, referrals will be made to the FRA team.</i></p>	Commence June 2013 and complete October 2014

No.	Coroners Recommendation	Detailed response	Timescale for completion
		<p><i>At the 6 weeks visit the resident officer will ask the new tenant to confirm they have had information and guidance in relation to fire and again a signature will confirm this. This record will also be stored on Info@Work.</i></p> <p><i>Throughout this programme the additional officer will provide fire safety support to the current lettings process by participating in the void works, viewings and sign-ups.</i></p> <p><i>It is also considered advisable to share the block specific literature/packs with all existing residents in the blocks.</i></p>	
2	<p>Give residents clear guidance as to how to react if there is a fire in the building, namely to explain whether they should attempt to get out of their flat or maisonette and leave the building, or whether they should remain in their flat; that guidance should explain clearly how to react if circumstances change, for example, if smoke or fire enter their flat or maisonette. This will also be reinforced through regular communications with residents.</p>	<p><i>Fire action notices (FANs) are being installed in common areas as part of the current fire safety works.</i></p> <p><i>This will be rolled out to any high rise and other blocks that sit outside the current fire safety works programme, and it is further proposed to increase the number of FANs installed to three per floor, where appropriate.</i></p> <p><i>To be managed and monitored through the Maintenance & Compliance and Operations teams.</i></p> <p><i>FAN information will also form part of the blocks specific literature/pack in recommendation 1.</i></p> <p><i>Resident officers will also check as part of the tenancy check that residents are aware of fire safety guidance and information and will provide the information or make referrals to the FRA team as required.</i></p>	<p>Commence June 2013 and complete October 2013</p>

No.	Coroners Recommendation	Detailed response	Timescale for completion
3	Consider additional ways in which information might be disseminated to residents, for example, by fixing inside each flat and maisonette a notice about what to do in case of fire.	<p><i>The fixing of FANs to the inside of flats is not considered to be appropriate, particularly in light of actions to be undertaken in response to recommendation no. 2, and considering we cannot do so in dwellings sold leasehold without the owner's consent. It is therefore intended to issue all residents in high rise blocks with an expanded version of the fire action notices and stay put principles in booklet form.</i></p> <p><i>FAN information will also form part of the blocks specific literature/pack in recommendation 1.</i></p>	Expanded information to be completed and distributed by 30 June 2013
	Signage in high rise residential buildings		
4	Review signs in common parts of high rise residential buildings to ensure that these are sufficiently prominent and provide useful information. It is recommended that signage in common areas explain whether residents should normally remain in their flats or maisonettes or whether they should evacuate the building, in which case evacuation procedures should be explained.	<p><i>As indicated in the response to recommendation no. 2, fire action notices (FANs) are being installed in common areas as part of the current fire safety works.</i></p> <p><i>This will be rolled out to any high rise and other blocks that sit outside the current fire safety works programme, and it is further proposed to increase the number of FANs installed to three per floor, where appropriate.</i></p> <p><i>To be managed and monitored through the Maintenance & Compliance and Operations teams.</i></p> <p><i>FAN information will also form part of the blocks specific literature/pack in recommendation 1.</i></p>	As in No. 2 above

No.	Coroners Recommendation	Detailed response	Timescale for completion
5	Provide clear information to residents to enable them to find escape routes.	<p><i>Directional signage was installed in the common areas of high rise blocks during 2010 and is being checked and replaced where necessary as part of the current fire safety works.</i></p> <p><i>This will be rolled out to any high rise and other blocks that sit outside the current fire safety works programme.</i></p> <p><i>To be managed and monitored through the Maintenance & Compliance and Operations teams. following training by FST.</i></p>	Commence June 2013 and complete October 2013
6	Use pictograms to assist those for whom English is not their first language.	<p><i>The directional signage referred to above is already in pictogram form as the Regulations require. Any new signage will meet the same requirements.</i></p>	Completed and ongoing
7	Provide information to those in the emergency services which would assist them to understand a building's layout and enable them quickly to find a particular flat or maisonette once inside the building.	<p><i>We will carry out a review of all existing high rise block signage and undertake to ensure that it all complies with this recommendation. This will include the location of each flat on its floor and will require some replacement signage, the extent of which is as yet unknown. The signage will be placed at a level low enough to ensure visibility in smoke conditions. It is proposed that the review is carried out by Maintenance & Compliance and Operations teams following basic training by FST.</i></p>	Commence June 2013 and complete December 2013

No.	Coroners Recommendation	Detailed response	Timescale for completion
		<p><i>We have also set up a project team to progress the distribution of plans of blocks to the London Fire Brigade. While some plans have already been issued it is intended to follow these up in three tranches:</i></p> <ul style="list-style-type: none"> <i>1. 22 no. LFB priority blocks</i> <i>2. Blocks of 10 storey and above</i> <i>3. Blocks of 5 storey and above</i> <p><i>It is considered that this will require two additional major works officers for 52 weeks and will involve a programme of surveys and drawings.</i></p> <p><i>Although LFB have been issued with the LBS key suite that is used on areas not usually accessible to the public, such as secondary escape routes, plant rooms and intake cupboards, LBS will also carry out a review of these areas and liaise with LFB to ensure they are easily accessible by LFB.</i></p> <p><i>LBS will also ensure staff availability when requested at times of LFB familiarisation visits to ensure that all parts of the buildings are accessible during such visits.</i></p>	<p>Commenced April 2013 and to complete May 2014</p> <p>Commence June 2013 and complete December 2013</p>
8	Liaise with the London Fire Brigade regarding use of premises information plates and boxes.	<p><i>We have liaised with the London Fire Brigade regarding premises information plates and boxes and will be installing premises information plates at prioritised blocks. LFB to provide format requirements.</i></p>	Completed and ongoing

No.	Coroners Recommendation	Detailed response	Timescale for completion
	Policies and procedures concerning fire risk assessment		
9	It is recommended that your authority review its policies and procedures concerning fire risk assessments of high rise residential buildings	<i>The council completely reviewed its approach to fire risk assessments across its stock in the months following the tragedy at Lakanal. This resulted in the creation of a highly skilled and experienced in-house fire safety team, whose sole task relates to the fire safety and associated management of the stock. Officers will carry out a further review and will programme this to take place on an annual basis.</i>	Review to commence June 2013 and then annually
10	Prioritising such buildings for regular rigorous review	<i>This recommendation has already been completed and as part of the ongoing fire risk assessment process a suitable review is always specified and rigorously undertaken. The cycle of review for blocks is determined by the initial assessment of its risk. All of the council's housing stock has been fire risk assessed and a programme has been put in place which defines the timescale of review for each block. This can vary from 6 months to 2 years, dependant on the risk of the building.</i>	Completed
11	Considering the skills and experience needed to undertake an assessment of higher risk residential buildings.	<i>This recommendation has already been completed because the council has already centralised the responsibility to a specialist team and the in-house fire safety team is considered highly skilled and experienced, also offering a high degree of building design and construction knowledge.</i>	Completed

No.	Coroners Recommendation	Detailed response	Timescale for completion
12	Considering the training required for members of staff considered to be competent to carry out assessments.	<p><i>This recommendation has already been completed and we also provide for continuous professional development. Further training is provided for any change in law, regulation, guidance or practice.</i></p> <p><i>In addition we have also considered the “Competency Criteria for Fire Risk Assessors” published by the Fire Risk Assessment Competency Council, and consider that our in house assessors meet the requirements.</i></p>	<p>Completed</p> <p>Completed</p>
13	Identifying when individual flats or maisonettes should be inspected and how these should be selected for inspection.	<p><i>Our current fire risk assessment process identifies areas where further internal in-dwelling investigation might be required. However, it is generally considered outside the scope of the current legislation, the Regulatory Reform (Fire Safety) Order 2005 (FSO), which applies to common areas up to and including the front entrance doors to dwellings.</i></p> <p><i>We note that the Secretary of State for Communities and Local Government has also been sent a letter pursuant to Rule 43 of the Coroners Rules (as amended), where it is recommended that Government provide clear guidance on</i></p> <ul style="list-style-type: none"> <i>• The definition of “common parts” of buildings containing multiple domestic premises</i> <i>• Inspection of a maisonette or flat which has been modified internally to determine whether compartmentation has been breached</i> 	Ongoing

No.	Coroners Recommendation	Detailed response	Timescale for completion
		<ul style="list-style-type: none"> <i>Inspection of a sample of flats or maisonettes to identify possible breaches of the compartment.</i> <p><i>Subject to the response from DCLG we will continue with our current strategy.</i></p>	
14	Ensuring that assessors have access to relevant information about the design and construction of high rise residential buildings and refurbishment work carried out to enable an assessor to consider whether compartmentation is sufficient or might have been breached.	<p><i>Pursuant to the Construction Design Management Regulations, Health and Safety files arising out of major work projects will be electronically stored on the council's Northgate applications (Iworld and Information at Work) at the end of May 2013. These will be accessible to all Housing and Community Services staff including the in-house fire risk assessors, and will provide them with the necessary information relating to the building's design, construction and any recent refurbishment or replacement.</i></p> <p><i>Prior to every fire risk assessment being undertaken, the surveyor will be provided with a comprehensive brief on the layout of the building, records of any recent major works and any other design features or characteristics relevant to the building and its fire safety.</i></p> <p><i>In addition, Housing and Community Services operational and maintenance officers also undertake annual property checks to dwellings whereby information can be obtained regarding any authorised and unauthorised changes to the internal construction and/or layout. This information will be shared with the in-house fire risk assessors. The Operations team will also ensure a focus on those properties which do not have gas as these will not be entered as part of the</i></p>	<p>Due to complete 31 May 2013</p> <p>Commence May 2013</p>

No.	Coroners Recommendation	Detailed response	Timescale for completion
		<i>annual gas safety check.</i>	
	Training of staff engaged in maintenance and refurbishment work on existing building		
15	Consider the training needs of personnel who will be involved in procuring or supervising work to existing high rise residential buildings – whether maintenance, refurbishment or rebuilding of parts of buildings – to ensure that materials and products used in such work have appropriate fire protection qualities. Staff should, for example, be trained to understand the significance of the compartmentation principle and to appreciate when Building Control should be notified about work to be undertaken.	<p><i>This recommendation has been completed but is also an ongoing training issue. Maintenance (officers and relevant trades in the repairs service) and operational staff have had fire safety awareness and technical training, and regular refresher training is to be made available.</i></p> <p><i>In addition, a number of officers, both in the Maintenance and Compliance and Major Works Divisions, have been trained to a nationally accredited (NEBOSH - National Examination Board in Occupational Safety and Health) standard in relation to construction and fire safety.</i></p> <p><i>In addition, officers have identified the need for the council's contractors, including consultants, engaged in major works to be suitably experienced and qualified in fire safety requirements. All of the council's lead designers and consultants will be required to attain NEBOSH accreditation, and all of the council's contractors engaged in major works and day to day maintenance will be required to regularly demonstrate sufficient knowledge, experience and qualification in fire safety issues and requirements in construction.</i></p>	Completed and ongoing Completed

No.	Coroners Recommendation	Detailed response	Timescale for completion
		<p><i>We also have an internal process by which the in-house fire safety team signs off major works and other relevant specifications.</i></p> <p><i>In terms of Building Control, we will review the current process to ensure that there is liaison with the council's Building Control team in all major work proposals and completions, and that all necessary consents and sign-offs are obtained.</i></p> <p><i>We will also carry out a retrospective review of major works to ensure that the necessary consents are in place.</i></p>	<p>Completed and ongoing</p> <p>Complete review mid May 2013 and commence full liaison 01 June.</p> <p>Complete review 31 October 2013</p>
	Access for emergency vehicles		
16	Liaise with emergency services to consider access for emergency vehicles to high rise residential buildings, having particular regard to obstructions such as vehicle parking in locations which emergency services might need to use.	<p><i>Access for fire and other emergency vehicles is already a consideration within the fire risk assessment, to ensure that there is dedicated access space for emergency vehicles and that parking bays do not encroach on this space.</i></p> <p><i>There is also a process by which the vehicles that may be causing access difficulties can be removed through the council's parking enforcement contract.</i></p> <p><i>LBS has liaised with LFB and agreed a reporting/resolution process.</i></p>	Completed and ongoing

No.	Coroners Recommendation	Detailed response	Timescale for completion
	Retro fitting of sprinklers		
17	Consider the question of retro fitting of sprinkler systems in high rise residential buildings	<i>This is considered in detail in the main body of the report.</i>	

Item No. 11.	Classification: Open	Date: 14 May 2013	Meeting Name: Cabinet
Report title:		Housing Revenue Account (HRA) Consultation on Programmes	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Ian Wingfield, Deputy Leader and Cabinet Member for Housing Management	

FOREWORD – COUNCILLOR IAN WINGFIELD, DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT

I am pleased to be able to present this report to cabinet. It sets out priorities for the re-direction of resources to areas of importance to residents. It is encouraging that, following consultation, on the whole the detailed programmes developed over the next two years were supported by residents.

The investment will contribute to making residents feel safe and secure in their homes, will improve the look, feel and longevity of our housing stock and, in the case of the proposed energy efficiency measures for communal heating systems, will help to mitigate anticipated energy price increases. This is important because affordability remains an issue for residents on low incomes, particularly given the government's welfare reforms.

While an initial two year programme has been developed for door entry systems, external redecoration and estate action days, the resources available are in the base budget so it is anticipated that a further programme from 2015/16 onwards will be developed for consultation.

RECOMMENDATIONS

Cabinet is asked to:

1. Note the results of the consultation with residents, staff and unions.
2. Note the proposed use of £4m from the heating account surplus on communal heating energy efficiency measures as set out in paragraph 22.
3. Agree the proposed programme for door entry and security, estate action days, external redecoration, communal heating energy efficiency measures and the introduction of Communal Repairs Compliance Officers as set out in paragraph 31.

BACKGROUND INFORMATION

4. The 2013/14 Housing Revenue Account (HRA) Rent Setting and Budget Report was approved by cabinet on 29 January 2013. In taking its decision, cabinet recommended that a number of areas identified for the HRA redirection of resources were of particular importance and should be developed into detailed

programmes and considered in more detail by residents then be brought back to cabinet in May 2013 for decision.

5. Five areas were identified for further discussion. These were door entry and security, estate action days (environmental improvements), external redecoration, communal repairs compliance officers (to include staff views) and investment in communal heating energy efficiency measures.
6. Each of the above five areas is examined in detail below along with a summary of the feedback received. Where appropriate a two year programme of works to 2015 is attached as Appendices 1A-D. It is worth noting that redirected resources are in the base budget (save for the communal heating efficiency measures), it is therefore possible that further programmes will be developed from 2015-16 and beyond.
7. Consultation commenced with Area Housing Forums on 26 February and concluded on 19 March 2013. Their feedback is attached as Appendix 2. Tenants Council met on 25 March and Home Owners Council on 24 April 2013. A summary of their views is set out in paragraphs 42 and 43 below.

KEY ISSUES FOR CONSIDERATION

Door entry and security - £726,000 per annum

8. Door entry systems contribute to the safety, security and well-being of residents. The council maintains over 1,200 separate door entry systems across the borough. Door entry systems control access to the main entrances and on some systems to each level of a block. The majority of these systems are the original as installed and are reaching the end of their lifecycle. It is estimated that a typical system will last around 20 years. Beyond this time, parts are hard to obtain and in some circumstances become obsolete. Given the age of some of these systems, investment is needed to upgrade them. In addition there is an increasing demand for the installation of new systems to combat crime and anti-social behaviour on estates. It is important to note that new door entry systems attract an additional service charge of 68 pence per week (which for tenants is eligible for housing benefit).
9. The proposed programme is set out at Appendix 1A and aims to balance the need for the upgrade of existing systems with the installation of new systems. The criteria for upgrading old systems is based on the frequency of breakdowns and parts becoming obsolete. A total of 51 systems currently fall into this category and it is proposed that these are upgraded over the next two years. In the case of new systems, the criteria is based on formal requests, known incidents of anti-social behaviour and police support for the installation and 20 new systems are proposed. It should be noted that at its meeting on 16 April 2013, cabinet separately agreed resources for new systems in Decima Street, in the Leathermarket JMB.
10. Overall the proposal for a two year programme was well received and generally supported by residents. There were a number of blocks suggested for inclusion in a future programme and these will be investigated for inclusion in the programme beyond 2015. Concerns were expressed about the cost of systems and how costs impact on leaseholders. CCTV and improved lighting were suggested as areas for a future security programme.

Estate Action Days (Environmental Improvements) - £307,000 per annum

11. Estate action days have been in place for over a year. They are very popular as they involve an intensive approach to dealing with communal repairs, housing management and community issues (via the mobile bus) in a single day. The frequency of estate action days has been doubled so each repairs contractor delivers at least one planned estate action day each month. It is proposed that an enhanced level of repairs is completed including works to paving, gates lighting, painting and general communal repairs, including boundary fences. A total of 48 estate days are proposed between 2013-2015 and these are set out at Appendix 1B. The estate action days completed in 2012 are included for information. It is also proposed to include some street properties in the proposed works to fences and gates.
12. There was general support for estate action days. Residents suggested ways in which the days could be better co-coordinated and managed, including pre-meets with resident representatives and evening events. A potential programme of fence and gate upgrades has been identified for street properties and some additional estates that would benefit from an estate action day.

External Redecoration - £1m per annum

13. The council has not had a regular cyclical external decorations programme in place for over 10 years. Since then external decoration works has been undertaken to some individual blocks and street properties, but usually only where extensive refurbishment works have been completed rather than on a regular programmed basis.
14. The main objective of the current Warm, Dry & Safe (WDS) investment programme is to have all homes in Southwark meeting the minimum decent homes standard by 2016, however, the WDS programme does not include external decorations. This is mainly because all available funding is being used to achieve decency, but the decorative state of a dwelling does not form part of the decent homes assessment criteria.
15. It is proposed that a mini-programme of external decorations work is added to specific blocks already included in the existing WDS 2013-15 investment programme, which is currently at the design stage. Within this programme a significant number of estate/block properties are currently being considered for window renewal, and it is therefore proposed that cost-efficiencies are achieved for a proportion of these blocks by using scaffolding already in place to undertake external decoration works at the same time. This is the most cost effective to deliver the programme. Significant cost savings can be achieved by adding external decorations to existing planned works, rather than having a separate 'stand alone' external decorations programme. Cost avoidance of up to 50% can be achieved through this approach. The proposed programme for 2013-15 is attached as Appendix 1C. It should be noted that the 2013-14 is confirmed but the 2014-15 is subject to survey and only the blocks in the greatest need up the budget of £1m will be included.
16. There was general support for the proposal. Some felt that the £1m was not enough to match the level of need. There were a number of suggestions for inclusion in the future programme.

Communal Repairs Compliance Officers – £428,000 per annum

17. Delivering an efficient communal repairs service remains a challenge. While good progress has been made both in terms of the quality of repairs and the speed of delivering, there is still some way to go before it is an exemplar service.
18. Inevitably, the primary focus of the repairs service is on in dwelling repairs as it represents 85% of the activity (circa 120,000 responsive repairs are completed each year and 18,000 are communal). Communal repairs by their very nature do not always have a resident holding them to account for late delivery or poor quality.
19. The management of communal repairs is currently divided between a range of officers who undertake estate inspections with residents. The approach is fragmented and at times inconsistent and has, as result, led to concerns being raised by residents. In addition, the council, through a combination of miscoding and incorrect ordering, loses the opportunity to fully recover the cost of communal works. The management of communal repairs must therefore be improved. It is proposed to introduce a new role of Communal Repairs Compliance Officer (CRCO) who will lead on everything related to communal repairs: estate inspection repairs, s.20 consultation, contract management, pre and post-inspections, ordering, training and resident and member interaction. Every estate with or without a resident association will be inspected at least six weekly and the issues identified and resolved. A full-time team of eighteen staff is proposed, six of which would be funded from existing resources and twelve from redirection.
20. For this proposal the consultation was extended to include staff and unions. The proposal prompted the most reaction from residents and staff (and unions) with views being mixed. Those in favour felt the introduction of these posts would strengthen contract management and improve the service. Those against felt the posts were unnecessary as the front end was working well and the council should focus on managing its contractors and use the resources to fund growth elsewhere, such as resident services or technical officers in the Housing and Community Services Department. One union, Unison, submitted a detailed response which challenged the rationale for the posts and argued the resources would be better used elsewhere.

Communal Heating Energy Efficiency Measures - £4m (from the heating account and is a once-off amount)

21. There are approximately 17,000 properties that rely on the district systems for their heating and hot water with 130 boiler houses and 70 sub-plant rooms located throughout the borough. A recent analysis has shown that approximately 70% of district plant failures are caused within the boiler house rather than burst mains. The proposals when implemented will increase the reliability of the district heating and hot water systems, lower energy consumption and reduce carbon emissions.
22. In this year's rent setting report, as was the case for the previous year two years, it was recommended that heating charges be kept at previously-set levels, but that the review process be maintained on an annual basis to assess the possibility of future changes to charges where merited. The current accumulated surplus on the heating account equates to £5.5m, of which approximately £4m is earmarked for upgrading existing heating systems to improve energy efficiency

and reduce consumption, which in turn will help to mitigate upward cost pressures through lower consumption. Three main measures are proposed: new boiler burners, new Building Energy Management System (BEMS) and Dirt Separation with detailed programmes to 2015 attached at Appendix 1D. Each is explained below.

Boiler Burners

23. Boiler technology has greatly improved over the past few years. This has been driven by the enormous increase in energy costs and the need to reduce carbon emissions.
24. Many of the current burners on the existing boilers on the district plant are now becoming obsolete, making it more difficult for the contractors to repair and maintain. This leaves us at risk of potential failure that may not be fixed leaving residents without service.
25. It is expected that there will be a reduction in fuel consumption and a reduction in CO₂ emissions. This presents a strong business case in terms of savings and carbon reduction, in addition to increased reliability.

Building Energy Management System

26. The new Building Energy Management System (BEMS) will allow the remote heating plant to be linked together under a common control system. This will enable the council to constantly monitor performance of heating systems remotely. The council will be able to make adjustments to the system and have instant warnings of possible failure.
27. The replacement of the existing control systems throughout the borough, which are now almost obsolete, will allow energy savings to be realised through a process of continuous monitoring and control of the energy systems. These savings are typically 4-6% of total energy consumption according to the Carbon Trust's publication 'How to implement a building energy management system' and the Good Practice Guide 312 'Invest to save?'

Dirt Separation

28. Dirt Separation is exactly as the name suggests, removing dirt from the system using specialist equipment. The use of Dirt Separation in industrial heating and hot water systems has numerous benefits, particularly when used in systems with multiple radiators and large bore pipe work. Together these benefits serve to improve overall performance, thus resulting in noticeable savings in terms of time and money.
29. Taken together, the proposed energy efficiency measures will improve the reliability of communal heating systems, reduce costs and save energy. The proposed programme from 2013-2015 is set out at Appendix E.
30. There was general support for the programme. There were queries about how the system will work in practice and the costs to leaseholders, but overall the proposals were well received.

Summary of responses and recommendations

31. The table below brings together the overall feedback from the consultation with residents and staff and the recommends the way forward.

Proposal	Feedback	Recommendation
Door entry and security	General support for the proposals with suggestions made for additional blocks to be included in a future programme. CCTV to be considered as an alternative option	Proceed with the two year programme
Estate Action Days	General support for the proposals with suggestions on additional estates and street properties to be included. Planning and co-ordination to be improved	Proceed with the two year programme
External Redecoration	General support but some concern about size of the budget. Additional blocks identified for inclusion in a future programme	Proceed with the two year programme
CRCO	Mixed feedback for and against in equal measure (staff and unions included in the consultation)	Proceed with the proposals and follow the council's reorganisation procedure which will provide for full and detailed consultation
Communal Heating Efficiency Measure	General support for the proposals	Proceed with the two year programme

32. It should be noted that the proposed works will be delivered through existing contracts. In the event of this not being possible, delivery will be subject to separate approvals. In addition, the proposed CRCO, if agreed, will require a separate delegated item to be approved by the Head of Human Resources and the Strategic Director of Housing and Community Services.

Community impact statement

33. The proposals once implemented will have a positive impact on the lives of residents contributing to making the borough more safe and secure and contributing to the Warm Dry Safe programme.
34. The council works in accordance with the single public sector equality duty contained within section 149 of the Equality Act 2010. This means the council must have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups, and foster good relations between different groups.

35. Consideration has been given to the report's relevance to equality issues in accordance with the public sector equality duty. This report sets out how additional resources will be used to address known key priorities for residents and a scoping exercise established there is no differential effect for any community or protected group. In addition, the processes for specification of any works will take into account and mitigate any adverse impact on protected groups. It is also recognised that the introduction of new door entry systems will lead to an increase in charges which may present particular difficulties for people on low incomes, but tenant service charges remain eligible for housing benefit.
36. There are wider issues impacting both nationally and locally in terms of impending welfare reform and housing benefit under occupation changes, which comes into force in April 2013. These have also been considered and measures to mitigate the effects on the community are currently being developed together with the provision of additional resources for this purpose.

Financial implications

37. This report sets out more detailed proposals/information and the results of resident consultation on a programme of works including door entry and security environmental improvements (estate action days), external decoration, communal repairs and district heating efficiency measures.
38. These works formed part of a larger package of measures totalling £6m considered by cabinet on 29 January 2013 as part of the HRA rent setting and budget report for 2013/14, but requiring further resident consultation in terms of the programming and priority of schemes. With the exception of the district heating efficiency measures, funding for this programme was identified as part of the three year HRA efficiency savings programme (2011/12 – 2013/14) which has provided the opportunity for the redirection of resources to priority areas. They form part of the base budget so funding for the two-year programme is available, subject to any change in demand or priorities or the wider financial position of the HRA going forward. It is anticipated that these measures will generate additional savings as the need for reactive/ repeat repairs reduces and future cost efficiencies can be made, for example, through utilising existing scaffolding.
39. Funding for the district heating efficiency measures comes from the ring-fenced heating account reserve and is available on a one-off basis to fund a limited programme of works. The purpose of the reserve is to mitigate potential increases in resident charges as a result of energy price volatility and to improve energy efficiency by funding efficiency measures, such as those outlined in the report, which in turn generates further savings and reduces the pressure to increase charges in future. The ring-fenced nature of the HRA means that surpluses or deficits are carried forward year on year and contribute to reserves which are earmarked for the specific purpose of funding landlord services. Movements to and from reserves require approval by the strategic director of finance and corporate services.
40. Works such as external decorations, door entry, district heating and communal repairs are rechargeable to home owners under the terms of their lease as detailed in the concurrent from the head of special housing services. It is also anticipated that the introduction of the communal repairs compliance team will

ensure operational improvements and greater cost recovery for the HRA. savings and cost efficiencies generated through these measures will be captured as part of budget planning for 2014/15.

Consultation

41. All 12 area housing forums were consulted between 26 February and 19 March 2013. Their views are summarised in Appendix 2.
42. Tenants council met on 25 March 2013 and considered the responses from area housing forum and were broadly in agreement with them. Namely, support for the door entry and security measures, estate action days, the external redecoration programme and communal heating programmes with mixed views about the communal repairs compliance officers.
43. Home owners council met on 24 April 2013. They supported the door entry programme but had concerns about the costs for leaseholders, the blocks that had been chosen and other locations that still needed new systems. There was general support for estate actions days, but they felt that future programmes should include smaller estates and street properties. In respect of external redecoration, there was concern that the £1m proposed would be insufficient to meet the need. There was general support for the communal repairs compliance officers, but HOC would like the effectiveness of new team, if agreed, to be evaluated 24 months after its introduction. Finally, there was general support for the communal heating efficiency measures, but HOC would like to see the proposed measures leading to savings in leaseholders service charges.
44. For solely the communal repairs compliance officers, both staff and unions were consulted between 11 March 2013 and 28 March 2013. Two special departmental liaison committees were also held with the unions. The views from staff were mixed with some in full support and others against the proposal. Unison was the only union to respond to the proposals and they submitted a detailed response which challenged the rationale for the posts and argued that the resources would be better used elsewhere.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

45. Statutory requirements as to housing management of tenancies and the keeping of a housing revenue account are set out under the Housing Act 1985 and 1996, the Local & Government Housing Act 1989 and the Localism Act 2011.
46. Section 105 of the Housing Act 1985 and Sections 137 and 143A of the Housing Act 1996 in relation to secure, introductory and demoted tenancies respectively require local authorities to consult on matters of housing management as defined by the 1985 Act.
47. To meet legal requirements consultation must be undertaken when the proposals are still at a formative stage, include sufficient reasons for the proposals to allow any interested party the opportunity to consider the proposal and formulate a response and allow adequate time for interested parties to consider the proposal and formulate their response.

48. The report indicates that following the identification of five areas identified for further discussion upon the approval of the 2013/14 HRA rent setting report by cabinet on 29 January 2013 that consultation has been carried out. The details of the various consultations and responses are set out in the report and appendices. Members responsible for taking decisions on proposals should take into account the product of consultation when making decisions on the matters concerned.
49. Members should also have regard to the public sector equality duty in section 149 of the Equality Act 2010. This requires the council, when taking decisions, to have due regard to the need to:
- (a) Eliminate discrimination, harassment, victimisation or other prohibited conduct;
 - (b) Advance of equality of opportunity between persons who share a relevant protected characteristic and those who do not share it
 - (c) Foster good relations between those who share a relevant characteristic and those that do not share it.
50. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The duty also applies to marriage and civil partnership, but only in relation to (a) above.
51. The Council is required to act in accordance with the equality duty and have due regard when carrying out its functions.
52. The cabinet must consider the community impact statement and equalities considerations, reference to the scoping exercise carried out and that the process for specifications for any works will take into account and mitigate against any adverse impact on protected groups as part of the consideration of the public sector equality duty. Members should have due regard to this when considering the recommendations.
53. There are further statutory requirements in relation leasehold properties under the Landlord and Tenant Act 1985 (as amended) which provides for statutory consultation on applicable rechargeable service charges in accordance with Section 20 as referred to in the supplementary advice from specialist housing services.
54. The report states that the proposed introduction of the communal repairs compliance officers if agreed will be subject to separate delegated item to be approved by the head of human resources and the strategic director of housing and community services. Managers must ensure the final proposals are implemented in a manner fully compliant with the council's re-organisation, redeployment and redundancy and recruitment procedures.

Strategic Director of Finance and Corporate Services (FC13/026)

55. This report notes the results of the consultation and seeks agreement on the proposed programme of works and the introduction of communal repairs compliance officers. In addition it notes the proposed use of £4m heating account surplus, which has prior approval from the strategic director of finance and corporate services.

56. The strategic director of finance and corporate services notes the financial implications detailed in paragraphs 37 to 40. Further analysis will be done to ascertain the savings that this programme of works achieve. These savings will form part of future budget setting and reporting.

Head of Specialist Housing Services

57. In general the proposals outlined in this report are for communal repairs and services, and would be rechargeable to leaseholders as a service charge. Where the service charge for an individual repair/installation will be more than £250 to any leaseholder then the council will be required to carry out statutory consultation under section 20 of the landlord and tenant act 1985 (as amended). This would be particularly applicable to the proposals for door entry upgrade/installation, external decorations and communal heating efficiency measures.
58. Where communal repairs are identified during estate action days care must be taken to ensure that each individual repair is properly recorded with relevant costs, so that the correct charges can be made to home owners at the end of the financial year. This information must be easily obtainable by home ownership services.
59. Specialist housing services are pleased that street properties will be included in estate action days in future, as home owners in street properties have frequently complained that their properties are not given the same priority as blocks on larger estates. It is also recommended that stand alone blocks are included in the programme of estate action days and that both are included in the external decorations programme if the budget permits.
60. Specialist housing services concurs with the proposal to create communal repairs compliance officers. One of the most problematic areas of the annual service charge is the cost and quality of communal repairs. A great deal of time and effort is expended in justifying the cost to leaseholders of individual communal repairs that were carried out up to 18 months in the past.
61. Additionally, there have been concerns in the past about the coding of communal repairs orders. Communal repairs have been miscoded to individual properties, coded to the wrong block or estate, incorrectly identified as communal recharges when they should have been raised as insurance jobs (complete with crime reference number or other relevant detail), raised as a recharge to an individual resident or referred back to a previous contractor to enforce the terms of warranties and guarantees.
62. Specialist officers would also have the required competencies to ensure that works orders are raised accurately with sufficient detail and with personal information in the correct place so that data protection is not breached when leaseholders request and are sent the comprehensive repairs breakdowns following receipt of their actual service charges.
63. The chair and representatives of home owners council have continuously raised the problems with communal repairs on behalf of their constituents. Both home owners council and specialist housing services have previously requested that a more specialised team be formed to deal with communal repairs, to both improve the service to residents and to facilitate the recovery of service charges.

64. While communal repairs only make up approximately 15% of the works orders raised, over 30% of the housing stock is now comprised of home owners, making the recovery of costs for communal repairs a significant income to the housing revenue account. As leaseholders pay the actual cost of services received, where the council has been unable to charge for communal repairs in the past (for a variety of reasons including mis-coding, poor descriptions etc) the loss has to be picked up by the rent payers.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Housing Revenue Account – Final Rent Setting and Budget Report 2013/14. The document is available to view on this web page: http://moderngov.southwark.gov.uk/ie/ListDocuments.aspx?CId=302&MId=4250&Ver=4 "	Maintenance and Compliance, 160 Tooley Street London SE1 2QH	David Lewis Tel: 020 7525 7836

APPENDICES

No	Title
Appendix 1A	Door Entry Systems – New and Upgrades
Appendix 1B	Estate Action Days
Appendix 1C	External Redecoration
Appendix 1D	Communal Heating Energy Efficiency Measures
Appendix 2	Feedback from Area Housing Forums

AUDIT TRAIL

Cabinet Member	Councillor Ian Wingfield, Deputy Lead and Cabinet Member for Housing Management	
Lead Officer	Gerri Scott, Strategic Director of Housing and Community Services	
Report Author	David Lewis, Head of Maintenance and Compliance	
Version	Final	
Dated	1 May 2013	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Head of Procurement	No	No
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate	Yes	Yes
Head of Specialist Housing Services	Yes	Yes
Contract Review Boards		
Departmental Contract Review Board	No	No
Corporate Contract Review Board	No	No
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	1 May 2013	

APPENDIX 1A

Door Entry Systems – New and Upgrades

Year	Area	Estate / Street	Block	New Upgrade	Budget	
2013/14	Borough & Bankside	Brook Drive	Brook Drive SHU (1-38)	✓		
		Park Street Estate	Park Street (13-19)	✓		
			Park Street (31-41)	✓		
			Park Street (61-71)	✓		
			Park Street (89-99)	✓		
			Southwark Bridge Road (No.37 A-G)	✓		
			Tabard Gardens Estate	Boughton House (1-50)	✓	
		*Funded separately	Decima Street	Elim (1-121)	✓	
				Decima (46-66)	✓	
				Meakin (1-123)	✓	
Camberwell		Brandon Estate	Grimsel Path (2-9)	✓		
		Sceaux Gardens Estate	Mistral House (1-72)	✓		
Nunhead & Peckham		Linden Grove	Chabot Drive (1-18)	✓		
Peckham		Camden Site	Moody Road (No.31) (1-6)	✓		
Rotherhithe		Osprey Estate	Dunlin House (1-17)	✓		
			Egret House (1-18)	✓		
			Fulmar House (1-18)	✓		
			Raven House (1-14)	✓		
			Sheldrake House (1-14)	✓		
			Siskin House (1-17)	✓		
			Tawny Way (7-36)	✓		
Walworth	Kinglake Estate		Benenden House (1-10)	✓		
			Cuxton House (1-10)	✓		
			Deal House (1-10)	✓		
			Folkestone House (1-8)	✓		
			Groombridge House (1-9)	✓		
			Ivy Church Lane (1-17)	✓		
			Kinglake Street (1-31)	✓		
			Kinglake Street (33-43)	✓		
			Littlebourne House (1-9)	✓		
			Nelson Estate	Bronti Close (1-38)	✓	
				Trafalgar House (1-62)	✓	
				Walsham House (1-24)	✓	
		2013/14 Total				
2014/15	Bermondsey	Astley Estate	Astley House (1-90)	✓		
			Brodie House (1-30)	✓		
		Burton House	Burton House (1-24)	✓		
	Borough & Bankside		Amigo House	Amigo House (1-30)	✓	
			Gaywood Estate	Newman House (1-62)	✓	
	Dulwich		Halliwell Court	Halliwell Court (1-30)	✓	
	Nunhead & Peckham Rye	Consort Estate		Scylla Road (33-41)	✓	
				Scylla Road (59-67)	✓	
			Cossall Estate	Cossall Walk (1-6)	✓	

Year	Area	Estate / Street	Block	NewUpgrade	Budget
			Cossall Walk (17-32)	✓	
			Cossall Walk (33-36)	✓	
			Cossall Walk (37-40)	✓	
			Cossall Walk (41-52)	✓	
			Cossall Walk (53-64)	✓	
			Cossall Walk (65-76)	✓	
			Cossall Walk (77-92)	✓	
			Cossall Walk (93-108)	✓	
		Culmore Road	Culmore Road (No.47A-F) (1-6)	✓	
		Hollydale Road	Hollydale Road (160-170)	✓	
	Peckham	North Peckham Estate	Samuel Street (No.45) (1-12)	✓	
		Camden Site	Kelly Avenue (No.13) (1-6)	✓	
			Kelly Avenue (No.15) (1-6)	✓	
		North Peckham Estate	Calypso Crescent (No.10) (1-10)	✓	
			Chandler Way (No.107) (1-15)	✓	
			Chandler Way (No.71) (2-14)	✓	
			Cronin Street (27-38)	✓	
			Cronin Street (55-62)	✓	
			Cronin Street (82-88)	✓	
			Cronin Street (89-100)	✓	
			East Surrey Grove (18-21)	✓	
			East Surrey Grove (39-50)	✓	
			Pentridge Street (1-12)	✓	
			Pentridge Street (25-36)	✓	
			Pentridge Street (37-46)	✓	
			Rowan Court (1-10)	✓	
			Rowan Court (19-25)	✓	
		Rosemary Gardens	Lidgate Street (No.1) (1-8)	✓	
	Rotherhithe	Slippers Place Estate	Matson House (1-48)	✓	
		Tustin Estate	Ambleside Point (1-72)	✓	
			Windermere Point (1-73)	✓	
2014/15 Total					£726,000

APPENDIX 1B

Estate Action Days

Year	Month	Day	Area	Estate	Complete
2012	January	20	Dulwich	Kingswood Estate	✓
	February	24	Camberwell	Glebe Estate	✓
	March	30	Rotherhithe	Osprey Estate	✓
	April	30	Peckham	Bells Gardens Estate	✓
	May	25	Borough & Bankside	Tabard Gardens Estate	✓
	June	29	Nunhead & Peckham Rye	Barset Estate	✓
	July	27	Walworth / Camberwell	Brandon Estate	✓
	August	31	Dulwich	Croxted Road Estate	✓
	September	28	Bermondsey	Rouel Road Estate	✓
	October	26	Camberwell	Champion Hill Estate	✓
	November	30	Bermondsey	Dickens Estate	✓
	December	13	Rotherhithe	Canada Estate	✓
2013		14	Peckham	Unwin & Friary Estates	✓
	January	11	Bermondsey	Setchell Estate	✓
		25	Camberwell	Wyndham & Comber Estates	✓
	February	12	Rotherhithe	Tustin Estate	✓
		22	Camberwell	Southampton Way Estate	✓
	March	13	Bermondsey	Rennie Estate	✓
		22	Peckham	Ledbury Estate	✓
	April	18	Rotherhithe	Slippers Place Estate	✓
		26	Dulwich	Lordship Lane Estate	✓
	May	24	Borough & Bankside	Scovell Estate	
		31	Nunhead & Peckham Rye	Brimmington/Pomeroy Estates	
	June	20	Bermondsey	Astley Cooper Estate	
		28	Camberwell	Lettsom Estate	
	July	26	Peckham	Caroline Gardens Estate	
			Rotherhithe	Hawkstone Estate	
	August	14	Walworth	Doddington Estate	
		30	Dulwich	East Dulwich Estate	
	September	20	Borough & Bankside	Rockingham Estate	
		27	Peckham	Gloucester Grove Estate	
	October	17	Walworth	Kinglake Estate	
	25	Camberwell	Elmington Estate		
November	20	Walworth	Pasley Estate		
	29	Peckham	Lindley Estate		
December	10	Walworth	Newington Estate		
	13	Dulwich	Friern Road Estate		
2014	January	TBC	Camberwell	Brandon Estate	
			Walworth	Brandon Estate	
	February	TBC	Dulwich	Kingswood Estate	
			Rotherhithe	Downtown Estate	
	March	TBC	Camberwell	D'eynsford Estate	
			Walworth	Mardyke & Salisbury Estates	
	April	TBC	Nunhead & Peckham Rye	Consort Estate	
			Walworth	Alberta Estate	
May	TBC	Bermondsey	St Saviours Estate		
		Dulwich	Countisbury House		
June	TBC	Bermondsey	Four Squares Estate		

Year	Month	Day	Area	Estate	Complete
	July	TBC	Nunhead & Peckham Rye	Rye Hill Park Estate	
			Borough & Bankside	Albert Barnes/Smeaton (Rockingham)	
			Camberwell	Crawford Estate	
	August	TBC	Dulwich	Woodland Road Estate (Forbes & Gould)	
			Rotherhithe	Silverlock & Silwood Estates	
	September	TBC	Camberwell	Castlemead Estate	
			Walworth	Nelson Estate	
	October	TBC	Nunhead & Peckham Rye	Cossall Estate	
			Walworth	Conant & Rutley House	
	November	TBC	Bermondsey	St Crispins Estate	
			Camberwell	Poets Corner Estate	
	December	TBC	Bermondsey	Longfield Estate	
Nunhead & Peckham Rye			Pelican Estate		
2015	January	TBC	Borough & Bankside	Dodson Estate	
			Nunhead & Peckham Rye	Tappesfield Estate	
	February	TBC	Borough & Bankside	Borough Road Estate	
			Nunhead & Peckham Rye	Nunhead Estate	
	March	TBC	Dulwich	College Road Estate (Crystal & Princess Court)	
Rotherhithe			Bonamy Estate		

APPENDIX 1C

External Redecoration

Sum of Cost Year	Area	Block or Street	Decs Potential	Programmed	
2013/14	Bermondsey	Fort Road		✓	
		Spelow House (1-81)		✓	
	Borough & Bankside	Hayles Street		✓	
	Camberwell	Ada Road		✓	
		Bellenden Road		✓	
		Camberwell Grove		✓	
		Copleston Road		✓	
		Dowlas Street		✓	
		Grosvenor Park		✓	
		Grosvenor Terrace		✓	
		Sears Street		✓	
		Wilson Road		✓	
		Dulwich	Dunstans Road		✓
			Glengarry Road		✓
			Heber Road		✓
	Holmdene Avenue			✓	
	Landcroft Road			✓	
	Melbourne Grove			✓	
	Nutfield Road			✓	
	Oxonian Street			✓	
	Stradella Road			✓	
	Ulverscroft Road			✓	
	Nunhead & Peckham Rye	Underhill Road		✓	
		Bellenden Road		✓	
		Chadwick Road		✓	
		Consort Road		✓	
		Copleston Road		✓	
		Dayton Grove		✓	
		Dunstans Road		✓	
		Hollydale Road		✓	
		Ivydale Road		✓	
		Lyndhurst Square		✓	
		Relf Road		✓	
		Underhill Road		✓	
		Newlands		✓	
		Peckham	Fenham Road		✓
			Furley Road		✓
	Holbeck Row			✓	
	Marmont Road			✓	
	Peckham Hill Street			✓	
Pennethorne Road			✓		
Rotherhithe	Gomm Road		✓		
Walworth	Cadiz Street		✓		
	Chatham Street		✓		

Sum of Cost Year	Area	Block or Street	Decs Potential	Programmed
		Dawes Street		✓
		De Laune Street		✓
		Liverpool Grove		✓
		Loncroft Road		✓
		Lorrimore Square		✓
		New Church Road		✓
		Rust Square		✓
		Sharsted Street		✓
2013/14 Total				£1,000,000
2014/15	Bermondsey	Morriss House (1-32)	✓	
	Camberwell	Belham Walk (1-39)	✓	
		Champion Hill (24A-28C)	✓	
		Don Phelan Close (1-164)	✓	
		Elmington Road (86-108)	✓	
		Kimpton Court (1-6)	✓	
		Kimpton Road (1-35)	✓	
		Mary Datchelor Close (1-124)	✓	
	Nunhead & Peckham Rye	Barset Road (19-123)	✓	
		Buchan Road (118-122)	✓	
		Linden Grove (105-119,175-179)	✓	
	Peckham	Hastings Close (1-58)	✓	
		Leontine Close (1-99)	✓	
		Neville Close (22-103)	✓	
		Wentworth Crescent (1-62)	✓	
		Wilmot Close (1-72)	✓	
	Rotherhithe	Abbeyfield Road (97) - SHU	✓	
		Harbord House (1-10)	✓	
		Millender Walk (1-78)	✓	
		Pedworth Gardens (1-34,36,38)	✓	
		Raymouth Road (61-105)	✓	
		Rotherhithe New Road (134-198)	✓	
	Walworth	Bronti Close (1-38)	✓	
		Elsted Street (48-55)	✓	
2014/15 Total				£1,000,000

APPENDIX 1D

Communal Heating Energy Efficiency Measures

Year	Area	Estate	District Heating Facility	BEMS	BURNER	Dirt Sep.	Total
2013/14	Bermondsey	Rouel Road	Rouel Road Water	✓			
		New Place	Keetons Plant	✓			
	Borough & Bankside	Kipling (Leathermarket)	Kipling BH	✓	✓	✓	
		Gaywood	Gaywood BH	✓	✓	✓	
			Meakin (Leathermarket)	Meakin BH	✓		✓
	Camberwell	Comber	Hodister	✓			
		East Dulwich	Ledbury	✓			
			Elmington	Masterman Hse	✓	✓	
			Grosvenor Park	Grosvenor	✓		
			Wyndham	Comber Grove	✓		
	Nunhead & Peckham	Pelican	Heron BH	✓	✓	✓	
		Pelican	Osprey House	✓			
			Barset	Barset BH	✓		✓
			Brimmington	Brimmington BH	✓	✓	✓
			Cossall	Cossall BH	✓		
	Peckham	Acorn	Acorn BH	✓			
		Bells Gardens	Hastings BH	✓		✓	
			Bells Gardens	Leontine BH	✓		✓
			Bells Gardens	Neville BH	✓		✓
			Oliver Goldsmith	Primrose BH	✓		
			North Peckham	Garnies Close	✓		
			Ledbury	Hoyland	✓		
			North Peckham	North Peckham BH	✓		✓
	Rotherhithe	Abbeyfield	Maydew House	✓			
		Canada Estate	Canada BH	✓	✓	✓	
			Silwood	Tissington BH	✓	✓	✓
			Silwood	Tissington PR	✓		
			Downtown	Surrey Docks BH	✓	✓	✓
			Slippers Place	Arica House	✓		
			Silverlock	Millender Walk	✓		
Walworth	Aylesbury	Aylesbury BH	✓				
	Aylesbury	Bradenham L	✓				
		Aylesbury	Chartridge K	✓			
		Aylesbury	Chiltern J	✓			
		Aylesbury	Gayhurst	✓			
		Aylesbury	Latimer E	✓			
		Aylesbury	Missenden	✓			
		Aylesbury	Ravenstone X	✓			
		Brandon	Bateman House	✓			
		Brandon	Brandon BH		✓		

Year	Area	Estate	District Heating Facility	BEMS	BURNER	Dirt Sep.	Total
		Brandon	Brandon BH Pass	✓	✓	✓	
		Brandon	Brawne House	✓			
		Brandon	Conant House	✓			
		Brandon	Cornish House	✓			
		Brandon	Cruden House	✓			
		Brandon	Maddock Way	✓			
		Brandon	Morton Hse	✓			
		Brandon	Napier House	✓			
		Brandon	Prescott House	✓			
		Draper	Hampton 1	✓			
		Draper	Hampton 2	✓			
		Kinglake	Ivychurch	✓		✓	
		Kinglake	Leysdown	✓	✓	✓	
		Newington	Newington BH	✓		✓	
		Brandon	Fielding St	✓			
		Brandon	Langdale Close	✓			
		Brandon	Pelier St	✓			
		Barlow	Barlow BH	✓		✓	
2013/14 Total							£2,000,000
2014/15	Bermondsey	Fair Street	Fair St	✓			
		Rouel Road	Amina Way	✓			
		Setchell	Setchell BH	✓	✓	✓	
		New Place	Layard Square	✓			
			Lockwood				
		New Place	Square	✓			
		New Place	Lucey Way	✓			
		New Place	Marden Square	✓			
		New Place	New Place BH	✓			
		New Place	New Place Sq	✓			
		New Place	Plant Room 1	✓			
		New Place	Plant Room 2	✓			
		New Place	Plant Room 3	✓			
		New Place	Plant Room 4	✓			
		New Place	Rock Grove Way	✓		✓	
		Rouel Road	Water Tower	✓			
		Rouel Road	Woolstaplers Plant	✓			
	Borough & Bankside	Bankside	Bankside	✓	✓		
		Brook Drive	Brook Drive SHU	✓			
		Lawson	Cardinal Bourne	✓			
		Meakin	Meakin BH		✓	✓	
		Meakin	Meakin PR A	✓			
		Meakin	Meakin PR B	✓			
		Meakin	Meakin PR C	✓			
		Meakin	Meakin PR C1	✓			
		Nelson Square Gardens	Helen Gladstone	✓	✓		
		Redman House	Redman House	✓			

Year	Area	Estate	District Heating Facility	BEMS	BURNER	Dirt Sep.	Total
		Scovell	Scovell BH		✓		
		Rockingham	Smeaton Court	✓			
	Camberwell	Wyndham	Livingstone Hse 1	✓			
		Wyndham	Livingstone Hse 2	✓			
		D'Eynsford	D'Eynsford BH	✓	✓	✓	
		Gilesmead	Gilesmead BH	✓	✓		
		Harfield Gardens	Harfield Gardens	✓			
		Havil Street	Havil Street	✓			
		Lettsom	Fearnley Plant	✓			
		Lettsom	Pembury Plant	✓			
		Lettsom	Rignold Plant Room	✓			
		Elmington	Owgan Close	✓			
		Elmington	P/Room	✓			
		Sceaux Gardens	Sceaux	✓			
		Southampton Way	Stanswood	✓			
		Lettsom	Lettsom Boiler House/Plant	✓		✓	
	Dulwich	Sydenham Hill	Dunton Court	✓			
		Sydenham Hill	Sydenham Hill	✓	✓	✓	
		Sydenham Hill	Thetford	✓			
		Underhill	Underhill	✓			
	Nunhead & Peckham	Brimmington	Bath Rooftop	✓			
		Brimmington	Bath				
		Brimmington	Underground	✓			
		Brimmington	Laburnham	✓			
		Brimmington	Staveley	✓			
		Brimmington	Staveley Twin	✓			
		Clifton	Clifton BH	✓			
		Consort	Consort BH	✓		✓	
		Cheltenham Road	Cheltenham Road	✓			
		Pelican	Crane BH	✓		✓	
		Linden Grove	Linden Grove	✓			
	Peckham	Linden Grove	Basswood BH	✓		✓	
		Bells Gardens	Community Centre	✓			
		Oliver Goldsmith	Wakefield 1	✓			
		Oliver Goldsmith	Wakefield 2	✓			
		Oliver Goldsmith	Wakefield dirt x2			✓	
		Gervase Street	Harry Lambourne SHU	✓			
		Gloucester Grove	Wick Way	✓			
		Lindley	Lindley BH	✓			

Year	Area	Estate	District Heating Facility	BEMS	BURNER	Dirt Sep.	Total
		North Peckham	North Peckham BH	✓			
		Willowbrook	Pennack Road BH	✓			
		Reedham Street	Jack Jones SHU	✓			
	Rotherhithe	Silwood	Silwood 1	✓			
		Tustin	Tustin BH	✓		✓	
	Walworth	Alberta	Albert Westcott	✓			
		Brandon	Dighton Court	✓			
		Brandon	Hillingdon ST	✓			
		Brandon	Walters House	✓			
		Inville	Soane House	✓	✓		
		Royal Road	King Charles Ct	✓			
		Minnow Street	Minnow Walk	✓			
		Newington	Lucey Ash Plant	✓			
		Pasley	Pasley BH	✓			
		Brandon	Slade BH		✓	✓	
		Portland	Portland St BH	✓			
		Salisbury	Salisbury Plant	✓			
2014/15 Total							£2,000,000

APPENDIX 2

Feedback from Area Housing Forums

Forum	Date of Meeting	Door entry and security measures	Estate Action Days	Ex Decs	CRCO	Communal Heating programme
Bermondsey West	26/02/2013	General support for the programme but will like to see upgrades and new systems equally split (50/50). Identified sites for door entry.	Fully supported the proposed programme. No suggestions for street property works.	Fully supported the proposed programme.	Proposal not supported as felt the problem lay with the contractors rather than at the front end.	Fully supported the proposed programme.
Nunhead & Peckham	28/02/2013	Felt that Wivenhoe Close sheltered unit needs to be prioritised, particularly over Scylla Road.	Forum want assurances that RSOs invite TRA to the pre-meetings when we assess the works to address on the day.	Positively welcomed the fact that we are doing any ex decs.	Concerns regarding the position of the RSO, and that the new team was not big enough. The importance of having officers that were specialist in fault diagnosis and contract management was stressed.	The measures were welcomed, but concerns around the system on Cossall Estate were raised. They requested Chris Baxter attend their TRA to discuss issues.
Walworth West	28/02/2013	The forum asked for more estate security lighting on the estates.	The forum was satisfied with the planned days and would like other estates not covered in the list to be included in future years. Gates and fences identified.	The forum felt that properties on the paisley estate and Alberta should be included in the programme.	The forum agreed with the formation of the specialist team to lead on communal repairs.	The forum agreed with the proposals and Nat added that a representative from the Engineering team will be attending the forum on the 11th of April to 2013 to make a presentation on heating issues and the forum will be able to ask more questions.

Forum	Date of Meeting	Door entry and security measures	Estate Action Days	Ex Decs	CRCO	Communal Heating programme
Walworth East	28/02/2013	Full support and happy with the split of funding. Residents want the whole of the Salisbury Estate to have entry system installation.	Full support. Request for Congreve & Barlow / Comus Hse to be added to a future programme and some street properties.	Full support and positive feedback regarding cost benefits from adding to WDS. Request for Congreve & Barlow /Comus Hse and Tisdall Place to be added.	Mixed feedback, suggested resource should go to ensuring that the contractors complied with instructions, HO already performs this function. Also suggested this would be a great idea particularly as it would bring in better technical expertise and contract management.	General support, particularly on efficiency savings which would mitigate service charge increase. Suggested all funding should be geared to long term solutions not patch ups.
Peckham	04/03/2013	Fully supported the proposal. Concern raised that leaseholders on the ground floor being charged but not receiving benefit of the system. Would like to see CCTV in a future programme of security works.	Fully supported the proposed programme. Acorn estate suggested for inclusion in the programme. Acorn would also benefit from fence and gate improvements.	Fully supported the programme.	Fully supported the introduction of CRCO as they felt communal repairs could be significantly improved.	Fully supported the proposed programme. Slight concern raised about the cost of the work for leaseholders.
Camberwell East	04/03/2013	Proposal given luke warm support as concerns raised about costs and maintenance of systems.	Mixed views on the success of days. Suggestions for standalone blocks and street properties.	Fully supported the proposed programme. Suggestion that funding from estate action days moved to this area so can do more ex decs.	Fully supported.	Proposal supported, though point made and agreed that Ledbury House on East Dulwich Estate should not be on the list as not served by district heating.

Forum	Date of Meeting	Door entry and security measures	Estate Action Days	Ex Decs	CRCO	Communal Heating programme
Rotherhithe	07/03/2013	Warm response to the upgrades and new installations as people are aware of the need for this. Though was concerns that leaseholders would be getting bills after a lot of FRA works.	General support of the estate action days.	Supported the proposal to carry out redecorations. Though Forum had a lot of concerns that the £1 million budget was not enough and that blocks that fell out of the WDS scheme would be left to deteriorate further.	Concerns on how the number of 18 staff was calculated. Wanted to know if this budget was going to be offset by Housing Officers as there would be savings as they no longer doing these inspection.	Luke warm reception to this proposal. There were concerns that certain estates marked as Rotherhithe were actually Bermondsey. Forum wanted to know why there estates were included as SELCHEP was meant to be supplying the heating and maintenance of their systems.
Bermondsey East	07/03/2013	Agreed the 60/40 split. Concerns that only one Bermondsey Estates has been identified in the two year programme. Forum would like a further report regards which estates/blocks have DE systems at present. New blocks to be prioritised were: Hartley, Dartford. Fawkham and Wessex because of ASB. Pope House needs urgent upgrade because of no internal intercom system and lost of ASB.	Forum supported the programmed EAD's would like the Longfield EAD to be in AUG and not DEC 2013,there were a number of street properties across Bermondsey that would benefit from works to fences and gates and a separate list has been provided.	The Forum felt that £1m earmarked in the budget was not adequate for a ongoing cross borough programme after years of neglect in this area, the would like the following blocks added that either had been missed of previous schemes or were in need of urgent attention.	Fully supported the introduction of CRCO as they felt the standard of communal repairs could be improved, although the competency of the repairs contactor needed addressing also if the project was to work satisfactory.	Agreed with the overall approach.

Forum	Date of Meeting	Door entry and security measures	Estate Action Days	Ex Decs	CRCO	Communal Heating programme
Camberwell West	13/03/2013	General support for the programme but would like to see better quality of installation and equipment.	General support of the estate action days. Suggestions made about planning and co-ordination of days.	Supported the proposal to carry out redecorations. Though Forum felt that estates had been neglected in the past which has cause the neglect on the estates.	Forum felt this was a waste of money and not needed. They said the current arrangements for dealing with estate repairs works well.	General support, particularly on efficiency savings.
Borough & Backside	13/03/2013	Felt that door entry should be self financing and the Police should contribute to costs. They want to see 100% of the money spent on new systems.	General support and suggested way to improve community engagement.	Good support but want more money spent on ex decs.	Quite against the idea, felt they are paying extra to get the service right.	Agreed with the approach. No real comments on the £4m from the heating account.
Dulwich	14/03/2013	General support for the proposal and suggested blocks for the future programme.	General support and suggested blocks for inclusion.	Concern that no Dulwich estates in programme. Suggested blocks for inclusion.	Agreed with the proposal and requested review after 12 months.	Agreed with the overall approach.
Aylesbury	19/03/2013	Agreed with the proposal and made suggestions for future inclusion in the programme. Suggested CCTV as an alternative security measure.	General support for the estate action days.	Welcomed the ex-dec programme but queried why there were none on their estate when WDS works were on going.	Support for the roll out of communal repair compliance officers.	General support for the measures.

Item No. 12.	Classification: Open	Date: 14 May 2013	Meeting Name: Cabinet
Report title:		Gateway 2 – Contract Award Approval Long-term Repairs and Maintenance contract	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Ian Wingfield, Deputy Leader and Cabinet Member for Housing Management	

FOREWORD – COUNCILLOR IAN WINGFIELD, DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT

Delivering an excellent repairs service is fundamental to improving customer satisfaction with the council. The council is committed to delivering a repairs service that it, and residents, can be justly proud of. The council aspires to treat every resident as if they were a member of one's family. As the repairs service is one of the most important interactions with our residents, the award of this new contract is an ideal opportunity to make this commitment a reality.

Good progress has been made in improving the repairs service. Tough decisions have been taken on who provides and manages the service in the borough. This demonstrates that the council will not shy away from taking decisions that will improve the service to residents and deliver our ambition of providing one of the best repairs services in the country.

However, the service still has some way to go before it is truly delivering the service residents deserve. There are still too many instances of the service going wrong and when it goes wrong it tends to do so badly. All too often it is frustrating for residents to access the service or be kept advised of progress resulting in many repeated contacts. This has to be improved. This new contract will provide a new style service, which truly puts the customer first, one that challenges service improvement and aspires to deliver a greatly improved repairs service for residents.

The foundations of an excellent repairs service are in place. This will be built upon over the coming months and years.

RECOMMENDATION

Cabinet is asked to:

1. Approve the award of the repairs and maintenance contract covering Camberwell, Peckham, Peckham Rye, Nunhead and Dulwich (and borough wide temporary accommodation) to Mears Ltd for an annual value of up to £11m to commence from 3 October 2013 for five years with the option to extend for a further period up to five years (three plus two years), subject to performance, making an estimated contract value of £110,000,000.

BACKGROUND INFORMATION

2. Arising from the termination of the repairs and maintenance contract with Morrison Facilities Services Limited on 2 October 2012, the council put in place interim arrangements to deliver the service for 12 months from 3 October 2012. Following competition, Mears Ltd were appointed from the Watford Community Housing Trust repairs and maintenance framework.
3. Putting in place this 12 month interim contract provided the council with the space and time it required to work through the options available for the long-term delivery of the repairs service. This was considered to be acting reasonably as it balanced the combined needs of continuing to provide a repairs service with delivering a high quality and value for money service, while also allowing the opportunity to shape and redefine future repairs service delivery.
4. The procurement strategy for the long-term repairs and maintenance contract was approved by Cabinet on 17th July 2012 and the procurement project plan is set out below.
5. **Procurement project plan (Key Decision)**

Activity	Completed by/Complete by:
Issue Notice of Intention	01/06/12
Approval of Gateway 1: Procurement Strategy Report	17/07/12
Invitation to tender	16/10/12
Closing date for return of tenders	14/01/13
Completion of evaluation of tenders	28/02/13
Issue Notice of Proposal	11/03/13
Forward Plan for Gateway 2 decision	08/04/13
DCRB Review Gateway 2	08/04/13
CCRB Review Gateway 2	11/04/13
Notification of forthcoming decision – despatch of Cabinet agenda papers	03/05/13
Approval of Gateway 2: Contract Award Report	14/05/13
Scrutiny Call-in period and notification of implementation of Gateway 2 decision	22/05/13
Alcatel Standstill Period (if applicable)	07/06/13
Contract award	10/06/13
Add to Contract Register	10/06/13
Publication of award notice in Official Journal of European (OJEU)	10/06/13
Contract start	03/10/13

Activity	Completed by/Complete by:
TUPE Consultation period	N/A
Contract completion date	02/10/18
Contract completion date – if extension(s) exercised	02/10/23

KEY ISSUES FOR CONSIDERATION

Description of procurement outcomes

6. The works will affect the properties in the south of the borough, namely those in Camberwell, Peckham, Nunhead, Peckham Rye and Dulwich (including borough-wide temporary accommodation).
7. The works comprise of all day to day repairs and maintenance to both residential and non-residential housing stock. In summary the work includes:
 - Demolitions and alterations;
 - Excavation and earthwork;
 - Concrete and brickwork repairs;
 - Asphalt work;
 - Roofing;
 - Woodwork and timber treatment;
 - Damp proofing;
 - Metalwork;
 - Plumbing;
 - Mechanical installations;
 - Floor, wall and ceiling finishes;
 - Glazing;
 - Painting and decorating;
 - Drainage;
 - Fencing;
 - Paving;
 - Window repair/replacement;
 - Asbestos removal;
 - Ventilation works;
 - Electrical works;
 - Planned maintenance;
 - Project management and supervision.
8. The proposed works are based on the term brief specification, preliminaries and a range of challenging key performance indicators.
9. The additional objectives to be delivered from this contract comprise of:
 - Achieving high levels of resident satisfaction
 - Delivering repairs right first time every time
 - Limited recalls and call backs and duplication

- Residents treated with respect as though they were members of one's own family
- A constant and relentless drive for value for money
- Accessible and visible customer services catering for all residents' needs
- Keeping residents constantly informed of service progress and being fully involved in service improvement
- Responding quickly to service failure and learning from complaints
- Motivated and highly focussed workforce committed to delivering the excellent service residents deserve

Policy implications

10. An excellent responsive repairs service puts residents at the heart of service delivery. This contract was procured in this context and one that challenged service improvement and aspired to deliver a greatly improved repairs service for residents.
11. In 2011, the council's Housing and Community Safety scrutiny sub-committee carried out a review of the housing repairs service. The report's findings made uncomfortable reading:

There needs to be a new culture of openness and transparency between officers, members and tenants with respect to the Housing Repairs Service.

Contractor performance has been allowed to drift to the point where missed appointments are commonplace and repairs are left cancelled or incomplete. This cannot be allowed to continue.

KPIs appear to have been used, in the main, to project a positive image of the service to members and tenants. This 'presentational' approach needs to come to an end.

12. The sub-committee made 13 recommendations to improve housing repairs and over the past two years, the council has worked closely with its repairs contractors to respond fully to the recommendations as well as carrying out its own service improvement programme. The council now wishes to build on these improvements for the future.
13. The council shares a corporate commitment to deliver a repairs service that it, and residents, can be justly proud of. The council aspires to treat every resident as if they were a member of one's family and, as the repairs service is one of the most important interactions with the Borough's residents, the procurement of this contract is an ideal opportunity to make this commitment a reality.
14. The quality of the repairs and maintenance service is crucial to improving overall customer satisfaction with the council. This contract award will help create a new style service, which truly puts the customer first. Residents tell us that the repairs service has a long way to go to truly meet their expectations. They have also told us that a 'right first visit' approach is what really matters to them. In appointing a long-term partner the council was particularly seeking one that would go the extra mile to deliver fantastic customer service and who would always do what they said they will do.
15. The council has already reorganised the way in which it works to ensure that repairs is given a sufficiently high profile to drive the necessary continuous

improvement. Firstly, a new Housing Services department was created in January 2011 to ensure a dedicated focus on the services received by residents of the council's housing. Secondly, a new division concentrating on day to day repairs and compliance went live in September 2011. Thirdly, an interim repairs contractor, Mears Ltd, was appointed in October 2012. All of this activity has already brought about significant improvements, particularly around repairs right first time, customer satisfaction, complaints escalation, sub-contracting and contract management.

16. However, despite these changes, the repair service is still a bottom quartile performer. The council has commenced the process of moving the repairs service into upper quartile performance and challenging targets have been set in order to achieve this. It is the council's expectation that the long-term partner will hit the ground running and build on the progress achieved to date.
17. One of the areas where the council needs to improve is to recognise that leaseholders are our customers too. This is particularly important in a Borough like Southwark where leaseholders make up a quarter of our residents, and pay significant service charges for communal repairs. The repairs contractor must be prepared to deliver an equally excellent service for both leaseholders and tenants.

Packaging Strategy

18. The approach to packaging was set out in procurement strategy approved by Cabinet in July 2012. In essence, all repairs and maintenance services were included in this procurement; however two Work Elements, namely the out of hours service and works to empty properties, were separately evaluated to determine whether delivery was better placed through the in-house contractor, Southwark Building Services (SBS) or external provision.
19. Packages were therefore divided into three Work Elements:
 - Work Element 1 – Responsive repairs and maintenance
 - Work Element 2 – Emergency works outside of normal working hours
 - Work Element 3 – Works to empty properties
20. At the outset of the procurement process, contractors were advised that the award decision for these services involved a decision being made on the model of service delivery to be adopted for the repairs and maintenance service in the south of the borough i.e. totally outsourced service (where the contractor provides all Work Elements) or partially outsourced service (where the contractor and the Council will deliver Work Elements). To enable the final stage in the process, SBS were invited to submit proposals in relation to Work Elements 2 and 3 only.

Tender process

21. The tender process has followed the requirements of the EU Procurement Regulations (Restricted Procedure). The evaluation of tenders was based on the Most Economically Advantageous Tender, with 70% of marks based on quality and 30% on price. The council's standard evaluation criteria is based on 70% price and 30% quality.

22. However, for repairs and maintenance the cornerstones of a successful service are repairs delivered on time, completed right first time and achieving high levels of resident satisfaction. The driver is therefore much more focussed on quality outcomes rather than price. As such the council's standard evaluation criteria was reversed to 70% quality and 30% price. This sent out a clear message to the market that the council expects a high quality repairs service and not simply the cheapest one.
23. The contracts were advertised in the Official Journal of the European Union (OJEU) on 31 July 2012. A total of 53 contractors requested a copy of the council's Pre-Qualification Questionnaire (PQQ) in response to the OJEU advertisement.
24. In order to qualify for the Invitation to Tender Stage (Stage Two), all contractors had to demonstrate that they were financially viable and technically capable of delivering the contract.
25. The Council received a total of 11 completed PQQs (21% return) by the closing date on Friday 7 September 2012.
26. PQQ's were evaluated by an evaluation panel consisting of officers from Maintenance and Compliance, Specialist Housing Services with overview and challenge by Northgate Public Services. The PQQ was the first stage test to ensure organisations were capable of delivering the contract. The evaluation process involved a robust and thorough assessment of technical capability. Four areas were tested and organisations needed to pass all four to be invited to stage two, the Invitation to Tender (ITT). The four areas used for PQQ assessment were:
 - Financial – Experian checks (credit rating test) and Turnover Tests (an assessment of turnover to ensure organisations were of the appropriate size to deal with the value of the contract for which an expression of interest had been made).
 - Equality and Diversity – must meet the Council's standards.
 - Health and Safety – must meet the Council's standards.
 - Technical questions about delivering a repairs and maintenance service (detailed method statement were required and scored by the Evaluation Panel) – must meet the Threshold.
27. Following this thorough process, a total of five contractors were rejected because of failing to meet the required standard. Contractors failed because they were unable to demonstrate the appropriate experience, expertise, track record or financial capacity to deliver the contract.
28. On Tuesday, 16 October 2012, Invitation to Tenders were sent to six contractors. SBS were also invited to submit proposals in respect of Work elements 2 and 3.
29. The closing date for returned tenders was Monday 14 January 2013. However, one contractor withdrew before the closing date.
30. A series of tender clarification questions were received. The issues ranged from clauses in the technical specification through to clarification about TUPE. Questions were responded to quickly and circulated to all contractors.

31. On 14 January, the remaining five contractors returned the ITT along with SBS.

Tender evaluation

32. In accordance with the Gateway 1 report, two evaluation panels were established; one to deal exclusively with quality and the other with price. The quality panel consisted of the same combination of officers that undertook the PQQ assessment as set out in paragraph 26 above. The price evaluation panel consisted of Quantity Surveyors from Potter Raper Partnerships, the council's external cost consultants. For probity, panels were kept separate so that quality and price could be independently reviewed. Both evaluation panels were challenged and facilitated by Northgate Public Services.

33. Given the packaging strategy outlined above, the evaluation panel first focused on evaluating the five submissions of the external contractors to confirm the highest ranked contractor. The subsequent steps of the evaluation process are set out in paragraphs 40 and 41 below.

Price Evaluation

34. The 30% weighting for price was sub-weighted across the three Work Elements as follows:

	Work Element	Sub-Weighting %
1	Responsive repairs and maintenance	17.5
2	Emergency works outside of normal working hours	1
3	Works to empty properties	11.5

35. A Price Evaluation Model was designed to help the council carry out a robust evaluation of price. The model was prepared using historical data in relation to the service and predicted annual spend levels. The weightings used were based on the annual value of each Work Element. Works were valued in accordance with the NHF Schedule of Rates.

Quality Evaluation

36. The quality assessment was based on six main tender questions which covered all aspects of repairs and maintenance delivery. The score was based on the contractors' submissions, but this was clarified (and its veracity and accuracy verified) by the following methods:

- At a clarification meeting
- By responses to clarification questions (if any)

37. As mentioned above, the verification process involved a clarification meeting and responses to clarification questions. No issues of contradiction or uncertainty arose from this process.

Combined Price and Quality Scores

38. Once the evaluation of both price and quality was completed the scores were added together. Mears Ltd were the highest ranked contractor following evaluation and represented the Most Economically Advantageous Tender and could be recommended for Work Element 1 – Responsive repairs and maintenance.
39. However, for Work Element 2 – Emergency works outside of normal working hours and Work Element 3 – Works to empty properties, award would be subject to comparison with SBS, as identified in the packaging strategy detailed in paragraphs 18-20 above.

Comparison with SBS for Work Elements 2 and 3

40. Southwark Building Services were required to submit proposals, including costs, for the delivery of both these Work Elements. The SBS submission was evaluated and scored using the same methodology used for the five other contractors for these Work Elements. The evaluation panel considered this submission and compared it to the final scores of Mears Ltd.
41. Mears Ltd scored higher than SBS for both Work Elements. This perhaps reflects the position that SBS is on an improvement journey that is focussed on improving the repairs service in the north of the borough and there is still some way to go and much to do.

Recommended Contractor

42. Overall, Mears Ltd was ranked first when compared to the four external providers and were ranked first when compared to SBS for both Work Elements 2 and 3.
43. Accordingly, Mears Ltd is recommended for contract award for all three Work Elements in Camberwell, Peckham, Peckham Rye, Nunhead and Dulwich (including borough-wide temporary accommodation).

Plans for the transition from the old to the new contract

44. As the incumbent contractor mobilisation is more straightforward. Nevertheless, mobilisation is still very important to ensure a smooth transition takes place between the interim and new contract. There are a number of new initiatives to be delivered through the contract and it is important that these are delivered. These include: sub-contracting for non-specialist works to be reduced to 10 per cent (in year two of the contract); moving to two hour and Saturday morning appointment slots and an increase in post inspections. A mobilisation project team will be established to work through the key differences between the two contracts and ensure arrangements are in place from 3 October 2013.

Plans for monitoring and management of the contract

45. There will be robust arrangements in place to monitor the contract. Strategically, The Head of Maintenance and Compliance will hold monthly meetings with the Mears Ltd regional director, to review performance and other key areas. In addition, the repairs core group, chaired by the Deputy Leader and Cabinet

Member for Housing and attended by residents and senior officers, also meets monthly and will challenge performance and track improvement plans. Operationally, the contracts will be managed by the council's repairs and maintenance and commercial teams. At least monthly formal contract meeting will be in place and performance measurement will be through a key suite of performance indicators.

Identified risks for the new contract

46. The table below identifies a number of risks associated with this contract procurement, the likelihood of occurrence and the control in place to mitigate the risks.

R/N	Risk Identification	Likelihood	Risk Control
R1	Contract award delayed	Low	Strong project management structure in place to avoid. As the award is to the incumbent a delay would not effect service continuity given the five months between award and contract start.
R2	Ineffective Mobilisation & Transition from Old to New Contract	Low	Mobilisation project team will be established to ensure the smooth transition between contracts.
R3	Risk of a successful challenge by an unsuccessful contractor	Low	All decisions signed off by the Procurement Project Board. All key documents signed off by corporate procurement and legal. External legal advisers and cost consultant advice also provided. When combined a robust and thorough procurement process has been undertaken.

Community impact statement

47. Repairs and maintenance is a universal service that is offered to all tenants and residents of the Borough. The proposal to appoint Mears Ltd at this time will ensure there is sufficient time to mobilise and plan a smooth transition between the old and new contract.

Social considerations

48. Mears Ltd are on the council's approved lists and have carried out a substantial amount of major works for the council. Mears Limited are fully aware and compliant with council's own Equal Opportunity Policy. Mears Ltd have confirmed that they pay the London Living Wage. Compliance and added quality benefits will be monitored throughout the duration of the contract. Mears Ltd are have committed to providing at least six apprenticeships in each year of the contract and will also continue to recruit labour locally and work with local small and medium size enterprises.

Sustainability considerations

49. The contract will adhere to the council's Sustainability Policy. Where possible, materials purchased will be from sustainable sources. However, the overriding decision on material selection will be the materials conformity to BS and IS standards to ensure maximum safety and suitability.
50. Sustainability goals will be set for the contract and where possible the contractor will be required to carry out (and evidence) the following;
 - Re-use of materials that can be recycled or reclaimed on site
 - Avoidance of environmentally damaging materials
 - Avoidance of materials that are potentially harmful to humans

Market considerations

51. Officers believe the market has been adequately tested based on the tenders received from five of the six invited contractors that returned the tender documents.
52. Mears Ltd will be encouraged to make use of local labour wherever possible as is common practice.
53. Mears Ltd:
 - a. Is a private organisation and
 - b. Employs more than 13,000 staff

Financial implications (SB-FIN0768)

54. The report seeks to award the repairs and maintenance contract covering the south of the borough to Mears Limited with effect from 3 October 2013. In order to address the long-standing issues of a poor quality repairs service and increase resident satisfaction, contract evaluation is based on 70% quality, 30% price, which is a departure from the norm. The base budget available for this contract is circa £11m per annum for 2013/14 and will remain so for the foreseeable future, subject to inflationary uplifts.
55. The contract is subject to annual price uplifts based on the BMI index which will need to be contained within the base budget available. Expectations are that over time as the WDS and other planned maintenance programmes increase, reactive repairs will show a decline which will reduce the budgetary need and allow for service redirection.

Second stage appraisal

56. In the current economic climate the construction industry is volatile. By way of mitigation against any risks, the council arranged for a second stage financial appraisal to be undertaken by RSM Tenon on Mears Ltd. The company is placed at a very low risk status.

Legal implications

57. Please see concurrent from the director of legal services

Consultation and Communication

58. Before and during the procurement process presentations were made to both Tenants and Home Owners Councils. In addition representatives from both Councils have been involved in the procurement process. Further presentations are scheduled to be made to Tenant and Homeowners Council after the Cabinet decision. Further consultation with tenants and resident associations will be part of the mobilisation process.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Head of Procurement

59. This report is seeking approval from cabinet for the award of the housing repairs and maintenance contract covering Camberwell, Peckham, Peckham Rye, Nunhead & Dulwich (and borough wide temporary accommodation).
60. The report confirms that the procurement strategy set out in the previously approved Gateway 1 report has been followed with a full restricted EU competitive process being undertaken.
61. The report describes the evaluation process that was carried out and that tenders were evaluated using a weighted model to determine the most economically advantageous tender (MEAT).
62. This procurement process was designed to assess whether the contract would achieve best value through a completely outsourced service or partially outsourced service with elements delivered by in-house resources. The contract was therefore split into three lots covering, general repairs, out of hours emergency works and works to void properties and the in house provider was asked to submit proposals for two of the three elements.
63. The evaluation process is outlined in paragraphs 32 to 41. After assessing the quality and price of the external tender submissions, a further stage was included for two of the lots. At this stage, a comparison was made between the highest ranked external submission and the internal submission. Paragraph 43 of the report confirms that the result of the comparison led to the recommendation to award all elements of work to an external organisation.
64. The report sets out plans for the transition in 44 and paragraph 45 describes how the contract will be managed and monitored throughout the life of the contract.

Director of Legal Services

65. This report seeks the cabinet's approval to the award of the repair and maintenance contract to Mears Limited as further detailed in paragraph 1. As the estimated contract value is £110m, this award relates to a strategic procurement and the decision is therefore reserved to the cabinet.

66. The nature and value of the services to be supplied under the contract are such that the procurement is subject to the full application of the EU procurement regulations. As noted in paragraph 21, a full EU tendering process has been undertaken in accordance with the restricted procedure. The council's criteria for award of this contract is on the basis of the most economically advantageous tender, details of which are noted at paragraph 22. Following evaluation the tender submitted by Mears Limited was judged to represent the most economically advantageous tender for the 3 work elements. As part of the process, SBS were also invited to submit proposals for work elements 2 and 3, which were then compared with the highest scoring bid. The outcome of this additional evaluation is that Mears Limited are recommended for award of all 3 work elements.
67. Contract standing order 2.3 requires that a contract should only be awarded if the expenditure involved has been identified. Paragraphs 54 and 55 confirm the financial implications of this award.

Strategic Director of Finance and Corporate Services (FC13/024)

68. This report seeks approval for the award of the repairs and maintenance contract covering Camberwell, Peckham, Peckham Rye, Nunhead and Dulwich (and borough wide temporary accommodation) to Mears Ltd.
69. This The Strategic Director of Finance and Corporate Services notes the financial implications in paragraphs 54 and 55 and that the budget required for this service will need to be identified in the Housing revenue Account in future years, including an inflationary awards.

Head of Specialist Housing Services

70. This contract is a Qualifying Long Term Agreement under the terms of the Commonhold and Leasehold Reform Act 2002. Consultation has been undertaken under schedule 2 of the regulations appertaining to the above Act. Notice of Intention was served on 1 June 2012. Notice of Proposal was served on 6 March 2013.
71. The consultation period for the Notice of Proposal ended on 14 April 2013 and 40 observations were received. The issues raised ranged from the balance between cost and quality in evaluation; quality of work and the arrangements in place for monitoring the contract. No issues were raised that would suggest that the contract should not be entered into.

BACKGROUND DOCUMENTS

Background documents	Held At	Contact
Gateway 1 Long-term Repairs and Maintenance Contract http://moderngov.southwark.gov.uk/ieListDocuments.aspx?Cid=302&Mid=4245&Ver=4	Maintenance and Compliance, 160 Tooley Street	David Lewis 0207 525 7836

APPENDICES

No	Title
None	

AUDIT TRAIL

Cabinet Member	Councillor Ian Wingfield, Deputy Leader and Cabinet Member for Housing Management	
Lead Officer	Gerri Scott, Strategic Director of Housing and Community Services	
Report Author	David Lewis, Head of Maintenance and Compliance	
Version	Final	
Dated	1 May 2013	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Head of Procurement	Yes	Yes
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate	Yes	Yes
Head of Specialist Housing Services	Yes	Yes
Contract Review Boards		
Departmental Contract Review Board	Yes	Yes
Corporate Contract Review Board	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		1 May 2013

Item No. 13.	Classification: Open	Date: 14 May 2013	Meeting Name: Cabinet
Report title:		Gateway 1 – Approval of the Procurement Strategy for Arboricultural Services	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Barrie Hargrove, Transport, Environment and Recycling	

FOREWORD – COUNCILLOR BARRIE HARGROVE, CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING

The maintenance and environmental development of trees in this borough is an activity this Council values highly. This is there for all to see in our Borough-wide Tree Management Strategy finalised by cabinet in January 2013 and available on our Southwark Council website. Out of robust public consultation we delivered a clear intention that no longer will our residents and visitors trees be inspected and cared for on an ad hoc basis. Instead Southwark trees will be managed in a systematic and clearly understandable way, cultivating an ever healthier tree stock from now into the future.

This report strongly makes the case for the next logical progression in the care of trees by this authority. By bringing the function in-house, under our wings, our day to day tree work will deliver a range of enhancements, for the Council and for the public whom we serve. Improved quality, synergies of services, customer care opportunities, financial savings, flexibility and workforce development all emerge as benefits that flow from the adoption of this report.

By adopting this option we will be helping our arboricultural services to plant down new roots to support the greener and still better maintained borough that our tree loving residents rightly demand.

RECOMMENDATION

1. That the cabinet approves the procurement strategy and transfer of service to the in-house team of the borough wide arboricultural services as detailed in paragraphs 37-40.

BACKGROUND INFORMATION

2. The Council currently lets a single borough-wide arboricultural services contract covering all arboricultural services on all highways, housing sites and open spaces. The contract is currently in its fifth year of operation with an option to extend for a further five years from 31 March 2014. This report considers the options for service delivery from 1 April 2014.
3. The contract is based on a schedule of rates, which details the price for each type of work undertaken and is currently subject to an annual inflationary increase.

4. The contract covers borough wide tree management services including but not limited to;
 - Tree felling
 - Reduction to canopy of trees
 - Tree planting
 - Staking and tying
 - Transplanting of trees
 - Watering
 - Emergency works
 - Stump removal

Client Resources

5. The contract is monitored and administered by the parks & open spaces business unit. The client team currently consists of a tree services manager, three arboricultural officers and a contracts and monitoring officer.
6. The client team is responsible for contract monitoring, tree condition and works surveys, contract variations, contract payments, dealing with general enquiries and service requests, emergency works and tree stock replenishment. The section also provides a client agency function to eight schools where condition surveys and tree works are undertaken upon request via the current contract and general advice in relation to capital projects involving trees.
7. Arboricultural officers allocate around 70% of their time in monitoring, surveying and scheduling works for the contract. 30% of their time is dedicated to dealing with customer enquiries, capital projects and ad hoc works.

Southwark Tree Review

8. In March 2008, the Environment and Community Scrutiny Sub-Committee reported on its review of Southwark's Tree services. One of the recommendations in that report was 'That there is a best value comparison of whether tree maintenance is better outsourced or brought back in-house.'
9. At the time of the report such a review was not recommended as 'there was insufficient time, given the procurement deadlines that are legally imposed on the Council, to undertake a full best value comparison and that the option of bringing the service in house at that point should not be pursued because of the fixed costs of setting up such a service and the greater flexibility for seasonal work and variable funding provided by the use of contractors'.
10. However as the current contract draws to an end there is an opportunity to consider all the options for the future delivery of arboricultural services.

Tree Management Strategy

11. In order to manage trees consistently, transparently and in line with best practice, the Cabinet Member for Transport, Environment and Recycling agreed to pilot a Tree Strategy which was adopted in December 2010 with a review after 12 months. Following further extensive consultation a revised Tree Management Strategy was adopted by the Cabinet in January 2013 at which time the Cabinet Member for Environment, Transport and Recycling asked officers to review the

delivery of tree management services and consider the options for the delivery of such services in the future to offer residents of Southwark the most effective and cost efficient service. This report is a result of that review.

Summary of the business case/justification for the procurement

12. The current arboricultural services contract is due to be extended or relet from 1 April 2014. The provision of an in house team to undertake these works offers opportunities for efficiency and service improvement and is the recommended route for the delivery of tree management services from the end of the existing contract. A summary of the options appraisal is detailed below.

Market considerations

13. A detailed review of current arboricultural service providers for London local authorities was undertaken. Only one of the London Boroughs who responded to our benchmarking questionnaire currently operates an internalised service while the others operate a single service provider contract or framework agreement.

KEY ISSUES FOR CONSIDERATION

Options for procurement route including procurement approach

14. To determine the best approach for tree management, the procurement options were reviewed against the following objectives;
 - Able to achieve value for money and most economical advantageous bid.
 - Able to provide the Council with control and flexibility to manage service as required.
 - Able to ensure the Council has access to market expertise and quality service delivery.
 - Able to select partner(s) with whom Southwark can build a relationship to deliver.
 - Mitigation/minimisation of risk.
 - Sufficient flexibility to allow all potential suppliers an opportunity to bid.

A detailed analysis of each viable option was undertaken and a brief summary of the risks and benefits of all the options is provided below.

Option 1 – Single contractor procurement

15. This option provides the most straight forward procurement route which enables a single service provider to be procured under a competitive tender process. This approach was used to procure the current contractor.
16. According to the benchmarking exercise there is a limited market providing arboricultural services with a similar value as the Southwark contract in the London area. A proper and competitive procurement requires the Council to seek five tenders. During the last procurement exercise in 2009 six full tenders were returned. With relatively few organisations to choose from it might be difficult to procure a good quality and cost effective service in this way. If the procurement is driven by cost and the contractors have a requirement to make a

profit the quality of the service may suffer. This notwithstanding this option is the second best option available to the Council at this time as it would deliver on quality, flexibility and price.

17. This option is therefore not recommended

Option 2 – Procure two or more contractors

18. The organisations that could compete for this work are the same as those for single contractor procurement. This option would allow the Council flexibility to engage a range of contractors when required but splitting the contract could increase costs and client side management of the contract thereby reducing officer time to improve customer service. Approximately 70% of officer time is spent dealing with contractual issues and this will increase with more than one contractor.
19. This option is not recommended for the reasons set out in the full options appraisal.

Option 3 – Shared services/joint procurement with another borough

20. A number of authorities across London are looking at joint procurement/shared service options as one of the options for their new tree service contract.
21. There may be savings to be made through economies of scale from shared management and clienting arrangements. However they will be relatively modest as the majority of the costs relate to operational staff. There may also be additional costs associated with the development of the contract and this option may actually require more contract management than the current contract. Generally it can be assumed that there would be additional complications associated with delivering a contract over geographical and political boundaries.
22. The four authorities with a similar contract end date to Southwark have indicated that they are not currently in a position to progress discussions with Southwark. Officers consider that any further delay in agreeing the Council's procurement route would put the tree service delivery at risk.
23. This option is not recommended for the reasons set out in the full options appraisal. However this option could be considered in the future when other boroughs are ready to enter into discussions.

Option 4 – Participate in an existing consortium or framework agreement

24. Officers were not able to identify any existing consortium arrangements or frameworks agreements which would be open to the Council thus this option was not scored in the full options appraisal.

Option 5 – Do nothing

25. The option to do nothing is not available as the Council has a number of statutory and general obligations to manage trees under the :-
- Occupiers Liability Act 1984
 - Highways Act 1980

26. All owners of trees have a duty in law, known as a duty of care, to take reasonable steps to avoid acts or omissions that can be reasonably foreseen to prevent harm.
27. A Local Authority has an additional duty of care to all residents and visitors to the borough (this includes trespassers) and as a large land owner/public land owner will be expected in law to have a robust inspection regime to minimise and control risk to others.
28. Where insurance risk is concerned Local Authorities are expected to foresee and manage trees in a manner to take account of the effect of roots and buildings. Cessation of these activities may result in claims of negligence.

Option 6 – Extension to current contract

29. To agree an extension to the current contract to end March 2019. This option would allow continuity of service delivery.
30. Officers have some concerns regarding the performance of the current contractor in relation to their ability to complete the monthly schedule of works on time and to adhere to work specifications. This results in a poor contract relationship between the Council and contractor and restricts further development of the service. As a result it is not proposed to extend the current contract.
31. This option is not recommended for the reasons set out in the full options appraisal.

Option 7 – Delivery of service in-house

32. This option involves direct delivery of tree management services by the Council through a team working within Southwark Hygiene Services, the Council's in-house workforce responsible for street cleaning, estate cleaning, grounds maintenance and pest control.
33. An internalised service would allow a flexible approach to tree management, it would exploit the synergy between the existing work of Southwark Hygiene Services and tree management services to maximise efficiencies and would deliver a cost reduction as contractor profit would not need to be accounted for.
34. The performance issues experienced with the current contractor as detailed in paragraph 30 can be avoided through careful management and detailed transition arrangements. This report and the proposals contained within are the result of discussions between management of Public Realm and Sustainable Services Divisions who are responsible for tree management and Southwark Hygiene Services respectively. Service managers are working through the detailed arrangements required to internalise the service.
35. Only one of the London Boroughs who responded to the benchmarking questionnaire currently operates an internalised service but believes it offers excellent value for money. Other Boroughs operate a single service provider contract or framework agreement. The risks of operating internal services remain with the local authority rather than being passed over to the contractor. These risks are primarily related to employer's and public liability. Officers

believe that these risks are manageable as Southwark Hygiene Services have experience of bringing services in house and managing all associated and similar risks.

36. For the reasons set out above and in the full options appraisal this is the recommended option.

Proposed procurement route

37. Having considered all the risks and benefits associated with the seven options it is proposed that Option 7 – delivery of service in-house, represents the best opportunity to deliver an improved service to all residents of the borough. It is therefore proposed that Southwark Hygiene Services deliver the Council's arboricultural services from the end of the existing contract.
38. Southwark Hygiene Services has experience of all elements of bringing a previously outsourced service back in house, including (TUPE) legislation. Southwark Hygiene Services has a demonstrable track record of delivering significant improvements in front line services. It is proposed that the new arboricultural services workforce will adopt the working practices and culture that exists within this service and will become more customer focused and concentrate on delivering a quality service on a 'not for profit' basis.
39. The proposed service will provide;
- Maximum efficiency by exploiting the synergy between the existing work of Southwark Hygiene Services and tree management services.
 - A redeveloped and flexible approach to the current tree management issues across the borough, in line with the revised Tree Management Strategy, which will concentrate on a high quality and value for money service.
 - More time for the 'client' team to invest in excellent customer service, strategic issues and surveying.
 - A cost reduction in the provision of the service.
40. Comparisons with the existing service delivery

Existing Arrangements	Proposed Arrangements
Maintenance works on all trees on highways, housing, parks and schools on request.	As existing plus the ability to utilise Southwark Hygiene Services grounds maintenance staff to carry out basic functions such as minor pruning, dealing with epicormic growth and cover for leave/sickness
24 hour emergency service	24 hour emergency service – Southwark Cleaning already operate a 24/7 service so tree related issues can be incorporated at minimal cost
Annual purchasing commitment for contractor	Anticipated annual cost of £656K with no need for ad-hoc work or contract variations
1 x full time contract manager	1 x full time service manager
12 x full time arborists on	16 x full time arborists to cover leave/sickness

Existing Arrangements	Proposed Arrangements
average throughout the year	and provide additional resources

Identified risks for the procurement

41. The table below identifies a number of risks associated with this proposed service and controls to mitigate the risks.

Risk	Likelihood	Severity	Risk control
Approval delayed	Low	Medium	The current contract does not end until March 2014. The in house plans need to be robust and in place by the time the current contract ends. There are other Tree contractors that could help fill the gaps if necessary.
TUPE issues, transfer of appropriate contractor staff	High	High	Robust scrutiny of the TUPE process, including the full involvement of the legal employment and contracts team.
TUPE costs unknown	High	High	Full contractor staffing costs are not currently known. Estimates have been made and it is thought that costs can be accommodated.
TUPE – staff from the existing contractor do not transfer	Medium	Medium	Due diligence to ascertain transfer is appropriate Training of new staff achievable in four weeks (costs associated) There are other Tree contractors that could help fill the gaps if necessary
Delays in recruitment of good quality staff.	Medium	High	Explore options in fast tracking the normal recruitment procedures. Emergency works can be undertaken by the existing in-house Southwark Hygiene Services
Failure of new delivery mechanism	Low	High	Full understanding of the tree management specification in advance of implementation, highly trained and motivated staffing, robust management structures in place to ensure success. Partnership working between the client and in-house contractor

Key /Non Key decisions

42. This report is a Key Decision because it will impact on a number of service areas and on residents from across the whole borough.

Policy implications

43. Following engagement with local people through the Council's budget process, the Council plan identified a number of principles that would underpin the Fairer Future for all vision and guide the promises and objectives that were agreed through the Council plan. The Fairer Future principles were updated in 2012/13 to include five core principles, two of which are relevant to the procurement of arboricultural services:

- Spending money as if it were coming from our own pocket
- Making Southwark a place to be proud of

44. The Council plan also confirmed the ten Fairer Future promises, a set of key commitments to the residents and businesses of the Council that outline the things we will be working towards as an organisation to create a fairer future for all. Specifically relevant to the procurement of arboricultural services is:

Promise 1 - Provide improved value for money and keep Council tax increases below inflation

45. The actions of the internal tree management service contribute to the delivery of the Tree Management Strategy and Biodiversity Action Plan through protecting and maintaining tree stock, and adapting to climate change. Tree management will contribute to the delivery of the Open Spaces Strategy through the effective management of a healthy and safe tree stock which contributes to the provision of high quality open space and improving access to nature.

Procurement Project Plan (Key Decisions)

Activity	Complete by:
Forward Plan (if Strategic Procurement)	01/02/2013
DCRB/CCRB/CMT Review Gateway 1	18/04/2013
Notification of forthcoming decision –despatch of Cabinet agenda papers	02/04/2013
Approval of Gateway 1: Procurement strategy report	14/05/2013
Scrutiny Call-in period and notification of implementation of Gateway 1 decision	01/06/2013
TUPE Consultation period	01/08/2013
Recruitment to vacant posts	01/12/2013
Set up of Depot	01/01/2014
Procurement of fleet and equipment	01/02/2014
Staff Training	01/02/2014
In-house Service start	01/04/2014

TUPE/Pensions implications

46. TUPE will apply and initial staff lists from the current contractor will be requested in due course. The Council will ensure that all legislation will be taken into account and an appropriate procedure will be followed. The legal employment and contracts team will be fully consulted on the process to be followed.

Development of the tender documentation

47. Not Applicable

Advertising the contract

48. Not Applicable

Evaluation

49. Not Applicable

Community impact statement

50. The internal tree management service is concerned with planned and responsive tree care and seeks to improve the delivery and quality of arboricultural services throughout the borough.

51. The impact of the internal tree management service will affect all communities/groups, residents, businesses, visitors and those that pass through the borough and will in turn improve the quality of life for all. Direct benefits are a well maintained tree stock that makes an important contribution to the safety of all. Continued emphasis on maintenance will especially benefit the most vulnerable members of the community i.e. the elderly, the disabled and young children.

52. An equalities impact assessment was undertaken and the internal tree management service impacts positively on people with disabilities as it aims to ensure accessibility through the effective management of the tree stock on the highway.

Economic considerations

53. Not Applicable

Social considerations

54. The internalised service would directly employ members of staff and therefore London Living Wage would be paid. The internalised service would also look to offer apprenticeships and other training opportunities.

Environmental considerations

55. The in-house service will use existing procedures of green waste recycling and will continue the policy to reduce the use of pesticides in tree management practices.

56. The in-house service will be based in the borough as opposed to a service provider from outside the borough. This will contribute to the reduction of carbon emissions

Plans for the monitoring and management of the In-house service

57. The internal tree management service will be delivered against the existing, detailed specification. The service will be monitored by the parks and open spaces client team using monitoring arrangements and performance indicators currently in place. This will enable comparison between the In-house service and

the previous contract.

58. The following KPI's have been identified:

- Percentage of works completed within agreed timescales.
- Percentage of completed works meeting specification standard.
- Number of trees planted and survival rates.
- Response to complaints within agreed timescales.
- Response times including emergency works.
- Percentage of Green Waste recycled.

59. The parks and open spaces manager will report on the performance of the service to the Strategic Director of Environment and Leisure.

Staffing/procurement implications

60. A team of sixteen arboricultural specialists will be recruited to deliver the internal tree management service. This will consist of an operations manager, five team leaders and ten operatives.
61. There will be no changes to the client team within the parks and open spaces business unit who will monitor the performance of the internal tree management service.

Financial implications

62. Should this report be agreed it is expected that costs reductions can be achieved after the first year of operations. Allocation of these savings will be considered as part of the budget making process for 2015/16.
63. The housing finance manager has confirmed that the costs of implementing the internal tree management service need to be contained within the General Fund and Housing Revenue Account budget envelopes.

Investment implications

64. The in-house service will require investment in depot, machinery and equipment. This will be capitalised over three to five years and is included in the annual cost of delivering the service.

Legal implications

65. See the below concurrent from the director of legal services

Consultation

66. Consultation on the tree management strategy was undertaken in September and October 2012. This led to the adoption of the tree management strategy in January 2013. The consultation asked a number of questions to glean the levels of satisfaction with the tree management service. Whilst the majority of respondents were content with the way the Council manages trees it was

apparent that services could be improved.

Other implications or issues

67. None

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Head of Procurement (MG0513)

68. This report is seeking approval to bring the arboricultural services back in house. Currently the service is being delivered by an external provider with an in house client function monitoring and managing the service.
69. The report confirms that the current contract is in its last year of the initial term and whilst there is provision for a further five year extension this option is not being recommended. The report highlights some issues that exist with the current service delivery model supporting the decision not to continue with the current arrangements.
70. Paragraphs 14-36 confirm that officers have undertaken a review of the arboricultural service and considered a range of options for delivering this service going forward. Officers adopted an evaluation approach that scored each option against criteria outlined in paragraph 14. The recommended option scored the highest as a result of this assessment.
71. The business case for bringing the service in house includes the alignment of this service with other services already being delivered by the Southwark Hygiene Services team. Paragraph 39 describes the expected outcomes of the new service delivery model which include improved services and cost savings.
72. Paragraph 46 confirms that TUPE will apply and the project plan allows for full consultation. The report confirms that the Southwark Hygiene Services Team has experience of successfully bringing services back in house and dealing with TUPE transfers.

Director of Legal Services

73. This report seeks the approval of the cabinet to the procurement strategy for the future provision of arboricultural services in the borough. The procurement strategy is to bring the externalised arboricultural service back in-house.
74. CSO 4.1.3 requires that any decision to bring an externalised service in house should be approved by way of a Gateway 1 report, which this report is. Given the high value and importance of this service, it is considered that the decision to approve this procurement strategy should be made by the cabinet.
75. The Council is not obliged to use external parties to provide its services and may therefore provide these arboricultural services in-house. However, in deciding how to make provision for any Council function, the cabinet should have regard to the Council's duty to obtain best value. The report sets out the justification for the recommendation to bring this service back in-house and the business case for doing so.

Strategic Director of Finance and Corporate Services (FC13/029)

76. This report seeks cabinet approval to the procurement strategy and transfer of service to the in-house team of the borough wide Arboricultural Services. This is following the appraisal of seven possible options.
77. Options for providing this service have been financially appraised and the preferred option can be contained within the council's revenue budget. It is anticipated that a saving will be achieved from April 2014 and this will need to be considered when setting the 2014/15 budget.
78. The strategic director of finance and corporate services notes that further work will be done to confirm costs of this service, including TUPE implications. In the event that costs are significantly higher than estimated then additional resources will need to be identified.

Strategic Director of Housing

79. This service is not considered to be a qualifying agreement under the terms of the Commonhold and Leasehold Reform Act 2002 because it is a directly provided service, which is delivered through contracts of employment. Under these circumstances consultation with leaseholders on the agreement is not required. Since the agreement is not a qualifying one under the terms of the act, any work that will result in costs in excess of £250 per leaseholder should be subject to competitive quotes and separate consultation with those leaseholders affected under schedule 4 part 2 of the regulations appertaining to the legislation. Failure to do so would result in those charges being limited to £250. There were no costs above the £250 threshold last year.
80. With regard to capturing costs for service charge purposes it is imperative that systems are in place to identify costs on an estate or block basis. The contract manager should liaise with the Service Charge Accountant at the Home Ownership Unit to ensure that the systems that are in place are robust and fit for purpose.

BACKGROUND DOCUMENTS

Background Documents	Held At	Contact
IDM March 2006 : Borough's Tree Strategy http://moderngov.southwark.gov.uk/ie/DecisionDetails.aspx?ID=491	Council offices, 160 Tooley Street, London SE1 2QH	Paula Thornton 020 7525 4395
Cabinet Jan 2013 : Boroughwide Tree Management Strategy http://moderngov.southwark.gov.uk/ie/DecisionDetails.aspx?ID=3527	Council offices, 160 Tooley Street, London SE1 2QH	Paula Thornton 020 7525 4395
IDM October 2010 : Boroughwide Tree Strategy http://moderngov.southwark.gov.uk/ie/DecisionDetails.aspx?ID=1613	Council offices, 160 Tooley Street, London SE1 2QH	Paula Thornton 020 7525 4395

APPENDICES

No.	Title
None	

AUDIT TRAIL

Cabinet Member	Councillor Barrie Hargrove, Transport, Environment and Recycling	
Lead Officer	Deborah Collins, Strategic Director Environment and Leisure	
Report Author	Des Waters, Head of Public Realm	
Version	Final	
Dated	1 May 2013	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Head of Procurement	Yes	Yes
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
Head of Specialist Housing Services	Yes	Yes
Contract Review Boards		
Departmental Contract Review Board	Yes	Yes
Corporate Contract Review Board	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		1 May 2013

Item No. 14.	Classification: Open	Date: 14 May 2013	Meeting Name: Cabinet
Report title:		Disposal of the Site Comprising 184-188 Southampton Way, 5a Havil Street and Part of the Beacon House Estate, London SE5	
Ward(s) or groups affected:		Brunswick Park	
Cabinet Member:		Councillor Richard Livingstone, Finance, Resources and Community Safety	

FOREWORD – COUNCILLOR RICHARD LIVINGSTONE, CABINET MEMBER FOR FINANCE, RESOURCES AND COMMUNITY SAFETY

This report recommends the sale of the council's freehold interest in the L-shaped plot of land around but excluding Beacon House, Southampton Way SE5. Most of this land was previously industrial, and declared surplus to requirements in 2007. Last year, following consultation with the residents of Beacon House, some land previously used for residents' car parking was added to the package of land.

Following marketing, the proposal is to sell this land for best consideration. The scheme will have a proportion of new affordable homes built at social target rents. As this land is partly held under the council's commercial portfolio and partly under its housing portfolio, the capital receipt will benefit both the council's general capital programme and contribute towards making every council home Warm, Dry and Safe.

RECOMMENDATIONS

That cabinet

1. Approves the disposal of the council's freehold interest in 184-188 Southampton Way, 5a Havil Street and part of Beacon House Estate ("the site") for residential purposes on the following terms and conditions:
 - a) Legal interest - building lease convertible to freehold transferred upon practical completion of proposed development
 - b) That the disposal is subject to obtaining planning consent for either of the two proposed schemes where the council can share in any profits from either of the proposed schemes
 - c) That the disposal is subject to the council providing vacant possession of the land
 - d) Fees - the purchaser has agreed to pay a contribution towards the council's reasonable legal and surveying fees.
2. Authorises the head of property to agree any variations to these terms or vary the extent of the boundary that may be necessary to achieve the successful regeneration of land comprising Southampton Way, Havil Street and part of the Beacon House Estate.
3. In the unlikely event that this recommended sale does not proceed to exchange of contracts, the cabinet authorises the head of property to agree the terms of a

sale with any one or combination of the under bidders set out in the closed report and/or any other third party.

4. Authorise that as approximately 16% of the capital receipt from the sale of the site is housing land that this is recycled into the housing investment programme.

BACKGROUND INFORMATION

5. The combined vacant site comprising Southampton Way, Havil Street and part of Beacon House Estate approximates to 1,576 sq. metres (0.1576 hectares) in total. The site is outlined in bold on the ordinance survey plan attached at Appendix 1.
6. Southampton Way and Havil Street have been vacant since 2007 when the council demolished industrial buildings due to anti-social behaviour and health & safety grounds. The vacant, commercial part of the site is held within the Commercial Property Holding Account (CPHA). The site originally formed part of a council led initiative to comprehensively redevelop the Beacon House Estate and Sedgmoor Place hostel but it was considered unviable due to time and cost constraints in obtaining vacant possession of the Beacon House and Sedgmoor Place hostel.
7. It was decided that rather than proceed with a scheme that combines all three individual sites, the vacant, commercial part of the site should be considered separately. Beacon House is now being retained and refurbished to comply with Warm, Dry & Safe and the Sedgmoor Place hostel is due to be relocated in the next few years.
8. The part of the Beacon House Estate that forms part of the proposed development was occupied for car parking by the residents of Beacon House and held within the Housing Revenue Account (HRA). This part of the site was declared surplus to requirements on 15 November 2012 by the director of regeneration following consultation with residents on the Beacon House Estate from June to September 2012.
9. The site for disposal involves the amalgamation of the vacant, commercial site at Southampton Way and Havil Street and part of the Beacon House Estate to increase developability and hence potential for more housing. This proposal will involve the loss of some of the site designated for car parking on the Beacon House Estate.
10. Residents have been fully consulted and the feedback was favourable with no objections towards this proposal, and there are still adequate parking facilities on the Beacon House Estate for the existing car users. The extent of consultation with the residents of the Beacon House Estate is expanded upon further in paragraphs 24 to 27 of this report.
11. The council commenced its marketing campaign in November 2012 following its due diligence using a variety of media to attract interested parties with a proven track record. An advert was placed in the professional property press and two marketing boards were erected strategically on the Southampton Way and Havil Street frontages. The deadline for receipt of all financial bids was Friday, 8 February 2013 at 12 noon.

12. The bidders were asked to submit detailed information on their proposals for the land, financial offers including full terms and conditions, overage arrangements, schedule of tenure products, funding information and design principles based on a wholly residential development. The preferred bidder satisfactorily submitted all this information. It is believed that the preferred bidder's design proposals are policy compliant and deliverable in the circumstances.
13. The next section outlines some of the key issues for consideration although how the offers were analysed and how this led to the recommendations is outlined in the closed report.

KEY ISSUES FOR CONSIDERATION

14. The financial offer is exclusive of the Mayoral Community Infrastructure Levy (CIL) that came into force in April 2012, S106 contributions and the proposed council's CIL. The council is currently consulting on its draft CIL, charging schedule with adoption expected in late 2013. It is expected that planning consent will be obtained well after the introduction of the council's CIL.
15. The planning charges in the table in the closed report may be subject to increase or decrease if there are changes to sizes of core layouts, tenure or design constraints as a requirement of planning consent being obtained for the proposed scheme.
16. The preferred bidder has provided documentary evidence to show that they are adequately funded and able to finance the purchase and development.
17. It is therefore considered that the financial offer represents best consideration in terms of S123 of the Local Government Act 1972 that can reasonably be obtained for the CPHA controlled vacant, commercial part of the site and for the HRA controlled Beacon House Estate land based on a deliverable, policy compliant scheme.
18. It is expected that it will take approximately three to four months from instructing lawyers to finalise heads of terms and exchange of contracts after cabinet approval. A planning consent on the land could be obtained by Spring 2014 with completion of contract shortly thereafter with the capital receipt estimated to be received before the expiry of financial year ending 31 March 2014.

Policy and legal implications

19. Part of the site is held for housing purposes and the provisions of section 32 of the Housing Act 1985 govern the terms of any disposal. The consent of the Secretary of State is required for disposals of housing land, but the Department of Communities and Local Government has issued the General Housing consents 2012 which set out the circumstances in which disposals of housing land can proceed without specific consent needing to be obtained. The new general consents came into force in May 2012 revoking the previous consents dating from 2005, and it should be noted that disposals of vacant sites (i.e sites for development which are either vacant or buildings on the site will be demolished) are no longer subject to a requirement to obtain best consideration.
20. The freehold site will generate a substantial capital receipt, which will be used to provide capital funding in support of the council's key priorities. This includes the

provision, refurbishment and redevelopment of affordable housing. This assists the council in meeting its commitment to regeneration and sustainability in housing as demonstrated through the 2009-2016 Southwark Housing Strategy.

Sustainability

21. The proposed development should achieve a high level of sustainability to help mitigate its impact on the surrounding environment through the planning process. The site is vacant, levelled, cleared and secured but it is susceptible to anti-social behaviour although it is being monitored externally on a regular basis by the council. The redevelopment of the site will be beneficial to the surrounding neighbourhood through improving the streetscape and the immediate area.

Community impact statement

22. The disposal of the freehold site will have a positive impact on the local community; improve the existing streetscape and borough as a whole. It will enable the freehold site to be redeveloped into a policy compliant, high quality, sustainable scheme built to a modern standard.
23. It is considered that the disposal will have no affect on the council's agenda for: age, disability, faith/religion, gender, race and ethnicity and sexual orientation.

Consultation

24. The council initially consulted with the residents of the Beacon House Estate over the potential loss of part of the site designated for car parking at a drop-in session held at Harris Street Neighbourhood Housing Office in June 2012. All Beacon House residents, including 1 leaseholder and 9 tenants were invited to attend and engage with the council on its proposals to realign the existing Beacon House Estate boundary. Its effect would be to amalgamate part of the Beacon House Estate with the vacant, commercial part of the site to increase the overall developability, and hence, potential for more housing, and resultant loss of some of the site designated for car parking on the Beacon House Estate.
25. Two residents from the Beacon House Estate attended the drop-in session in June 2012 and the loss of some of the site designated for car parking proved uncontroversial with no objections towards the council's proposal to amalgamate the vacant, commercial part of the site and part of the Beacon House Estate for a proposed residential scheme. It is considered that there are still adequate parking facilities on the Beacon House Estate for the existing car users.
26. On the 26 September 2012, the council advised all Beacon House residents in writing that it would proceed with a realignment of the existing boundary between the vacant, commercial part of the site and part of the Beacon House Estate which would mean a loss of some of the site designated for car parking on the Estate and that temporary timber hoarding would be erected on 19 October 2012 to establish the new boundary. The installation of the hoarding commenced on 19 October 2012.
27. The residents of Beacon House Estate or nearby residents will have a further opportunity along with the wider community to consult through the planning process and any negative impacts of the proposed development can be addressed in this way.

Financial & resource implications

28. Disposal of the site comprising Southampton Way, Havil Street and part of the Beacon House Estate will relieve the council of its ongoing liability to invest in and maintain the land. The development & disposal team has adequate resources to secure the disposal of the site.
29. There are no direct staffing implications arising from the proposed disposal strategy. The marketing costs and officer time to effect the recommendations will be contained within existing budgeted revenue resources.
30. A contribution towards the council's reasonable surveying and legal costs will be met by the preferred bidder.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

31. Section 1 of the Localism Act 2011 grants councils a general power of competence whereby a local authority has power to do anything that individuals generally may do. However, that power does not enable a local authority to do anything which it is unable to do by virtue of a pre-commencement limitation. Section 123 of the Local Government Act 1972 and Section 32 of the Housing Act 1985 are both pre-commencement statutes which impose limitations on the council's power of disposal.
32. Part of the Property is held in the council's commercial property holding account. The disposal of that part must proceed in accordance with Section 123 of the Local Government Act 1972. Section 123 states that except with the consent of the Secretary of State, a council shall not dispose of land under that section otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained. The report indicates in paragraph 17 that the consideration for this part represents the best consideration that can reasonably be obtained.
33. Part of the property is held within the council's housing portfolio. The disposal of that part can only proceed in accordance with Section 32 of the Housing Act 1985, for which purposes the consent of the Secretary of State for the Department of Communities and Local Government is required.
34. A number of general consents have been issued by the General Housing Consents 2012. Consent A3.2 of the general consent for the disposal of Land held for the purposes of Part II of the Housing Act 1985 – 2012 states that a local authority may dispose of vacant land. For the purposes of that consent "land" includes (inter alia) buildings and other structures, any estate, interest or right over land." Disposal" includes a conveyance of a freehold interest or the grant of a lease for a term of at least 99 years. "Vacant" means land on which (a) no houses have been built or (b) where houses have been built, such houses are no longer capable of human habitation and are due to be demolished.
35. The proposed disposal is by way of a building lease allowing for the freehold to be transferred upon practical completion of the development. The land held within the housing portfolio is car park land.

36. The report also indicates in paragraph 8 that a declaration of surplus has been provided by the director of regeneration on 15 November 2012.
37. Section 105 of the Housing Act 1985 imposes a requirement on the part of a local authority to consult on matters of housing management. A landlord authority shall maintain such arrangements as it considers appropriate to enable those of its secure tenants who are likely to be substantially affected by a matter of housing management, which includes matters relating to the provision of amenities. Details of the consultation undertaken are set out in paragraphs 24-27 of this report.
38. Cabinet may proceed with the approval of the recommendations.

Strategic Director of Finance and Corporate Services (FC13/023)

39. This report recommends that the cabinet authorises the head of property to dispose of the council's freehold interest in 184-188 Southampton Way, 5a Havil Street and part of the Beacon House Estate that the resulting capital receipt be recycled into the council's capital programme.
40. The strategic director of finance and corporate services notes the resource implications contained within the report and that the council will be relieved of future maintenance liabilities for this land. Officer time to effect the recommendation will be contained within existing budgeted revenue resources.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None		

APPENDICES

No.	Title
Appendix 1	Ordinance Survey Plan showing the location and extent of Southampton Way, Havil Street and part of Beacon House Estate being disposed of.

AUDIT TRAIL

Cabinet Member	Councillor Richard Livingstone, Finance, Resources and Community Safety	
Lead Officer	Eleanor Kelly, Chief Executive	
Report Author	Marcus Mayne, Principal Surveyor	
Version	Final	
Dated	29 April 2013	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Strategy	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		29 April 2013

TITLE.

184 - 188 Southampton Way & 5a Havel Street, SE5,
and part of Beacon House Estate, London, SE5.

DRAWING No.

LBS_2861

DRAWN BY.

MMANKTELOW
Property Division

DATE.

8/4/2013

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Item No. 15.	Classification: Open	Date: 14 May 2013	Meeting Name: Cabinet
Report title:		Motions Referred from Council Assembly – 27 March 2013	
Ward(s) or groups affected:		All	
From:		Council Assembly	

RECOMMENDATION

1. That the cabinet considers the motions set out in the appendices attached to the report.

BACKGROUND INFORMATION

2. Council assembly at its meeting on Wednesday 27 March 2013 agreed several motions and these stand referred to the cabinet for consideration.
3. The cabinet is requested to consider the motions referred to it. Any proposals in a motion are treated as a recommendation only. The final decisions of the cabinet will be reported back to the next meeting of council assembly. When considering a motion, cabinet can decide to:
 - Note the motion; *or*
 - Agree the motion in its entirety, *or*
 - Amend the motion; *or*
 - Reject the motion.

KEY ISSUES FOR CONSIDERATION

4. In accordance with council assembly procedure rule 2.10(6), the attached motions were referred to the cabinet. The cabinet will report on the outcome of its deliberations upon the motions to a subsequent meeting of council assembly.
5. The constitution allocates responsibility for particular functions to council assembly, including approving the budget and policy framework, and to the cabinet for developing and implementing the budget and policy framework and overseeing the running of council services on a day-to-day basis.
6. Any key issues, such as policy, community impact or funding implications are included in the advice from the relevant chief officer.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council agenda 27 March 2013 http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=132&MId=4242&Ver=4	Report on the council's website	Lesley John Constitutional Team 020 7525 7228

LIST OF APPENDICES

Number	Title
Appendix 1	Basic Safety and Security for Residents
Appendix 2	Localising Planning Decisions
Appendix 3	Late Motion – Fire At Walworth Town Hall / Cuming Museum

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager	
Report Author	Lesley John, Constitutional Officer	
Version	Final	
Dated	1 May 2013	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Chief Executive	Yes	Yes
Strategic Director of Environment and Leisure	Yes	Yes
Director of Legal Services	No	No
Strategic Director of Finance and Corporate Services	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	1 May 2013	

BASIC SAFETY AND SECURITY FOR RESIDENTS

At council assembly on Wednesday 27 March 2013 a motion entitled 'Basic safety and security for residents' was moved by Councillor Michael Bukola and seconded by Councillor Adele Morris. The motion was subsequently amended and the amended motion stands referred to the cabinet as a recommendation.

RECOMMENDATION

1. That council assembly believes that crime and the fear of crime are among our residents' main concerns and notes the council's fairer future promise to crack down on anti-social behaviour and implement a violent crime strategy.
2. That council assembly notes the progress being made against the 5 priorities in the violent crime strategy including:
 - 9% reduction in violence with injury
 - 4% reduction in most serious violence
 - 22% reduction in knives used to injure
 - 19% reduction in youth violence
 - 10% reduction in domestic abuse.
3. That council assembly notes that despite savings to Southwark's anti-social behaviour unit, the number of anti-social behaviour cases that have been managed by Southwark antisocial behaviour unit (SASBU and housing officers over the last three years has actually increased by 40%; the number of acceptable behaviour contracts issued increased by 19% on last year.
4. That council assembly welcomes the establishment of the Southwark anti-violence unit (SAVU), a multiagency team working together to support individuals and families affected by gang and serious youth violence. It welcomes the fact that, the first 10 months evaluation highlights that following engagement with SAVU, 45% of SAVU clients have not come to police notice, compared with the 12 months prior to their involvement in the scheme when 100% had come to notice. Council assembly further notes the favourable review of this work by the Home Office in October 2012, in which the council was praised by the review team for its 'political leaders recognising and prioritising ending gang and youth violence work and sending out a very strong signal that this is a priority for the borough and will be resourced and supported'.
5. That council assembly also welcomes the announcement in last month's budget of £1.4m to upgrade outdated camera systems on Southwark's housing estates as well as 30 new redeployable cameras and an upgraded control room. It notes that CCTV has supported the police in making around 900 arrests between April and March of 2012/13.

6. That council assembly regrets the government's decision to cut the Met's budget by 20% and the impact this has had on police officer numbers in the borough and on closures to police stations in Rotherhithe and East Dulwich. It welcomes the council's decision to identify £750,000 for community safety initiatives including alternative police front counters.
7. That council assembly asks the cabinet to develop plans to:
 - Work collaboratively with customs and excise, police and neighbouring boroughs to tackle the drugs trade
 - Work with communities and registered social landlords to develop new approaches to resolve conflicts within communities
 - Help communities gain confidence to tackle anti-social behaviour in their midst
 - Continue the excellent work of SAVU despite government cuts
 - Develop further the work with our partners to reduce re-offending
 - Work with Solace, the voluntary sector and local hospitals to develop innovative approaches to tackling violence against women and girls.

Comments of the Strategic Director of Environment and Leisure

- (1) Officers will continue to provide progress reports against the 5 priorities set out in the violent crime strategy. These are monitored along with progress against performance targets across the community safety agenda, as set out in the council plan.
- (2) Officers will also develop plans to address the areas of focus highlighted by council assembly. The established mechanism for this is the Safer Southwark Partnership 4 year rolling plan 2013-2016 which is currently in development. The SSP is the borough's community safety partnership which brings together all departments of the council with an interest in this agenda together with partners in the police and other agencies to work.
- (3) The council, through its budget, has provided funds to keep SAVU going in spite of the uncertainties about whether it will continue to be funded by government grant. Some areas of focus for community safety were dependent on the success of the council's bid to Mayors Officer Policing and Crime (MOPAC) for funding to replace the funding that was lost when the Home Office's Community Safety Fund ceased.
- (4) Cabinet are pleased that most of the councils bids to MOPAC have now been agreed, with four out of five areas receiving funding. Reducing offending, gangs and serious youth violence, violence against women and girls and intervention and prevention were successful in securing 100 percent of the funds bid for.
- (5) We are disappointed that the bid for funds to support tackling antisocial behaviour was rejected. Officers are looking at how to prioritise the essential parts of the bid, including the area as highlighted above, and how the funding gap can be met.

LOCALISING PLANNING DECISIONS

At council assembly on Wednesday 27 March 2013 a motion entitled 'Localising planning decisions' was proposed by Councillor Toby Eckersley and seconded by Councillor Lewis Robinson. The motion was subsequently amended and the amended motion stands referred to the cabinet as a recommendation.

RECOMMENDATION

1. That council assembly notes the concerns which residents and members from all parties have raised about travel times to Tooley Street from the south of the borough.
2. That council assembly recognises the need to make planning decision-making as accessible to all residents as possible.
3. That council assembly further recognises the need for financial efficiency across all departments in this time of austerity, and the additional unsustainable costs which would be incurred by holding planning committee meetings in a range of different venues across the borough.
4. That council assembly therefore proposes that some planning sub-committee meetings should be held at the council offices at Queen's Road Peckham as soon as it is practical.
5. That council assembly requests the director of planning to report back on the impact of this change of venue in terms of the attendance of members of the public at planning sub-committee meetings in one year's time.

Comments of the Chief Executive

- (1) The director of planning will consult the chairs of the planning and planning sub-committees and prepare a programme to trial holding some planning sub-committee meetings at the Queens Road offices. The impact of the use of the Queens Road and the Tooley Street locations for holding planning meetings will be monitored between June 2013 and March 2014 so that a report can be prepared for the cabinet outlining the cost, the effect on service delivery including decision time targets, the impact on customer experience and other relevant matters.

APPENDIX 3**LATE MOTION – FIRE AT WALWORTH TOWN HALL / CUMING MUSEUM**

At council assembly on Wednesday 27 March 2013 a late motion entitled 'Fire at Walworth Town Hall / Cuming Museum' was moved by Councillor Peter John and seconded by Councillor Anood Al-Samerai. The motion was agreed and stands referred to the cabinet as a recommendation.

RECOMMENDATION

That council assembly:

- Expresses great sadness at the devastating fire this week at Walworth Town Hall and the damage it has caused to the Cuming museum and adjoining buildings
- Thanks the emergency services, council staff and local residents and businesses for their dedicated efforts to protect lives and heritage.
- Supports the work of officers in finding alternative temporary premises for the One Stop Shop and library study space.
- Recognises the need for community conversations to now take place to allow residents to share their thoughts about the buildings and the future, including preserving the external facade in any rebuilding work.
- Notes that the first fire engine on the scene came from Southwark Fire Station, which is currently on the Mayor of London's list for closure, and that other fire engines assisting were from stations also under threat of closure.
- Calls on the Mayor of London to have regard to this event before finalising the planned fire station closures in light of the events of this week, given how much worse the situation could have been without the quick response from our local fire stations.

Comments of the Chief Executive

- (1) Conversations with the community about the future of the Walworth Town Hall and library complex have already started. The leader, chief executive and other officers attended a public meeting hosted by the Walworth Society on the evening of Thursday 4 April 2013. This was attended by about 60 local residents as well as ward councillors and the local MP. In addition to giving their views many of those present expressed their desire to volunteer to help and opportunities will be found to respond to this offer of support as the work progresses.
- (2) The key themes that emerged from this initial meeting were:
 - The need to have a longer term plan for the Walworth town Hall in addition to the short term plans already in place for library, museum and one stop shop provision

- The aspiration to retain a strong civic presence on the Walworth Road ideally using the existing Walworth Town Hall building
 - A multi-use civic space that could be used for meetings as well as other uses
 - A bigger museum with more on display
 - A better library facility
 - Re-provision of the Walworth one stop shop
 - Involvement of the Voluntary & Community Sector in options for the future. A number of VCS organisations including the Pensioners Centre had been in discussion over possible uses of the Walworth Town Hall
 - The need to consider the future use of the Walworth Town Hall in the wider context of the Elephant & Castle regeneration. There are plans for a civic presence on the site of the former Heygate Estate as part of the development. The fire provided an opportunity to think about this alongside the possible future uses of the Walworth Town Hall building subject to the building being made safe
 - More consultation on the future of the building.
- (3) Officers were already in the process of planning a more detailed conversation/consultation on the proposal in the masterplan for a civic building as part of the development of the Heygate estate. This consultation will now take into scope the Walworth Town Hall site. This consultation should commence in May 2013.

CABINET AGENDA DISTRIBUTION LIST (OPEN)**MUNICIPAL YEAR 2012/13**

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