Open Agenda

# Overview & Scrutiny Committee

Monday 10 March 2014
7.00 pm
160 Tooley Street, London SE1 2QH

**Membership**

Councillor Catherine Bowman (Chair)
Councillor Gavin Edwards (Vice-Chair)
Councillor Neil Coyle
Councillor Toby Eckersley
Councillor Dan Garfield
Councillor David Hubber
Councillor Lorraine Lauder MBE
Councillor Rebecca Lury
Councillor Paul Noblet
Councillor The Right Revd Emmanuel Oyewole
Councillor Geoffrey Thornton

**Reserves**

Councillor Kevin Ahern
Councillor James Barber
Councillor Chris Brown
Councillor Nick Dolezal
Councillor Tim McNally
Councillor David Noakes
Councillor Lisa Rajan
Councillor Lewis Robinson
Councillor Martin Seaton
Councillor Michael Situ
Councillor Cleo Soanes

**Education representatives**

Reverend Nicholas Elder
Lynette Murphy-O'Dwyer, Archdiocese of Southwark
Abdul Raheem Musa, Parent Governor Representative

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### Contact

Peter Roberts on 020 7525 4350 or email: peter.roberts@southwark.gov.uk

Members of the committee are summoned to attend this meeting
**Eleanor Kelly**
Chief Executive
Date: 28 February 2014

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# Overview & Scrutiny Committee

Monday 10 March 2014
7.00 pm
160 Tooley Street, London SE1 2QH

# Order of Business

| Item No. | Title | Page No. |
|---|---|---|
| | **PART A - OPEN BUSINESS** | |
| **1.** | **APOLOGIES** | |
| **2.** | **NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT**<br><br>In special circumstances, an item of business may be added to an agenda within five clear working days of the meeting. | |
| **3.** | **DISCLOSURE OF INTERESTS AND DISPENSATIONS**<br><br>Members to declare any interests and dispensations in respect of any item of business to be considered at this meeting. | |
| **4.** | **MINUTES**<br><br>To approve as a correct record the Minutes of the open section of the meetings held on 20 January and 3 February 2014. | 1 - 12 |
| **5.** | **IMPACT OF REGENERATION ON LEASEHOLDERS**<br><br>- Submisison from T Redpath, Heygate Leaseholder<br>- Submission from G Mutch, Aylesbury Leaseholder<br>- Earls Court and West Kensington Local Lettings Plan | 13 - 31 |
| **6.** | **CABINET MEMBER INTERVIEW: COUNCILLOR VICTORIA MILLS, COMMUNITIES & ECONOMIC WELLBEING** | |

| Item No. | Title | Page No. |
|---|---|---|

Themes:

- Economic Wellbeing Strategy 2012-20
- Employment and regeneration projects
- Business rates - small business rate relief
- Box Park, Walworth

**7. FINAL SCRUTINY REPORT: ACCESS TO HEALTHCARE SERVICES (HEALTH, ADULT SOCIAL CARE, COMMUNITIES & CITIZENSHIP)** To follow

**8. FINAL SCRUTINY REPORT: COMMUNITY WARDENS (HOUSING, ENVIRONMENT, TRANSPORT & COMMUNITY SAFETY)** To follow

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

**PART B - CLOSED BUSINESS**

**9. CLOSED MINUTES**

To approve as a correct record the Minutes of the closed section of the meeting held on 3 February 2014.

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

Date: 28 February 2014

Agenda Item 4 Open Agenda

# OVERVIEW & SCRUTINY COMMITTEE

MINUTES of the Overview & Scrutiny Committee held on Monday 20 January 2014 at 6.30 pm at 160 Tooley Street, London SE1 2QH

| | |
|---|---|
| **PRESENT:** | Councillor Catherine Bowman (Chair)<br>Councillor Gavin Edwards (Vice-Chair)<br>Councillor Neil Coyle<br>Councillor Toby Eckersley<br>Councillor Dan Garfield<br>Councillor David Hubber<br>Councillor Rebecca Lury<br>Councillor Paul Noblet<br>Councillor Martin Seaton<br>Councillor Geoffrey Thornton |
| **OTHER MEMBERS PRESENT:** | Councillor Peter John<br>Councillor Richard Livingstone |
| **OFFICER SUPPORT:** | Fran Biggs, Electoral Services & Local Land Charges Manager<br>Shelley Burke, Head of Overview & Scrutiny<br>Deborah Collins, Strategic Director of Environment and Leisure<br>Norman Coombe, Legal Services<br>Doreen Forrester-Brown, Legal Services<br>Jennifer Seeley, Deputy Finance Director<br>Duncan Whitfield, Strategic Director of FInance and Corporate Services<br>Peter Roberts, Scrutiny Project Manager |

## 1. APOLOGIES

1.1 Apologies for absence were received from Councillors Lorraine Lauder and the Right Reverend Emmanuel Oyewole and, for lateness, from Councillors Rebecca Lury and Geoffrey Thornton. Councillor Martin Seaton attended as a reserve for Councillor the Right Reverend Oyewole.

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

2.1 There were none.

## 3. DISCLOSURE OF INTERESTS AND DISPENSATIONS

3.1 There were no disclosures of interests or dispensations.

## 4. MINUTES

**RESOLVED:**

That the minutes of the meetings of the committee held on 11 November and 2 December 2013 be agreed as a correct record.

## 5. ELECTION 2014 - PRESENTATION BY RETURNING OFFICER

5.1 Deborah Collins, Southwark's Returning Officer, reminded members that she had spoken to the committee four years ago, after the 2010 election. The upcoming election combined European and local elections. One challenge arising out of this was that the European timetable required results to be declared no earlier than 9pm on the Sunday following the election. A further challenge was the size of the European ballot papers and the time it took to verify them. UK law required verification of both elections to be done at the same time. This meant that the verification of both elections and local government count were likely to take much longer than a single election. The Returning Officer proposed to start verification of both elections on Friday morning, and complete the count for the local government election by Friday evening. She also informed the committee that the ground and part of the third floor of the Tooley Street offices would be used as a venue for the verification and count. The Electoral Commission had announced that the last possible date for registration was midnight twelve days before the polls while the date for receiving postal votes remained 5pm eleven days before.

5.2 In response to members' questions, the Returning Officer confirmed that no last minute change was expected in respect of the limit on expenditure by candidates. She indicated that she would provide members with information on the date from which election expenditure started to be incurred. The Returning Officer also clarified the impact of using the Tooley Street offices and options available for staff not involved in the election work. Fran Biggs, Head of Electoral Services, reported that there would be around one hundred and thirty verification staff and over two hundred count staff, some of whom were council officers.

5.3 In response to further questions, the Returning Officer indicated that the register would be published on 3 February. Everything was being done to encourage individuals to register. Members sought reassurance that there would be no repeat of queues at polling stations. The Returning Officer reported new rules that when polls closed at 10pm the people in the queue could be given ballot papers and be able to vote. The council aimed to ensure that there were not too many voters

allocated to each polling station. In addition, to aid efficiency on the day, a bigger team would be available to answer phone queries such as, for example, checking the register on behalf of presiding officers.

5.4 Members were concerned that staff at polling stations fully understood the rules in respect of the position of candidates and agents. The Returning Officer confirmed that all staff were trained and that any problems on the day could be raised with the Head of Electoral Services or herself. She also confirmed that information would be available in the polling stations to inform members of the public about the process for filling out voting papers.

5.5 Doreen Forrester-Brown, Director of Legal Services, informed the committee that she had issued pre-election guidance which was available to members and officers via The Source. The formal pre-election period, "purdah", started on 14 April and ended at 10pm on 22 May 2014. One aim of the guidance was to help ensure the neutrality of officers. It also provided a framework for member behaviour. In response to questions, the Director of Legal Services confirmed that members' casework would continue to be processed. She also clarified what would be seen as political advertising and inappropriate use of council resources. Members drew attention to the use of TRA halls for political campaigning. The Director of Legal Services stressed that guidance needed to be cascaded down to TRAs and the Community Engagement Team but pointed out that school premises were not the council's property. She indicated that she would look into any specific guidance that was possible for third parties.

5.6 Some members were concerned about complaints submitted to the Standards Committee that were politically motivated and asked whether consideration of cases would be on hold during the pre-election period. The Director of Legal Services stressed that all complaints needed to be dealt with in line with procedures but that the process weeded out politically motivated complaints.

## 6. BUDGET SCRUTINY

6.1 Duncan Whitfield, Strategic Director of Finance and Corporate Services, and Jennifer Seeley, Deputy Finance Director, introduced the Policy and Resources Strategy 2014/15 to 2016/17 Provisional Settlement.

6.2 Members were concerned about the increasing demands on council services and wondered whether these reflected recent changes to the national benefits scheme. Councillor Peter John, Leader, stressed that the council had set aside new funding including discretionary housing payment, the social fund replacement and the welfare hardship fund, while universal credit and changes to the disability living allowance had not yet been rolled out. He had asked for a review of the hardship fund to ensure that it was providing support to the people who needed it. The council also needed to determine whether Southwark faced greater pressures than comparable boroughs and any factors behind this. The committee asked for the review to be circulated to its members.

6.3 Eleanor Kelly, Chief Executive, stated that the council was aiming to hold expenditure down on no recourse to public funds in two particular ways; auditing of

the people the council supported and holding robust conversations with the Home Office about individuals' leave to remain in the country (which would enable them to work). She also clarified the commitment of £990,000 relating to the increase in number of young people with learning disabilities receiving support (page 34).

6.4 A member drew the committee's attention to paragraph 116 of the cabinet report which referred to growth bids to address pressures and asked whether there was confidence that future budget pressures could be brought under control. The Strategic Director of Finance and Corporate Services stressed that this was the first stage of an ongoing programme of work. Changes needed to be transformational in order to meet the new need. However there was concern that local government was being invited to create its own welfare benefit system and this would be very expensive to administrate. A member of the committee highlighted that evidence from the pilots of universal credit suggested a reduction in revenue and wondered whether funding would be available to alleviate this.

6.5 In response to questions about use of the Southwark Emergency Support Scheme, the Strategic Director of Finance and Corporate Services referred the committee to the details provided in the answer to a Member's Question at Council Assembly on 22 January. Councillor John added that £3 million had been set aside in the three different funds and confirmed that it was the cabinet's responsibility to revise the criteria in respect of these funds in order for the council to support those most in need.

6.6 A member was concerned about private sector landlords not letting property to benefits recipients. Councillors Livingstone and John commented on the results of the direct payment pilot which involved around 1,500 Southwark tenants and a small number of Family Mosaic tenants. At the end of the pilot only around a half of the tenants involved were still receiving direct payments and 90% were in rent arrears. It seemed unlikely that the policy could be more widely implemented.

6.7 A member highlighted paragraph 156 of the report and sought clarification of the proposals to generate additional income. The Strategic Director of Finance and Corporate Services explained that these would be addressed in an individual Cabinet Member decision and offered to supply details in due course.

6.8 Members were concerned about the numbers of premises subject to outstanding business rate appeals and whether bringing Council Tax collection in-house had benefited the council. The Strategic Director of Finance and Corporate Services indicated that there were around a thousand properties awaiting the result of an appeal and that the system was dependent on the Valuation Office. Councillor Livingstone reported that the in year collection rate for Council Tax was at a rate of 91% and that he was confident that this could improve. A member wondered whether re-occupation relief in respect of business rates would affect the council's policies to deter pay-day loans companies from operating on the high street. Another member asked the purpose of the high street innovation fund. Councillor John stated that the intention was to re-launch the high street challenge.

6.9 A member asked whether council was confident that the proposed saving of £200,000 in respect of mental health day services (page 36 of the report) would not have a knock-on cost to the NHS. Officers commented that this was achievable

and part of the improvements to client independence and choice.

6.10 In response to questions about the additional savings arising from the acquisition of the Tooley Street building, the Chief Executive explained that prudent numbers had been put forward at the time of the acquisition.

## 7. UPDATE ON IT

7.1 The chair indicated that a full report would be considered at the next meeting of the committee. The Strategic Director of Finance and Corporate Services reported that there had been some improvements but that the major issue related to programming around the core enabling projects.

The meeting ended at 9.10 pm

# OVERVIEW & SCRUTINY COMMITTEE

MINUTES of the Overview & Scrutiny Committee held on Monday 3 February 2014 at 7.00 pm at 160 Tooley Street, London SE1 2QH

| | |
|---|---|
| **PRESENT:** | Councillor Catherine Bowman (Chair)<br>Councillor Gavin Edwards (Vice-Chair)<br>Councillor Neil Coyle<br>Councillor Nick Dolezal<br>Councillor Toby Eckersley<br>Councillor Dan Garfield<br>Councillor David Hubber<br>Councillor Lorraine Lauder MBE<br>Councillor Rebecca Lury<br>Councillor Paul Noblet<br>Councillor Geoffrey Thornton |
| **OTHER MEMBERS PRESENT:** | Councillor Darren Merrill, Deputy Cabinet Member for Customer Services |
| **OFFICER SUPPORT:** | Shelley Burke, Head of Overview & Scrutiny<br>Norman Coombe, Legal Services<br>Richard Heap, Head of Technology<br>Patrick McGreal, Principal Surveyor<br>Ian Morrissey, Head of Applications, Data & Operations<br>Stephen Platts, Director of Regeneration<br>Richard Selley, Head of Customer Experience<br>Duncan Whitfield, Strategic Director of FInance and Corporate Services<br>Peter Roberts, Scrutiny Project Manager |

## 1. APOLOGIES

1.1 Apologies for absence were received from Councillor the Right Reverend Emmanuel Oyewole. Councillor Nick Dolezal attended as a reserve.

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

2.1 There were none.

## 3. DISCLOSURE OF INTERESTS AND DISPENSATIONS

3.1 The chair, Councillor Cathy Bowman, declared an interest and dispensation as a council leaseholder in respect of item 4, Impact of Regeneration on Leaseholders.

## 4. IMPACT OF REGENERATION ON LEASEHOLDERS

4.1 Steve Platts, Director of Regeneration, and Patrick McGreal, Principal Surveyor, introduced the report.

4.2 The chair was concerned that as much negotiation as possible take place with leaseholders but that currently a lot of emphasis was given to the process for compulsory purchase orders. The officers explained that, because of time constraints, it was necessary to run the two processes concurrently. It was still preferable to agree acquisition by negotiation but no-one benefitted from an overly-protracted process.

4.3 The chair asked for a comparison with the timeframe of previous large regeneration projects such as in Peckham. Other members of the committee commented that the North Peckham regeneration had moved faster because the government had funded a single large regeneration bid. Officers added that leasehold acquisitions at Peckham had still been difficult. The council had learned a lot from prior experience of regeneration projects. The offer to tenants and leaseholders from the council and its partners was much better, including more products such a shared ownership. Phasing and re-housing options were clearer. Greater help was available to support vulnerable tenants and leaseholders such as the elderly. A member commented that on the Aylesbury estate the work of the New Deals for Communities team and subsequently the Creation Trust had been invaluable.

4.4 A member drew attention to page 11 of the agenda, an extract from the Heygate News of February 2004. Residents had been promised moves into brand new homes but this had not happened. People had often had to move a long way from the area they had originally chosen to live in. The option for leaseholders of retained or shared equity had only been put into effect in the later stages of the regeneration. Officers explained that the planning agreement had reserved a number of units for Heygate leaseholders but that, by the time these were available, around three quarters of leaseholds had already been brought back. The council had learned that shared equity, offered in any new build, was an important tool. Another member stressed that, while some residents chose to remain in the local area, others had taken the opportunity to move elsewhere. The chair argued that while some leaseholders on the Heygate had been keen to move, and moved quickly, in 2004 no-one could have anticipated that the project would be at the stage it was now.

4.5 A member highlighted paragraph 11 of the report and stated that it did not take account of recent changes to the lettings policy which set out rights to revert to being a secure tenant more clearly and which did not depend on income or capital assessment of the individual in question. The member also questioned the basis of valuation of properties set out in paragraph 14, particularly in view of the description of the Heygate on page 8, and asked whether there was still the possibility for leaseholders to refer compensation to the Upper Tribunal (paragraph 17). Officers confirmed that referral was still a possibility.

4.6 The Director of Regeneration outlined the situation on Wolverton, phase 7 of the Aylesbury regeneration. Ten leaseholders had remained, all relatively elderly and all who had lived on the estate for around thirty years. The director and the leader had met with the leaseholders, recognising the assistance they might need, and explained the process and the available options including shared equity products. All the leaseholders had been re-housed without the necessity of compulsory purchase orders. A member commented that changing timelines had been a big problem on the Aylesbury, especially following the failure of the private finance initiative in 2010. The director of regeneration stated that the appointment of a strategic partner on the Aylesbury would help. He added that schemes needed to be able to deliver in planning terms and to be economically viable before any process for compulsory purchase could be set in motion.

4.7 A member asked for clarification of the reference to a “ransom value” (paragraph 7(iii)). Officers explained that in some cases people attempted to stay put unless, for instance, they were paid an extra £20,000 for their properties. It was the council’s duty to work within the statutory constraints, to be fair and equitable to all leaseholders in respect of compensation and not to increase an offer in response to the negotiation skills of individual leaseholders. The chair questioned whether valuations could ever compensate for leaseholders’ emotional investment in an area. She was of the view that many residents on the Heygate had experienced regeneration as a top down approach by the council rather than something that they themselves had sought. The director of regeneration stated that as much market evidence as possible was taken into consideration and that the same factors were taken into account in deciding a valuation for compulsory purchase as for right to buy applications. He acknowledged that, because of construction and other factors, the market value of flats would be less than the market value of brand new flats in the vicinity but that the offer of shared equity went some way to address this. He repeated that referral to Tribunal was always a possibility.

4.8 A member of the committee drew attention to Hammersmith and Fulham’ Council’s offer to leaseholders in respect of development at Earls Courts and invited officers to review this and the policies of any other authorities. Other members responded that the development was very different from any regeneration project in Southwark and that the size of stock and Hammersmith and Fulham’s future intention towards housing was also very different. It might be more useful to explore what more comparable authorities such as Hackney were doing in this regard.

4.9 The committee noted that its next meeting would receive brief presentations from leaseholders.

## 5. DEPUTY CABINET MEMBER INTERVIEW: COUNCILLOR DARREN MERRILL, CUSTOMER SERVICES

5.1 Councillor Darren Merill, Deputy Cabinet Member for Customer Services, attended for his cabinet member interview. He reminded the committee that the council had brought customer services in-house. As deputy cabinet member he had been asked to oversee the transfer and ensure the service hit its goals and targets.

5.2 A member sought clarification of the data in respect of average call waiting and total customers seen (page 14 of the customer services performance update, item 6 on the agenda). Councillor Merrill explained that the target for average call waiting was sixty seconds and that it was hoped to reach this target by the summer. An important part of achieving this was to ensure that customer services got it right first time, meaning that there would be less repeat calls. Also, when the contact centre was busy, more staff came on. Another member asked whether it was possible to see data for average call times. Richard Selley, Head of Customer Experience, indicated that this could be circulated to members of the committee.

5.3 In response to questions about improvements to joined-up knowledge across departments, Councillor Merrill gave an example of joined up working. As soon as it was known that the district heating in a block had gone down, customers were notified by text and provided with an indication of how soon the required works would be completed. He also provided an update on how the in-house team was working. There had been a few minor difficulties with TUPE but these were being resolved. The use of apprentices had been an amazing success with five going on elsewhere in the council and the aim to employ a further fifteen in the summer.

5.4 A member wondered if anything could be learned from the experience of bringing customer services in-house that could be applied to other parts of the council. Councillor Merrill indicated that savings of £3 million a year would be achieved and stressed the importance of being able to sort out problems directly, as could be seen in the response to the fire at Walworth Town Hall. Part of the savings were achieved as it was no longer necessary to pay someone to monitor the contract.

5.5 A member asked for further details in respect of surveys and cost per transaction. Councillor Merrill confirmed that everyone was asked to complete a customer satisfaction survey. The head of customer service explained that cost per transaction was not currently used as a performance measure but that it could be brought to a future meeting.

5.6 Members asked whether the cabinet member considered the principle of digital by default to be achievable. Councillor Merrill stated that IT problems had an impact on this but that the number of customers accessing services online via their personalised My Southwark account was up to around 50,000. IT issues had also made it difficult for staff to log in but improvements were being made. Calls had continued to be answered and where IT problems occurred there was the option to redeploy staff to other areas. A member highlighted an incident in October 2013 when staff had to be sent from the Queens Road office to Tooley Street. Councillor Merrill stated that this had been a one-off telephony outage which had

also provided the opportunity to test and learn from contingency plans. The head of customer experience added that the phone system was largely reliable. Moving staff to Tooley Street was part of the business continuity plan and, from the customer point of view, disruption was kept to a minimum.

5.7 A member asked for information to be supplied about dropped calls. He also asked for information about the number of staff in the contact centre. Councillor Merrill explained that a computerised system tracked calls and identified the busiest times, enabling shifts and staff ratios to be arranged to better suit customer demand. The member wondered if it would be possible to publicise the fines for contractors who failed to turn up at the agreed times. Councillor Merrill stated that this could be looked into and also emphasised the importance of call handlers spending time to understand the repairs issue properly so that the right contractors were despatched.

5.8 A member reported that at the weekend, due to heating going down on the Aylesbury, she had phoned the contact centre and had to wait fifteen minutes to get through. The head of customer experience explained that at the weekend there were around twelve staff working at the contact centre and that this was normally enough. The previous weekend there had been a number of outages and it was some time before engineers could re-fire all the boilers. This had led to a significant spike in the number of calls to the contact centre which could not necessarily be planned for. Councillor Merrill added that text messaging, advising customers of a particular and widespread problem, should ease this sort of problem in the future. A stand-by system was in place but this depended on the number of staff available to be called in. Members felt that better protocols were needed for reporting heating problems and getting engineers on-site. The head of customer experience indicated that a new system was in place to monitor boilers on estates and raise problems with engineers as soon as they happened. Boilers should be up and firing before problems resulted in a cooling effect on the estate. Systems were improving.

5.9 Councillor Merrill confirmed that the majority of calls to the contact centre related to housing and, after this, to bin collection and recycling. In response to questions he explained that he held regular meetings with the relevant cabinet members for these services.

## 6. CUSTOMER SERVICES PERFORMANCE UPDATE

6.1 Richard Selley, Head of Customer Experience, introduced the report.

6.2 Members highlighted the dip in customer satisfaction shown on the graph in table 3 and data in table 4 (pages 15 and 16 of the report). The Head of Customer Experience reported that there had been bad weather incidents around Christmas which contractors had struggled to respond to because of the nature of the incidents and also because of the number of staff available over the holiday period.

6.3 Members were concerned about the way customer satisfaction data was collected. The Head of Customer Experience stated that satisfaction was measured in three ways, by personalised outbound calling, emails and a “Govmetric” survey. Around

2,000 repairs surveys were done each month. People who expressed unhappiness with the repairs work undertaken were always contacted.

6.4 A member reported an incident at Walworth Road Customer Services where two elderly residents had been told that no public toilet was available. The Head of Customer Services responded that they should have been offered use of the disabled toilet. He would look into this issue to ensure that, in future, customers who needed to use the toilet would be able to do so.

6.5 A member asked whether, if a contact centre agent did not understand the nature of a repair, it could be referred to the contractor. The Head of Customer Experience explained that all staff were trained on repairs and supported by a repairs diagnostic tool. The amount of incorrect diagnosis was insignificant.

6.6 Members were interested in the cost per call to the contact centre. The Head of Customer Experience pointed out that the cost of individual calls needed to be looked at in the round. The aim to get it right first time lengthened calls, putting the cost of each calls up, but ultimately decreased the number of calls. The committee asked that the next update include the number of dropped calls, maximum call waiting times and the average length of calls.

## 7. IT UPDATE

7.1 The Strategic Director of Finance and Corporate Services updated the committee on performance of the IT contract. Capita was incurring penalty payments each month and, pending the resolution of outstanding service issues, the council was withholding a number of monthly fixed charges. The system had recovered to a better position where log-in times were consistently averaging under three minutes. Internet response times were a bigger problem and possibly related to emergency changes that had taken place in September. Capita was being very cautious about the solution to this by testing thoroughly before making any changes. The proposed solution involved changing the location of configuration files to faster servers.

7.2 In response to questions about the core enabling projects, the Strategic Director explained that Capita had changed approach from updating the council's existing systems to starting with a completely new system which did not inherit any problems from the past. This was less risky but took longer to implement. An IT Board was scrutinising Capita's plans. The Strategic Director would be meeting with Capita the following day before its current plan was submitted to the Board, to confirm whether the plan was realistic and achievable. The proposal was that the core enabling projects be completed by December. The initial benefits would come through in March/April as the project began to be rolled out. The Strategic Director indicated that as the council was to wait until December for an upgraded system this would require a variation to the contract.

7.3 Members asked whether, if Capita left, the council would find itself in the same position as it had been when SERCO left. The Strategic Director confirmed that the position would not be dissimilar. The terms of any exit would be determined by TUPE, penalties and defaults, among other things. The Strategic Director

confirmed that Craig Rodgerson, the council's highest point of contact with Capita, was a Capita Executive board member.

7.4 Members of the committee were concerned whether Capita had undertaken sufficient due diligence when it took over the contract and asked whether the council or SERCO was at fault in any way. In the Strategic Director's view, Capita would increase the level of its due diligence in future. The council had tested Capita through the procurement process and the transition from SERCO to Capita had gone well. The Head of Customer Experience was invited to comment on Capita. He responded that the significant changes to the contact centre and one stop shops could not have been achieved without Capita.

7.5 Members asked whether there were any plans to replace Citrix. The Strategic Director explained that Citrix would be upgraded to a more recent version, its configuration would be changed and hardware would be upgraded.

7.6 At this point the committee went into Closed session in order to ask detailed questions of officers in respect of the previous contract with SERCO and the transition to the new contract. The Strategic Director clarified officers' thinking in respect of what it was hoped to gain from Capita and the timescale for required improvements.

The meeting ended at 10.00 pm

Agenda Item 5

**Terry Redpath – Submission for Southwark Council Overview & Scrutiny Committee 3rd Feb 2014**

My wife and I lived on the Heygate since it was first built. We brought up our children on there and were very happy with life on the estate. We had gotten to know most of our neighbours the majority of which had also lived there since the beginning. There was a very active Tenants & Residents Association, which organised regular social activities and outings for both senior residents and the youth on the estate. A Mums and babies club was formed in the mid 1970s and provided a crèche and meeting place for young mums right up to the start of the 'decanting' process. The TRA set up and provided a wide range of activities: there was a youth club and regular weekly activities in the main hall including dance classes, karate and bingo sessions for the senior residents. The TRA also involved children in the estate looking after and taking "ownership" of the garden areas. At Christmas the TRA laid on lunches for the elderly residents on the estate.

The TRA had a good working relationship with Walworth Police and an officer regularly attended our monthly committee meetings. Crime was relatively low on the estate as their monthly reports illustrated. Rather contrary to the picture painted by the media and Southwark council as part justification for pushing ahead with the demise of the estate.

My son and daughter-in-law lived on the estate and my sister lived down the road on the Aylesbury estate before she too was 'decanted' last year. Up until now the Elephant & Castle area has been home to both my family and my wife's family for more than 3 generations. Thanks to Southwark's regeneration plans we have now been scattered far and wide.

I was an active member of the TRA at the time of the initial negotiations with council members and officers concerning the future of the estate.

Back in 1998, the council conducted a survey of local people asking if they were in favour of redeveloping the area. 94% said yes and this was used as evidence of community support in the council's successful bid for £25m of govt funding. It was later found that just 6% of people had responded to the survey.

The TRA complained to the council that the survey was an area-wide postcard survey and hadn't been aimed at residents on the estate, many of whom hadn't received it. We complained that this was undemocratic and demanded that all residents be balloted on the future of their homes.

The council rejected a ballot but agreed in 1999 to a MORI poll. This was after we had been told that some of the buildings on the estate had structural defects and that the council didn't have the money to repair them, which we later found out was untrue. In fact after the council's stock condition survey was made public we found out that the buildings were above average condition compared to the rest of the council's housing stock, and a 1998 appraisal study had recommended that a large part of the estate be refurbished.

But at the time we didn't know this and the council had bought us off with the offer of brand new homes, which led to the MORI poll result showing that "*70% of Heygate residents expressed a wish to move to a new home on the site of the Heygate estate"*:

10. The development of a decant strategy for Heygate has been informed by the views of residents. In 1999 the Council commissioned a survey by MORI to follow up an option appraisal undertaken prior to establishing the Southwark Estates Initiative. The survey found that 70% of Heygate residents expressed a wish to move to a new home on the site of the Heygate estate. The MORI findings were backed up by a housing needs survey of Heygate tenants undertaken between June and December 2002 whose primary aim was to help assess the development capacity of the early sites. In the context of the Heygate proposals, tenants were also asked about their wish to be re-housed in the area. The majority of the tenants interviewed (80% of the estate) expressed a desire to remain in the Heygate/Elephant and Castle area.

Council Executive Report – 18 May 2004 'Heygate Estate Decant Arrangements'

However, the new homes were never to materialise and the promises were broken: Leaseholders were promised a 'retained equity' option on the new homes which never got written into the development agreement with Lend Lease (see my appendix). The estate's 1033 tenants faired little better: they were given the opportunity of returning to homes on the new Heygate, but there will be only 79 social rented units built on the estate to return to, and the last of these is due to be completed in 2026 – another 12 years away.

The deceit was confounded when we later found that the MORI poll results had been twisted around 180 degrees and interpreted so as to actually be used as justification for the council's decision to demolish the estate. The modified interpretation of the results can be found in several subsequent council reports including its recent application to the Secretary of State for approval of the Compulsory Purchase Order:

2.9 The Council commissioned a Market Opinion Research International survey in 1999 that reported 70% of Heygate tenants expressed a wish to move to a new home. On the basis of that survey the Housing Committee agreed a cessation of lettings on the Heygate Estate with effect from early 2001.

LBS 2012 Heygate Compulsory Purchase Order, Statement of Reasons

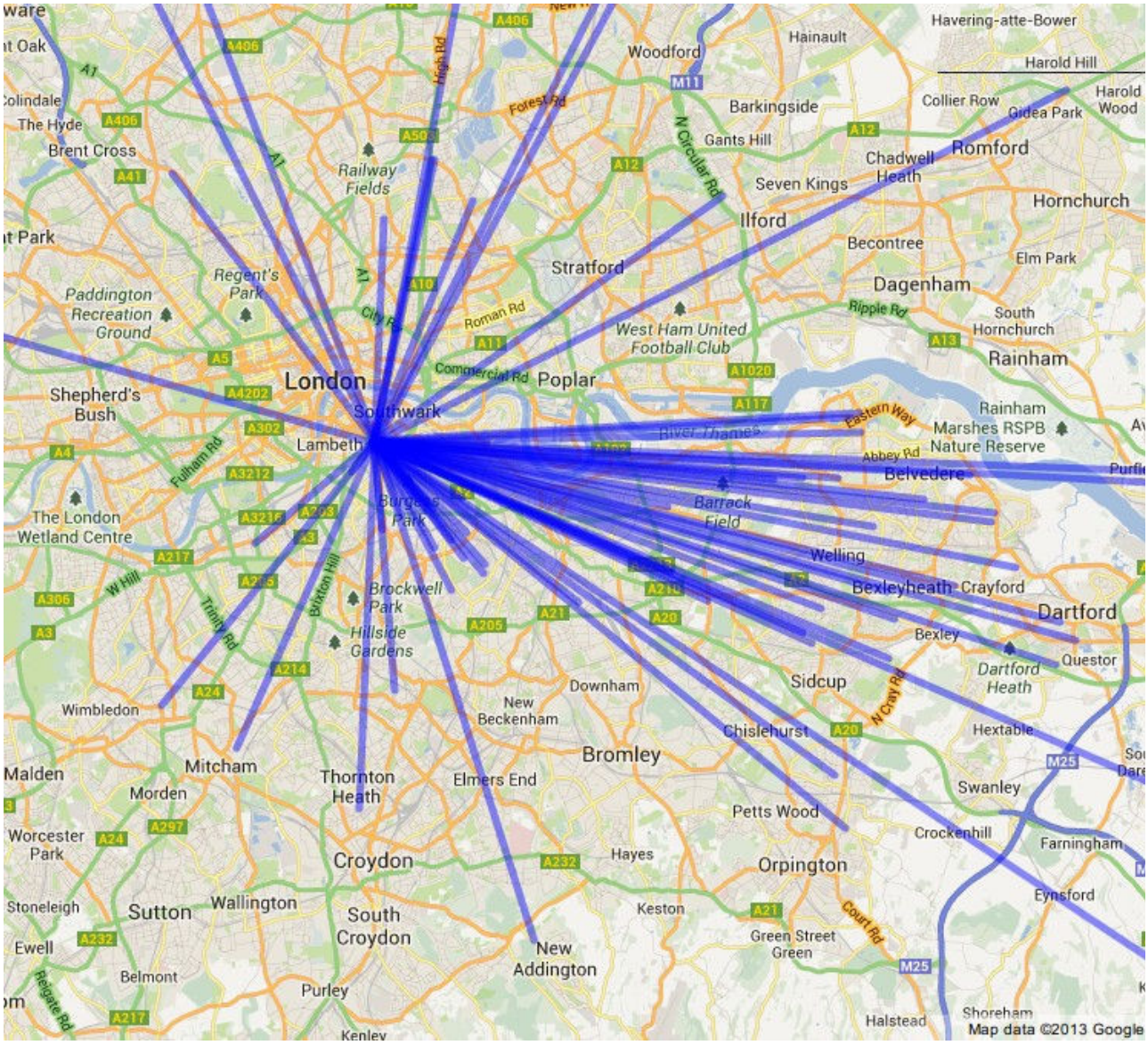
Not only did leaseholders not get the new homes we had been promised, we were short-changed and intimidated out of our homes. I instructed an independent RICS qualified surveyor to represent me in negotiations with the council. She valued my 3-bed maisonette at £220k, but the council's surveyor disagreed point-blank. The council's surveyor said he would offer just £172k basing his pitifully low valuation on values on the condemned Aylesbury estate and the condemned Ferrier Estate in Kidbrooke, which was apparently also of a simliar construction type. Hardly a comparable central London location! The council said if we didn't accept its offer of £172k then we would later be served with a Compulsory Purchase Order and we would end up receiving much less. It said that after the CPO we would be able to contest the valuation at a Lands Tribunal. But there was no way we could afford to stay living on a half empty estate with the heating turned off until the CPO came. And even then there was now way we would have been able to afford the surveyor and legal costs of challenging the council's valuation at a Tribunal.

We have been short-changed and intimidated out of our homes to make way for luxury private housing. This regeneration scheme was supposed to benefit residents – not displace us. An entire community has been destroyed as a result of this regeneration.

**Appendix**

| Item No. | Classification: Open | Date: February 8 2005 | MEETING NAME Executive |
|---|---|---|---|
| **Report title:** | | Elephant & Castle Leaseholder Policy | |

26. Option (c) – retained equity - would involve the transfer of the compensation into a share of the equity in a new property being built as part of the scheme. No rent would be payable on the outstanding equity, rather a charge would be put on the property so that at the time of a future sale the percentage of outstanding equity would be recovered by the housing provider.




Map of Heygate Leaseholder Displacement using data obtained during 2013 CPO public inquiry

elephant&castle

February 2004
Issue 1

# Heygate News

The regeneration of Elephant and Castle was given the green light by Southwark Council's Executive Committee on February 19th when the planning guidance for the redevelopment was formally adopted.

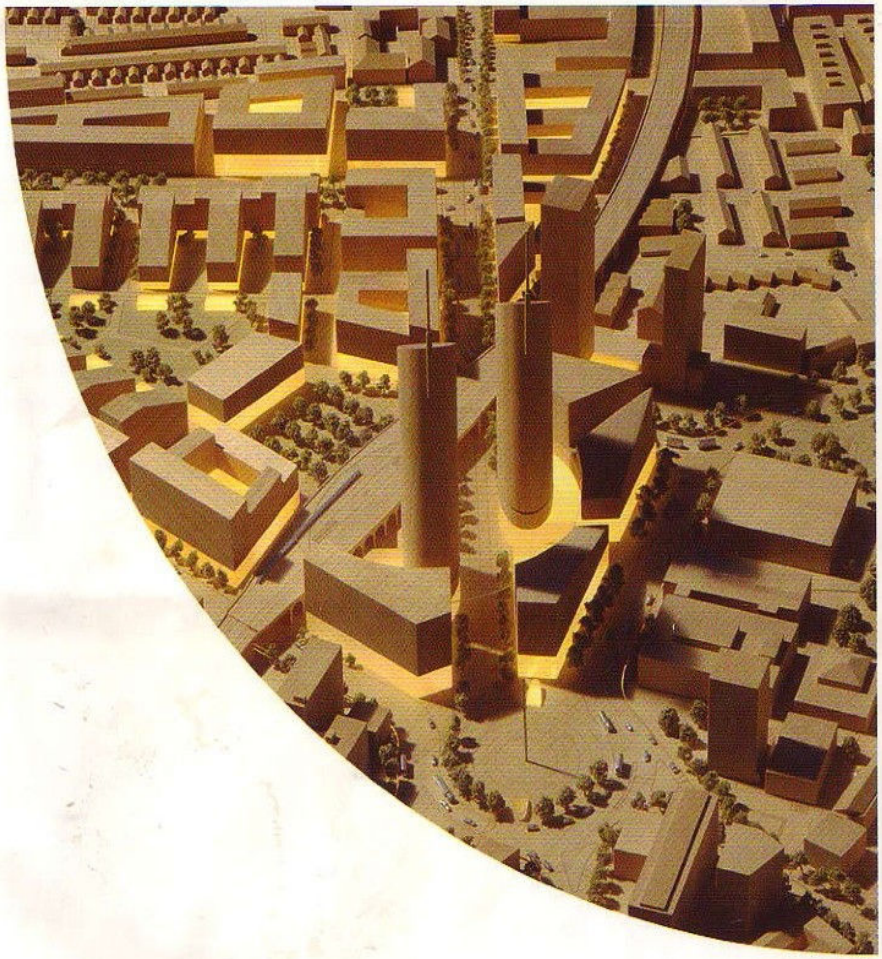
This is a long awaited and important milestone for Heygate residents who have been consulted for years and are yet to see any real action. This finally gives you, the residents, a certainty that the regeneration and rehousing plans are now planning policy and that Southwark Council will work with you every step of the way from now until you move into brand new homes in a revitalised Elephant and Castle.

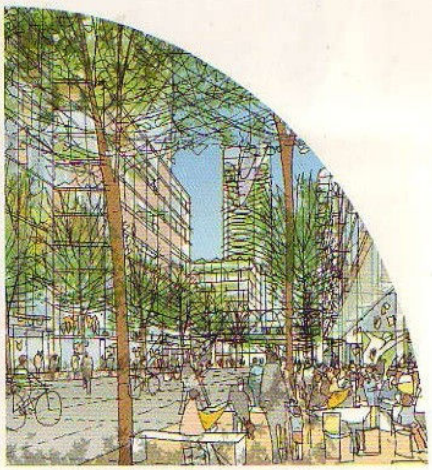
Copies of the planning guidance can be downloaded from our website at www.elephantandcastle.org.uk or by calling 020 7525 4922 to get a CD-ROM posted to you. There will be hard copies available for you to look through at local libraries, Rodney Road Housing Office and the offices of Elephant Angels, situated on Heygate Estate. An exhibition will also be held at the Heygate early this year.

For those of you who are tenants, the confirmation means the plans to demolish the estate and offer you a brand new Housing Association home in Elephant and Castle, or an existing council flat elsewhere in the borough are moving forward.

The situation is different for those of you who are leaseholders. You will be offered market value for your houses and a range of options to assist you to buy one of the new homes if that is what you wish to do. We have already discussed these plans at leaseholder meetings and will continue this process as set out in this newsletter.

Please read this newsletter carefully for details on how want to work with you throughout 2004 and about the range of opportunities there will be for you to become more closely involved.





Southwark Council

**10th March Overview & Scrutiny Committee Meeting submission**

There has been much talk of the Council's regeneration department having learned from its mistakes on the Heygate in its approach to the Aylesbury regeneration. In my opinion the only lesson learned has been how to keep a tight control on media and bad publicity – the underlying stories are essentially the same.

There are some small differences in the way the two schemes have been approached, the first is that we were given a ballot on the future of our homes where Heygate residents were denied one. The result was that in 2001 we voted overwhelmingly (73%) against the demolition and disposal of our homes to the private sector/housing association for redevelopment.

However, similar to Heygate the wishes of Aylesbury residents have subsequently been wholeheartedly ignored.

Following its ballot defeat in 2001 the council learned something from the Heygate scheme: if it stopped issuing secure tenancies and used the resulting void properties for temporary housing whilst halting all maintenance and repairs, then residents could more easily be persuaded into giving up their homes to redevelopment.

Tony Blair visited the Aylesbury estate and made his inaugural speech from here in 1997. He promised a bright new future for us residents who he called 'Britain's forgotten people'. He allocated £56 million of central Government funding to improve conditions on the estate. Sadly not one penny of the funds has been spent on improving the actual fabric of the buildings.

In the report submitted to the previous Overview & Scrutiny Committee in February, Cllr Colley can be seen propagating the same myths used to stigmatise the Heygate in order to support her corporate redevelopment agenda here. The claims about anti-social behaviour are entirely unsupported by actual crime statistics, which show a very low crime rate for the estate. The allusions to non-traditional construction systems and limited life-spans of buildings pay no consideration to estates in other boroughs built at the same time with the very same system, which are well looked after and thriving. The Doddington estate in Battersea is one such example: the estate was built in the same period (1967-71), by the same contractors (Laing Ltd.) using the same construction system (Jespersen 12M). Leasehold flats on the Doddington estate are exchanging hands for around twice as much as the Council surveyor's estimate of market value of our homes – despite the fact that they have similarly not yet been brought up to the government's 'decent homes standard'. His argument in the previous committee report about the 'no scheme world' valuation concept does nothing but strengthen our claim that we should be entitled to receive enough compensation to buy a similar property in an equally central location.

One area in which the Council has learned from the Heygate is that it's not good practice to promise residents new homes and then renege on that promise. What it has done on the Aylesbury is to promise new homes but then offer them on disadvantageous terms. Aylesbury leaseholders have been offered 'shared equity' options on the new-build L&Q homes in the phase 1 development. However, the terms of the 'shared equity' agreement restrict them from sharing in any capital uplift. This means that their share in the new home does not rise in line with increases in property prices should they ever wish to sell it on or pass it down to children. Despite owning just half of the property, L&Q would benefit from 100% of the uplift under the terms of the agreement – hardly a fair deal!

It is unsurprising that very few leaseholders took up the L&Q shared equity offer on the first phase of development. Most have been forced to quit the borough with their low compensation in search of a new home in outer London boroughs where property prices are lower.

I was dismayed to read in the report submitted by Cllr Colley to the last Overview & Scrutiny committee, that terms for leaseholder assistance in all subsequent phases of the regeneration have recently been agreed with its new development partner. It would appear that these negotiations have taken place entirely behind closed doors without the slightest hint of any leaseholder involvement in agreeing the structure of those terms.[1] Does the shared equity arrangement with Notting Hill also fail to share any equity? What is the small print in the 'partner assistance proposals' that have been agreed with Notting Hill Trust? Why have leaseholders been excluded from these discussions and negotiations?

In the February meeting of the Overview Scrutiny Committee representatives of Housing and Regeneration were arguing the case for the planned CPO's to be brought forward this worried me a great deal because we have been told to move off of the Aylesbury but my attempt's to do so have been stopped, unbelievably.
My application in summer 2013 to L&Q for equity on a new build was unable to progress because SC survey would not agree fee's with my surveyor. (In line with the Home Owners information pack SC value my property and will pay for a surveyor of my choice to value said property and reach an agreement). As the Council's valuation is so low and yet still undeterred I widened my search outside the borough and found a repossession property I could stretch to in Woolwich. Again, despite my offer being initially accepted it did not go forward due to the 'slow response of Southwark Council'. Down hearted I spoke to Creation Trust about the Kafkaesque situation I found myself in, who recommended I try Southwark Mediation Services. I did and they suggested date's for the two surveyors to meet and hopefully move my situation forward. Sadly the SC representative did not feel able to attend, fortunately my appointed surveyor said she would be very happy to attend despite the fact she has been banned from working on the Aylesbury Estate. Please tell me how can all this be possible and where it leaves me? I have paid up front for this service, as we were advised. I now find myself searching for properties knowing there is little chance of anything going forward.

It would appear that the Council has indeed learned from its mistakes on the Heygate, but it has learned only how to make it look like residents are getting a fair deal; the underlying story remains much the same: whether the inequity of a shared equity deal where the equity is not shared, or new social rented homes at 'affordable rents' unaffordable to tenants, this Committee needs to realise that residents are being forced out of the area. That's what happened on the Heygate and that is what is happening here and now on the Aylesbury. I urge the Committee to take the following actions:

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1 See paragraph 7(viii) of 3rd Feb O&S report "With a mind to these lessons, partner assistance proposals at the Aylesbury were considered by Cabinet last month."

**In summary**

1. The council surveyor's decision to cap independent surveyor's fees at a fixed amount appointed by leaseholders is not just ultra-vires but also incongruous with the council's claim that leaseholders are being given access to independent representation. You cannot say on the one hand "*we will pay for you to be represented by an independent surveyor of your choice*" and on the other hand to say "*However much work your surveyor carries out her fee will be capped at £x..*".

The council surveyor's arbitrary fee cap is ultra-vires to the extent that it runs contrary to recommendations laid out in section 5.26 of the Land Compensation Manual which states *"It is therefore recommended that surveyors be reimbursed on a time cost basis for work undertaken in relation to compulsory purchase claims where possible."*

We therefore request that council leaseholder buy-back policy in this case is updated to remove fee-caps and reflect this requirement for fee remuneration on a time-cost basis.

2. If our independently appointed surveyors are to have equal footing in their negotiations with the council's surveyor then they will need to have equal access to information. It is not just inconvenient but also time-consuming and costly for negotiations to depend on information to have to be obtained via FOI as a result of the council surveyor's refusal to release documents and information. We would like all leaseholders to have access to the following information to help inform open and transparent negotiations: a)access to an up-to-date list of price/paid data for all leaseholder buyouts to date. b)access to all surveys/option appraisal studies etc. carried out on our homes to date.

3. I really feel Southwark Council should start to take some responsibility, after all they are the landlord and a social, not private landlord at that. The fire precaution measures recently installed are a health and safety matter therefore the responsibility of the landlord and are the new pipes, which were laid and are now being dug up and relayed, in the South West corner really good value for money? Brand new pipes supplying buildings which are due for demolition with in two years, surely a repair would have been more suitable given the life span?

4. Leaseholders are invoiced for these works in such a confusing manner that many, including myself find themselves the subject of County Court Judgements, even when they are paying the bill’s. Again is this really the best use of public money?

h&f
borough of opportunity




# Earls Court & West Kensington Local Lettings Plan

## Consultation Draft

## 1. SUMMARY

1.1 The purpose of this document is to set out how the 760 replacement homes will be allocated to Eligible Tenants (see definition in paragraph 5.2) on the West Kensington and Gibbs Green estates. The document will also cover the short term use of properties on the estate during the regeneration scheme. This is a draft for consultation with the community prior to the Council adopting the final Local Lettings Plan.

## 2. BACKGROUND

2.1 Gibbs Green and West Kensington estates are council housing estates built in the early 1960s and 1970s respectively to provide social housing. Each of the estates includes a number of properties owned by leaseholders/ freeholders (originally bought under the right to buy) who are either residents or who have let out their homes for private rented purposes. There are a number of properties owned by the Council and rented to secure tenants. There are a further three Private Registered Providers (also known as housing associations) who rent to assured tenants and provide a combined total of 58 homes for social housing purposes. The Earls Court West Kensington Opportunity Area was first identified in 2009 as an area for regeneration. The Council has consulted on the regeneration scheme and has taken the decision to proceed. On 23rd January 2013 the Council signed the Conditional Land Sale Agreement with the developer.

## 3. VISION

3.1 The Council is seeking to comprehensively regenerate the local area. It is aiming to create a better place to live and work. The scheme is expected to provide over 9,000 new jobs as well as the provision of 7,500 new homes. The regeneration scheme is planned to achieve a transformational change to both estates and the surrounding area. Outcomes will include new town centres; improved transport infrastructure; improved economic health of businesses; and providing new community infrastructure to benefit the wider North Fulham area in which this scheme is located. The site will deliver significant economic growth and provide a new gateway to London, as well as re-providing 760 brand new homes for those eligible residents who live in the area presently.

3.2 The Council's proposals are underpinned by the Mayor of London's London Plan, which features the Earls Court and West Kensington scheme as one of his 33 Opportunity Areas. Along with White City and Old Oak, the Earls Court West Kensington Opportunity Area is one of three opportunities in Hammersmith & Fulham to accommodate new housing, commercial and other development linked to existing or potential improvements to public transport accessibility.

3.2 The Council's vision for Earls Court West Kensington Opportunity Area to regenerate the local economy and provide new housing is identified in our Local Development Framework Core Strategy. The Earl's Court West Kensington Opportunity Area is one of the Council's 5 key regeneration opportunity areas for growth in the borough. The Council have also identified Earls Court West Kensington Opportunity Area as a key theme within the Council's Corporate Plan to regenerate the borough.

3.3 The scheme is also identified as a priority in two key housing documents: the Council's Borough Investment Plan (Dec 2011) and Housing Strategy (Oct 2012).

3.4 The Local Lettings Plan is intended to facilitate the relocation of eligible residents from the current West Kensington and Gibbs Green estates as well as those occupying Registered Provider properties (all identified in section 6 below) to enable the comprehensive regeneration of the Earls Court West Kensington Opportunity Area.

3.5 The operation of this scheme will be monitored and reviewed from the date it is adopted, onwards. The Executive Director of Housing & Regeneration, in consultation with the Cabinet member for Housing may make amendments to the scheme if required.

## 4. KEY COMMITMENTS

4.1 The following commitments have been made to eligible tenants affected by the regeneration scheme, as described in Section 3 of this document.

4.2 Eligible Tenants will receive the offer of a brand new home.

4.3 Existing secure tenants' rights will be unaffected by the move, except as a result of changes in legislation or changes in policy, which we will consult upon with residents.

4.4 All Eligible Tenants will be expected to move only once.

4.5 Where possible, the Council will seek to facilitate 'group moves' (where 2 or more Eligible Tenant households wish to be re-housed in close proximity to each other) that have been requested by residents.

4.6 An under-occupying Eligible Tenant will be offered a new home that meets their bedroom need in line with the Housing Allocation Scheme policy in place at the time, plus one bedroom.

4.7 Statutory Home Loss and discretionary disturbance payments will be paid.

4.8 Compensation will be paid to Eligible Tenants for loss of garage/exclusive use of off street car parking spaces and loss of private garden space.

4.9 Please refer to Appendix 2 for resident homeowners.

## 5. GUIDING PRINCIPLES TO THE COUNCIL'S APPROACH

5.1 The Local Lettings Plan process will be governed by the following guiding principles.

5.2 Secure tenants of the council and assured tenants of housing associations (also known as Private Registered Providers), will be entitled to the local lettings plan offers set out in this document. For the purposes of this document, they are described as Eligible Tenants.

5.3 The primary objective of the final Local Lettings Plan will be to facilitate the successful relocation of all eligible residents from existing homes to new accommodation. An additional objective is to help ensure that the re-housing process and associated management issues do not detrimentally impact on the successful management of the estates and the remaining residents' well being

5.4 This Local Lettings Plan will operate within the legal and regulatory framework and the policies of the Council, in particular, the Housing Strategy, the Housing Allocation Scheme. Detail on the Council's policy on Local Lettings Plans is set out in sections 2.43 – 2.50

5.5 This Local Lettings Plan must support the sustainable management of the estates during the regeneration programme

5.6 Eligible Tenants must sign the Tenant's Contract to be eligible for the full terms of the re-housing offer.

5.7 The Council will be sensitive to equalities issues which may arise during the local lettings plan process and have regard to relevant legislation. This will include taking account of Eligible Tenants' special needs where required.

5.8 The Council can proceed with the Local Lettings Plan now that the Conditional Land Sales Agreement (CLSA), has been signed (23/01/13).

5.9 Tenants of private sector landlords (whether assured Shorthold tenants other forms of private tenure terms) will not be eligible for re-housing under the terms described in this Consultation document and the final Local Lettings Plan.

5.10 Generally, the Council will decide on a case by case basis who is part of an Eligible Tenant's household and will be offered re housing. This will be considered as part of the housing needs assessment set out in section 8.

5.11 Members of an Eligible Tenant's household will be re housed with the Eligible Tenant as long as they were living with the Tenant as part of the household for a year prior to the date the CLSA was signed (23/01/13). Evidence will be required to substantiate any household changes after the 23/01/13 and tenants must inform the Earls Court Regeneration Team of any change to their household within four weeks. The Council reserves the right to refuse the addition of a household member (or members') if the reason and/or the evidence for such inclusion is considered insufficient to warrant inclusion.

5.12 The following persons will normally be considered as part of the household:

- partners living in a settled relationship with the Eligible Tenant
- non dependent children if they have lived continuously as part of the settled household since the start of the tenancy
- children born since the start of the tenancy or other dependent children where the eligible tenant has principal care of the child. Birth certificates will need to be produced to confirm relationship /dependence.
- an adult relative who has become a settled member of the household because they are in need of support and cannot live independently. This is normally an elderly relative or someone who is disabled. Such persons must have resided with the household for a minimum of 12 consecutive months before being considered part of the household. If this is the case, the Council will consider that proposed household member's (or members') housing needs for re-housing purposes.

5.13 The Council will discuss with large households whether they can be divided into two or more smaller households. Accommodation needs greater than 4 bedrooms will be considered by the Housing Options Officer concerned who may suggest that the household size is reduced through adult children and/or non dependents household members being required to make their housing arrangements elsewhere. This may enable the officer concerned to make an offer (or offers) that can help meet the household's needs. Such a decision would need to be endorsed by a panel of senior housing managers

5.14 Within each phase, the Council will consider the impact of the sequence of allocation on vulnerable people.

5.15 The Local Letting Plan will vary the household size from the Council's Housing Allocation Scheme (see Appendix 1) as there will be no studio properties re-provided in the Earls Court Regeneration site. The Council will offer a single person a 1 bedroom property under the LLP rather than a studio property.

5.16 Any compensation payments (including Home Loss & disturbance payments) made will be offset against accrued debt with the Council, e.g. rent arrears,

5.17 Acknowledging the long timeframe for the regeneration scheme, proposals for 'meanwhile uses' or short term accommodation, for vacant properties will be developed which will reflect the policies set out in the Council's Housing Allocation Scheme and related corporate housing priorities. Tenants of properties which are allocated on a 'meanwhile use' basis, will not be entitled to re-housing under the Tenants Guarantee in the terms set out in this Local Lettings Plan consultation document and the final Local Lettings Plan

5.18 Eligible Tenants will be made up to 2 offers of accommodation which meet the requirements of the Local Lettings Plan if there is scope within the phase. A 3rd offer can be made at the discretion of the Executive Director of Housing and Regeneration.

5.19 If there are substantiated extenuating circumstances then the Executive Director of Housing & Regeneration can accelerate the re-housing of an Eligible Tenant.

5.20 The Council may amend the Housing Allocation Scheme in the future, which may affect the delivery aspects of this Local Lettings Plan.

## 6. AREA AFFECTED

6.1 The properties affected by the local lettings plan include Gibbs Green estate, West Kensington estate and the Registered Provider (RP) infill properties. The street or block names of these properties are:

**Homes that are Council Owned & Managed (including leaseholders & freeholders)**

- 1 – 88 Churchward House (44 x 1 bed flats & 43 x 2 bed flats)
- 1 – 88 Fairburn House (44 x 1 bed flats & 44 x 2 bed flats)
- 1 – 38 & 101 – 160 Gibbs Green estate (61 x 2 bed flats & 37 x 3 bed flats)
- Aisgill Avenue (53 x 3 bed houses & 8 x 4 bed houses)
- Stanier Close (4 x 3 bed houses & 3 x 4 bed houses)
- Ivatt Place (14 x 3 bed houses & 10 x 4 bed houses)
- Marchbank Road (5 x 2 bed flats & 14 x 3 bed houses & 15 x 3 bed flats & 10 x 4 bed flats)
- 1 – 52 Sharnbrook House (16 x 1 bed flats & 36 x 2 bed flats)
- North End Road (30 x 2 bed flats & 18 x 3 bed flats)
- 1 – 80 Desborough House (40 x 1 bed flats & 39 x 2 bed flats)
- 1 – 80 Lickey House (40 x 1 bed flats & 39 x 2 bed flats)
- Bellamy Close (5 x 3 bed houses & 4 x 4 bed houses)
- Franklin Square (14 x 3 bed houses & 12 x 4 bed houses)

**Housing Association Properties**

**Family Mosaic Housing Association**

- Lerry Close (1-6) & Thaxton Road (1-15 – odd numbers) (2 x 1 bed flat; 2 x 2 bed flat; 7 x 3 bed house; 3 x 4 bed house)
- Dieppe Close (1-28) (2 x 1 bed flat; 2 x 1 bed house; 4 x 2 bed flat; 6 x 2 bed house; 10 x 3 bed house; 4 x 4 bed house)

**London & Quadrant Housing Association**

- Marchbank Road (63-71 – odd numbers) (4 x 2 bed house & 1 x 3 bed house)
- Aisgill Avenue (14 a,b,c&d) (1 x 2 bed house; 3 x 3 bed house)

**Shepherds Bush Housing Association**

- Garsdale Terrace (1 -7) (1 x 1 bed house; 1 x 2 bed house; 5 x 3 bed house)

6.2 There are 191 private car parking spaces on the estate in garages, car ports and hard-standings. In addition, there are approximately 350 parking spaces dedicated to permit parking within the estate boundary. Across the two estates 189 households enjoy the use of their own private gardens

6.3 The replacement housing for secure tenants and assured tenants will be primarily defined by the housing needs of the residents in the first phase of re-housing.

## 7.0 CONSULTATION

7.1 Residents will be consulted on the Local Letting Plan and the Council will have regard to their views.

7.2 Local community representatives, such as councillors, community groups and local representatives, as well as estate residents will be given the opportunity to comment upon the Local Lettings Plan.

## 8.0 PHASING AND RE-PROVISION OF HOMES

8.1 To replace the existing 760 homes on the West Kensington and Gibbs Green estates, the Council will be receiving 760 replacement homes on LBHF land within the Earls Court and West Kensington Opportunity Area. Additional sites within the vicinity may also be offered.

8.2 The replacement homes will be provided in phases to enable a 'one move' solution for all Eligible Tenants. Consequently, phases of land on the West Kensington and Gibbs Green estates can only be vacated and passed over to the developer, once new homes in the affected phase have been re-provided.

8.3 Whilst this means the development period will be longer, this ensures that residents only have one move and serves to safeguard the existing community by minimising community break-up.

8.4 The Conditional Land Sale Agreement includes a phasing plan, however this plan is indicative and the developer will propose the phases on the estates that they wish to acquire and when.

8.5 When the developer proposes each phase, they will work with the Council to engage with residents on the proposed phase and the proposed replacement accommodation. The developer will also submit a Phase Impact Assessment. This assessment will include a number of strategies that outline how the estate will continue to function as a place to live while that phase is developed.

8.6 Once the engagement with residents has been completed and the Phase Impact Assessment agreed, the Council will undertake a needs assessment for all residents in the affected phase This information will then be used to inform the developer of the type and size of replacement accommodation and total floor space needed for the residents in that phase.

8.7 There may be a period during the phasing programme when the phases run concurrently.

8.8 The replacement homes

8.9 The Council has agreed with the developer a maximum floor space that reasonably represents 760 properties built to the size standards in the London Mayor's new Design Guidelines. If the needs assessment shows that the Council needs more floor space than it is allocated for that phase, it can request for up to ten per cent additional replacement floor space to ensure we meet the needs of the eligible tenants.

8.10 The replacement homes will include flats, houses and maisonettes, including a total of 75 houses and 66 'house equivalent' properties. The Council can request 1,2,3,4 and 5 bedroom properties.

8.11 Time Scales

8.12 There is no set timescale for the development process but it is anticipated that the phasing will happen over a 10-20 year period.

8.13 The first new replacement homes will be provided on the Seagrave Road site. The developer has planning permission to build 808 homes on this site, 200 of which will be replacement homes for estate residents. The first 150 of these homes on Seagrave Road are expected to be ready for occupation by 2015/16.

8.14 Once Seagrave Road is complete and residents have been re-housed to this phase, the next phase will follow.

## 9. RE-HOUSING PROCESS

9.1 Each Eligible Tenant will be allocated a dedicated re-housing officer at the start of each phase. The re-housing officer will visit the tenant and undertake a comprehensive housing needs assessment in the tenant's home. The tenant will need to provide all the supporting documentation to complete the comprehensive housing needs assessment.

9.2 Once the needs have been assessed, the tenant can be identified for a home in the new development. The re-housing officer will regularly keep each tenant and their household up to date on the progress of each phase. If the household requires any additional support with the transfer due to age or disability, then these will be planned into the removal process.

9.3 Once the property is scheduled to be ready, an offer will be made. The Eligible tenant will be able to view the property and agree a date for the transfer to occur. The re-housing officer will support the tenant and the household by arranging the necessary removal arrangements (e.g. removal firm, disconnection & reconnection of services) and the transfer will be undertaken.

9.4 The Eligible tenant will terminate the tenancy agreement at their old home on West Kensington estate or Gibbs Green estate at the same time as signing up for the new tenancy at their new home.

9.5 If an Eligible tenant has any disabilities or the re-housing officer will undertake a 'settling in' visit within 7 days of the transfer to make sure the tenant is content with their new home.

9.6 The re-housing officer will be available for each Eligible tenant and their household to deal with any queries up to 3 months after the tenant has moved into their new home.

## 10. HOUSING NEEDS

10.1 There are up to 760 households to be re-housed from the site, who are primarily families with 1, 2, 3, 4 & 5 bedroom housing needs. It is likely that some households will want to use the regeneration scheme as an opportunity to move out of the area, whether they are secure or assured tenants or are resident or non resident homeowners. However, if the household moves out of the area it is unlikely they will be moving to a brand new home.

10.2 Existing residents who are private tenants will have no eligibility for a move to the redeveloped site, however, the Council will provide support for private tenants and their housing needs through the borough-wide services already provided.

10.3 In seeking to meet identified needs within the households that are eligible for re-housing, the Council will establish links with the local community services to assess local housing needs of residents with physical disabilities, learning difficulties and any other needs that are required to be taken into consideration. The Occupational Therapy service will be available for those residents who may require an adaption. The Council will set up an Advocate System where the Eligible tenant can opt to have their matters dealt with by a nominated Advocate, usually a close family member or other appropriate person.

10.4 Tenants who currently occupy private sector housing (including homeless households registered with the Council) will be assessed on a case by case basis in line with the Council's Housing Allocation Scheme, but will not be eligible for the housing offers set out in this document. Tenants of 'meanwhile use', accommodation (as described in section 5.1,), will similarly not be eligible for the housing offers set out in this document.

## 11. ADVANCED LOCAL LETTINGS PLAN

11.1 To help deliver the early phase of the Local Lettings Plan, the Council will deliver an Advanced Local Lettings Plan which will deal with:

1. Secure tenants who want to leave the estate
2. Secure tenants who want to move out of phase.

11.2 Secure tenants who do not wish to move to accommodation in the regeneration scheme site, subject to availability, will be offered a transfer to another Council secure "lifetime' tenancy". They will still be eligible for home loss and disturbance compensation, provided they have been resident since the signing of the CLSA (23/01/13). Where secure tenants express a preference for a housing association tenancy, this will be let on an assured 'lifetime' tenancy. Such an option will not constitute an offer under the terms of the Local Lettings Plan.

11.3 Secure tenants who chose this option will not be eligible for a transfer back to the regenerated

site or eligible for the enhanced compensation package. If a suitable secure or assured 'lifetime' tenancy does not become available by the time the property is required for possession, a tenancy in the redevelopment area, which meets the Council commitments, will be offered. Only one 'offer' of accommodation will be made in this instance.

11.4 Secure tenants who wish to move 'out of phase' can do so if there are surplus properties available The following factors will be considered when prioritising requests for "out of phase" moves:

a) Secure tenants who have signed the Tenants Contract

b) Secure tenants who are:

i Pregnant or who have member of the household who is pregnant

ii. registered disabled with significant mobility problems or who have a member of the household who is registered disabled with significant mobility problems

iii. aged 65 years or over

c) Secure tenants who need to move to be near support networks e.g. family move

d) Secure tenants who wish to move from a house to a flat or maisonette.

e) Size & floor level of available properties.

f) Secure tenants most affected by demolition and construction works.

g) The length of the secure tenancy

h) Where all other factors are equal, preference will be given to the resident with the earlier date the Tenant Contract was signed.

11.5 The process for the allocation of surplus properties 'out of phase' will continue through the development once the previous phase has been prioritised.

## 12. MEANWHILE USE / SHORT TERM USE

12.1 The Council aims to maintain Gibbs Green estate and West Kensington estate to a high standard throughout the lifetime of the regeneration scheme. One of the key ways the Council aims to achieve the high standard is to ensure the continued use of the properties on the estate until they are required for demolition.

12.2 To create mixed, balanced sustainable communities the Council will allocate to short fixed term tenancies (2 year tenancies) to households with low to medium incomes that are not necessarily from reasonable preference groups, who will deliver this objective.

12.3 The simplest approach to deliver this objective is to let to the Council's Homebuy Register, which includes applicants who wish to rent at sub market levels. Some households may be seeking to save money for a deposit to enter low cost home ownership which the Council is keen to encourage. This will give such households the experience of managing a household budget and also provide an opportunity for such households to save money towards a deposit for a low cost home ownership option.

12.4 The allocation of homes for meanwhile use to households the 'Home Buy Register' will be made in line with section 2.43 to 2.50 of the Housing Allocation Scheme.

12.5 The allocation of homes for accommodation will be made in line with the Council's Housing Allocation Scheme and Homelessness Strategy.

12.6 Members of any household who has been allocated a property for 'meanwhile use' will not be eligible for the offers set out to 'Eligible Tenants'.

## 13. FRAUD

13.1 All Eligible Tenants who will be subject to the Local Lettings Plan will be required to comply with the Council's policy on fraud, as set out in 3.19 to 3.26 of the Council's Housing Allocation Scheme. (See Appendix 3 of this document).

## 14. EQUALITIES

14.1 The Council will have regard to the needs of equality groups and potential positive and negative impacts when preparing the equalities impact assessment initial screening document.

## 15 APPEALS, INFORMATION AND REVIEWS

15.1 Eligible Tenants who are unhappy about a decision made under this Local Lettings Plan can review of the decision and the procedure will comply with Section 5.3 to 5.6 of the Housing Allocation Scheme.

## 16 GENERAL RULES & CONDITIONS

16.1 Where appropriate, the rules and conditions set out in the Council's Housing Allocation Scheme will apply to the Local Letting Plan. However, Section 6.7 to 6.9 – Income & Resources – will only apply to the properties in 'Meanwhile Use'.

## 17. INFORMATION CONTACT:

17.1 If you are not able to read or understand the content of this Local Lettings Plan Consultation Draft, please contact:

**Earls Court Regeneration Team**
Housing and Regeneration Department
London Borough of Hammersmith
& Fulham Council
3rd Floor Hammersmith Town Hall Extension
King Street
London W6 9JU

Tel: 020 8753 5646 / 6889
Email: westken@lbhf.gov.uk

17.2 Please refer to Appendix 4 for Glossary

## APPENDIX 1 - SIZES OF HOMES

The Council's approach to sizes of homes that are allocated to applicants is guided by the CLG Bedroom Standard which is as follows:

The bedroom standard allocates a separate bedroom to each: married or cohabiting couple adult aged 21 years or more pair of adolescents aged 10-20 years of the same sex pair of children aged under 10 years regardless of sex.

*Source: CLG Allocation of Accommodation: guidance for local housing authorities in England (June 2012).*

Note: In the case of non-dependent adults over the age of 18 years old who are not carers; vulnerable; or the subject of other exceptional circumstances; they will not be considered as members of the household for the purpose of this Housing Allocation Scheme.

The annex table sets out the size of a property a household successfully applying for home can expect The Council will not offer a home that is larger or smaller than the identified need (subject to Section 6.10). In detail:

- The number of bedrooms you need depends upon the size of your family
- The chart shows the size of home that we consider you need
- A single parent is counted as a couple and an unborn baby beyond the first trimester is counted as a child
- Single people without children will usually be offered a studio/bedsit
- Two children of the opposite sex under ten will be expected to share a bedroom
- Council or Private Registered Provider (PRP) tenants 'trading down' from properties with three or more bedrooms may choose a property with one bedroom more than they need
- Some PRPs may have policies that vary from the bedroom requirements set out below
- In exceptional circumstances, applicants with a disabled child who requires their own bedroom will be considered on a case by case basis.

| Size category | Size of household | Size of property |
|---|---|---|
| 1 | Single person | studio/bedsit |
| 2 | Couple without children | 1 bedroom |
| 3 | Two adults of the same sex and generation* for example flat sharers or two siblings | 2 bedroom |
| 4 | Couple expecting a child or with a child, including an adult son or daughter | 2 bedroom |
| 5 | A couple with two children of the same sex | 2 bedroom |
| 6 | Two adults of opposite sex who do not live as a couple for example, brother and sister | 2 bedroom |
| 7 | A couple with two children of opposite sex and both under 10 | 2 bedroom |
| 8 | A couple with two children of opposite sex one of whom is over 10 | 3 bedroom |
| 9 | A couple with three children | 3 bedroom |
| 10 | A couple with four children (all of the same sex or two of each sex) | 3 bedroom |
| 11 | A couple with two children of the opposite sex under 10 and one dependent relative (for example widowed mother) | 3 bedroom |
| 12 | A couple with four children (three of one sex and one of the opposite sex) | 4 bedroom |
| 13 | A couple with more than 4 children** | 4 bedroom |
| 14 | A couple with 3 children and one dependent relative | 4 bedroom |

* Less than 20 years apart but does not apply to parents/ children

** Accommodation needs greater than 4 bedrooms will be considered by the Housing Options Officer concerned and options considered and offered to the household. The officer concerned may suggest that the household size is reduced through adult children and/or non dependents household members being required to make their housing arrangements elsewhere. This may enable the officer concerned to make an offer (or offers) that can help meet the household's needs. Such a decision would need to be endorsed by a panel of senior housing managers.

## APPENDIX 2

### Resident Homeowners

Resident Homeowners have a different legal relationship with the Council than eligible tenants and are therefore not included in the Local Lettings Plan.

Resident Homeowners will only be eligible for the move to the new site if they have lived at their property a year from the 'Effective Date' and have submitted a right to buy application before 30th June 2011.

The Effective Date is the date on which the Council will make these Leaseholder/Freeholder Contracts available to homeowners. The date is dependent upon key approvals being in place, giving more certainty that the scheme can go ahead. The approvals that need to be in place are as follows:

- the Council signing the CLSA with EC Properties Ltd;
- the consent of the Secretary of State for the Council to sell its housing land, and
- the grant of satisfactory planning permission on the main development site along with the signature of any related planning agreements

The date that all of these key approvals have been secured is the Effective Date.

### Resident Homeowner Commitments

Resident homeowners will not be expected increase borrowing to purchase an affordable home in the site.

Service charges will be capped for 5 years for resident homeowners who move to the redeveloped site. Service charges will be capped for secure tenants who move to the redeveloped site.

Compensation will be paid for major works service charges that haven't been taken into account in the valuation of the property.

### Buy Back of leasehold & freehold properties and Local Lettings Plan Options

The Council will develop a Buy Back Policy, which will encompass the leaseholder and freeholder contracts which will be made with resident and non resident homeowners after the Effective Date.

The Council will engage a 'Buy Back' officer who will lead on the negotiations of the purchase of the interest and the offer of a discounted sale for a new home in the redeveloped site. Resident homeowners will not have to increase their mortgage in their move to the new site.

Where the Council buys properties before they are needed for the next phase of development, the Council will be able to let the properties to 'short term occupiers at affordable rent levels in accordance with the Council's Housing Allocation Scheme and Tenancy Strategy.

The Council will engage in separate discussions with each of the 3 Private Registered Providers and make a fair and reasonable offer.

## APPENDIX 3

Investigation of Fraud: Offences related to information given or withheld by applicants

- The Council recognises its duty to protect the public resources it administers. Detailed enquiries about applications will therefore be made in order to guard against misrepresentation and fraud. Such enquiries will be made in all cases where applicants appear to have sufficient priority for an offer for re-housing, and in other cases as resources allow and may be made at any time either at the time of application or subsequently including after any grant of tenancy. Applications will be suspended if there is evidence of misrepresentation or fraud until enquiries are completed.
- Any applicant seeking to obtain accommodation by making a false or misleading statement or by withholding relevant information or by failing to inform the Council of any material change in circumstances is liable to have his/her application cancelled. Prosecution will be considered where it appears to the Council that a criminal offence has been committed. Proceedings for possession will be taken to recover any tenancy granted in consequence of a fraudulent application for housing.
- For the reasons set above, the Council is keen to ensure that information submitted to support a housing registration application is truthful and accurate.
- Section 171 makes it an offence for anyone seeking assistance from a housing authority under Part 6 of the 1996 Act to:
  - Knowingly or recklessly give false information, or
  - Knowingly withhold information which the

housing authority has reasonably required the applicant to give

- It is for individual housing authorities to determine when these provisions apply and when to institute criminal proceedings. However, the circumstances in which an offence is committed could include:
  - Any false information given on an application form for social housing
  - Any false information given in response to subsequent review letters
  - Any false information given or submitted by applicants during the proceedings of a review
- Ground 5 in Schedule 2 of the Housing Act 1985 (as amended by s 146 of the 1996 Act) enables a housing authority to seek possession of a tenancy granted as a result of a false statement by the tenants or a person acting as the tenant's instigation.
- Any tenancy fraud that may occur after the grant of a tenancy (e.g., tenancy passed on to a third party such as subletting of a tenancy) will be approached in a similar fashion. New powers to be granted to local authorities to pursue such cases through the criminal rather than the civil courts will be used by Hammersmith & Fulham.
- In both instances - at application stage and tenancy stage – the Council will support and work with all Registered Providers to reduce and eliminate tenancy fraud.

## APPENDIX 4 GLOSSARY

Assured Shorthold tenants – mainly private tenants

Assured tenants – L&Q, Family Mosaic or SBHA tenants

Build phase – the phase when the properties are built and subsequently occupied.

Council's Corporate Plan – the Council's plan that sets out it manages its business affairs

Conditional Land Sale Agreement – the contract which explains what happens if developer decides to go ahead and buy Gibbs Green estate and West Kensington estate

Demolition phase – this is the phase of the development when the households are moved out and once the properties are empty, the housing is demolished

Earls Court West Kensington Opportunity Area – the area identified by the Mayor of London in the London Plan.

Effective date – is the date on which the Council will make these Leaseholder/Freeholder Contracts available to homeowners. The date is dependent upon key approvals being in place, giving more certainty that the scheme can go ahead. The approvals that need to be in place are as follows: the grant of satisfactory planning permission on the main development site along with the signature of any related planning agreements, the consent of the Secretary of State for the Council to sell its housing land and the Council signing the CLSA with EC Properties Ltd. The date that all of these key approvals have been secured is the Effective Date.

Eligible tenant (s) – secure & assured tenants who qualify for re-housing under the Local Lettings Plan Secure tenants of the council and assured tenants of housing associations (also known as Private Registered Providers). Joint tenants will be considered as a household rather than as individual joint tenants.

Freeholder – ownership of the freehold of the property. In the Local Lettings Plan, the freeholder refers to those people who have bought houses from the Council that were previously rented from the Council.

Housing Allocation Scheme – the rules which the Council uses to offer housing to people in the borough

Interim statement – information which shows how far the Council has got in writing its Local Lettings Plan

Leaseholder – the ownership of the lease of a flat, the freehold which is owned by the Council

Lifetime tenancy –an assured or council tenancy

which is for an unlimited time

**Local Development Framework Core Strategy** – the planning document for Hammersmith & Fulham Council for the use of land within the borough.

**Local Lettings Plan (LLP)** – the plan the Council have for letting properties within the Earls Court Redevelopment area, particularly the re-provided 760 homes.

**Mayor of London's London Plan** – the London Plan is the overarching strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031

**Meanwhile use or short term use** – the renting of homes in the short term while the regeneration is underway

**Phase (PPDN)** – the re-housing of the estate will be carried out in stages – each stage is called a phase or a PPDN.

**PPDN** – Pre Phase Draw-down Notice (see phase - above)

**Private sector landlords** – landlords who rent their property out to private tenants

**Registered members of the household** - the members of the household who will be re-housed

**Private Registered Provider** – also known as a Registered Social Landlord or Housing Association. The 3 Registered Providers in this site are : Family Mosaic; London & Quadrant (L&Q); Shepherds Bush Housing Association (SBHA)

**Regulatory framework** – the statutory rules which the Council has to operate within

**Re-housing offer** – the flat, maisonette or house that residents will be offered

**Resident homeowners** – a term used to include both leaseholders and freeholders

**Resident Homeowner Contract** – the legal document for leaseholders and freeholders which explains their rights in the regeneration scheme

**Right to buy** – the right which council tenants have to buy the home they rent from the Council

**Secure tenants** – council tenants

**Service charges** - bills which resident homeowners have to pay for estate services e.g. cleaning

**Statutory homeloss and disturbance payment** – the payments to tenants and leaseholders to help with the costs of moving

**Tenant's Contract** – the legal document for council and RP tenants which explains their rights in the regeneration scheme.

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