

Council Assembly (Ordinary)

Wednesday 26 November 2014

7.00 pm

Harris Academy Peckham, 112 Peckham Road, London SE15 5DZ

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

Eleanor Kelly
Chief Executive

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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

Babysitting/Carers allowances

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

Access

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

Contact

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

Date: 14 November 2014



Council Assembly (Ordinary)

Wednesday 26 November 2014
7.00 pm
Harris Academy Peckham, 112 Peckham Road, London SE15 5DZ

Order of Business

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PART A - OPEN BUSINESS

1. PRELIMINARY BUSINESS

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

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

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

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

1.3. DISCLOSURE OF INTERESTS AND DISPENSATIONS

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

1.4. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1.5. MINUTES

To approve as a correct record the open minutes of the council assembly meeting held on 16 July 2014 (to be circulated separately).

2. ISSUES RAISED BY THE PUBLIC**2.1. PETITIONS**

To formally receive any petitions lodged by members of the council or the public which have been received in advance of the meeting in accordance with council assembly procedure rules.

2.2. PUBLIC QUESTION TIME

The deadline for public questions is Midnight, Thursday 20 November 2014. Questions can be emailed to constitutional.team@southwark.gov.uk.

Questions from the public will be distributed in a supplemental agenda.

3. THEMED DEBATE - TRAFFIC AND TRANSPORT, INCLUDING CYCLING AND PUBLIC TRANSPORT**3.1. COMMUNITY EVIDENCE**

The deadline for the submission of evidence from the public on the theme is Midnight, Thursday 20 November 2014. Submissions can be emailed to constitutional.team@southwark.gov.uk.

Submissions from the public will be distributed in a supplemental agenda.

3.2. CABINET MEMBER STATEMENT

1 - 4

Councillor Mark Williams, the cabinet member for regeneration, planning and transport, to present the theme for the meeting.

4. DEPUTATIONS

The deadline for deputation requests is Midnight, Thursday 20 November 2014. Deputations can be emailed to constitutional.team@southwark.gov.uk.

Deputation requests will be distributed in a supplemental agenda.

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	The Planning Inspector recently held an Examination in Public of the draft Peckham and Nunhead Area Action Plan, following this examination the inspector requested that the council make a number of amendments to the draft before it is adopted by the council. This report sets out the cabinet recommendations for approval by council assembly to adopt the PNAAP incorporating the binding recommendations of the inspector. Those appendices not attached to this report can be found at: http://www.southwark.gov.uk/futurepeckham	
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9.	AMENDMENTS	
	Any member of the council may submit an amendment to a report or motion on the agenda. The amendments will be circulated to all members in a supplemental agenda.	

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

EXCLUSION MOTION (IF NECESSARY)

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

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

PART B – CLOSED BUSINESS

ANY CLOSED ITEMS IDENTIFIED AS URGENT AT THE START OF THE MEETING

Date: 14 November 2014

Item No. 3.2	Classification: Open	Date: 26 November 2014	Meeting Name: Council Assembly
Report title:		Motion on the Theme: Traffic and transport including cycling and public transport	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

BACKGROUND INFORMATION

The theme for this meeting is traffic and transport including cycling and public transport.

The relevant cabinet member shall submit a motion on the theme. All other political groups on the council are allowed to submit one amendment to the motion. The cabinet member's motion and the amendments do not need to be seconded. The cabinet member will present the motion to the meeting, followed by the lead opposition spokesperson's response and moving of their amendment. Following this the subject matter of the theme will be open to debate. Amendment(s) from other opposition groups on the council can be moved during this part of the meeting.

1. MOTION FROM COUNCILLOR MARK WILLIAMS, CABINET MEMBER FOR REGENERATION, PLANNING AND TRANSPORT

Traffic and transport including cycling and public transport

1. A well resourced, well maintained and accessible transport system can improve the lives of our residents, expand economic growth, improve public health and make the borough a more pleasant place to live. Council assembly recognises the need for a robust transport policy that enables people to travel around the borough and access services as freely and easily as possible, while at the same time minimising the environmental impact of transport and making the borough a safer, cleaner, healthier and more attractive place to live.
2. Council assembly believes that transport policy should reflect an emphasis on public transport, including improving walking and cycling routes, increasing bus capacity and improving transport links for people living in outreach areas of the borough, who are currently poorly served by National Rail.
3. Council assembly recognises the key role played by the council in promoting and encouraging sustainable forms of transport, such as walking and cycling, to improve health and air quality, and to improve the public realm, including streets, parks and open spaces.
4. Council assembly welcomes the progress made by the council to reduce traffic and encourage more environmentally friendly forms of transport. In particular, council assembly welcomes the launch of the new cycling strategy for consultation, which aims to both improve cycling experiences and increase the number of people cycling in the borough.

Economic growth

5. Council assembly recognises the potential for improvements in transport to unlock economic growth by increasing employment opportunities, opening up connectivity across the borough and improving links between Southwark and the rest of London.
6. With a projected population increase of 19% over the next fifteen years, it is essential to ensure capacity and affordability of public transport in Southwark by maintaining and improving the existing transport network, to ensure that those who live and work in the borough are able to make journeys as freely and easily as possible.
7. Council assembly recognises that significant public transport improvements are needed in parts of the borough which are currently under-served and in need of additional investment.
8. Council assembly fully supports Labour's campaign to extend the Bakerloo line south of Elephant and Castle and welcomes the cross party support for this campaign. Council Assembly welcomes that after more than 100 years since the extension was first proposed, a consultation is now being undertaken by TfL to consider options for the route.
9. Council assembly supports the expansion of the Bakerloo line to serve both Camberwell and the Old Kent Road and calls on Cabinet to continue pushing for a two-branch extension with Transport for London (TfL) and the Mayor of London and to push for a more ambitious timetable for the delivery of the Bakerloo line extension.
10. Council assembly calls on the cabinet to support small businesses in Southwark and encourage people to shop locally by supporting the small business Saturday campaign, including suspending parking charges to encourage people to shop locally.

Public health

11. Council assembly recognises the potential to improve public health through transport policy, by encouraging residents in the borough to make more active journeys walking and cycling. Council assembly believes that sustainable journeys should be prioritised and encouraged through transport policy.
12. Over 100 people in Southwark die prematurely each year from poor air quality. Council assembly supports the implementation of an Ultra Low Emissions Zone (ULEZ) in London, but believes that the current ULEZ proposal by TfL will not go far enough to improve air quality across the capital. Council assembly calls on the cabinet to press the Mayor and TfL to consider Labour's proposed revisions to the scheme, including widening the zone beyond the Central London Congestion Charge boundary, committing to levy increased charges for more polluting vehicles, introducing a scrappage scheme to provide targeted assistance to drivers and cleaning up the TfL bus fleet.

13. Council assembly welcomes the launch of the borough's new cycling strategy, which aims to increase the number and quality of cycling journeys made in Southwark. Council assembly welcomes the cabinet's commitment to more than double cycling in the next ten years by proving the infrastructure, education and information needed to get more people cycling. Council assembly also welcomes the fact that more money is being spent on cycling in Southwark than ever before, with £2 million funding committed for cycling over the next four years.
14. Council assembly calls on the cabinet to:
 - i. Continue investing in cycling, both to make roads safer and to promote cycling as a healthy mode of transport.
 - ii. Invest in cycling infrastructure, including:
 - Introducing new cycle routes
 - Closing off roads to motor vehicles to make routes more accessible for cyclists
 - Identifying areas where segregated cycle lanes could be introduced to improve cycle safety
 - Pressing TfL for an expansion of the cycle hire scheme.

Making the borough a more pleasant place to live

15. Prioritising sustainable modes of transport and designing roads and public spaces to be more pedestrian friendly has a positive impact on the public realm, making the borough cleaner, greener and a more attractive place for people to live and work.
16. Closing off roads to enable children to play outdoors can promote healthy activities and bring together the community in a positive way. Council assembly calls on the cabinet to continue to promote play streets, making it easier and safer for children to play outdoors in Southwark.
17. Council assembly welcomes the steps taken by the council to ensure we have a transport system that works for all, by improving disabled access and making Southwark an age friendly borough. Council assembly believes that significant access improvements are needed across the London transport system and welcome's the Mayor of London's recognition of the need for improved step free access in the London Infrastructure Plan. However, council assembly believes that the Mayor's commitment to step free access in two thirds of stations by 2050 is not sufficient, and calls on the cabinet to push the Mayor of London to commit to a more ambitious target of step free access across the London transport network by 2030.
18. Council assembly welcomes the council's ambitious step to become a 20mph borough, making Southwark a pioneering council in London committed to reducing road casualties and creating a more pleasant environment for people in the borough.
19. Council assembly recognises the potential for transport improvements to transform communities; making improvements to streets and public spaces by opening up areas and making them even better places to live, work and visit.

20. Council assembly welcomes the cabinet's commitment to transform the Elephant and Castle area through one of the biggest regeneration projects in London. Council assembly calls on the cabinet to work with TfL to deliver proposals to remove the northern roundabout and create a major new public space, to improve walking and cycling routes and to make the area feel cleaner and greener.
21. Council assembly welcomes the cabinet's commitment to transform the Old Kent Road, making it more pleasant for pedestrians and cyclists. Council assembly welcomes the designation of the Old Kent Road as an opportunity area, but recognises that the area is desperately in need of better public transport links. Council assembly calls on the cabinet to lobby the Mayor of London for infrastructure improvements, improved public transport connections and the extension of the Bakerloo line to support the development of the area. Council assembly welcomes the consultation on options for the area.

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

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Cabinet member's motion	Constitutional Team 160 Tooley Street London SE1 2QH	Andrew Weir 020 7525 7222

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager
Report Author	Andrew Weir, Constitutional Officer
Version	Final
Dated	14 November 2014

Item No. 5.1	Classification: Open	Date: 26 November 2014	Meeting Name: Council Assembly
Report title:		Members' Question Time	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

BACKGROUND INFORMATION

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

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

Questions to the leader will be taken first, followed by question from community council councillors followed by questions to other cabinet members.

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

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

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

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

Notes:

1. The procedures on members' questions are set out in council assembly procedure rule 2.9 in the Southwark Constitution.
2. In accordance with council assembly procedure rule 2.9 (12) & (13) (prioritisation and rotation by the political groups) the order in which questions to the leader appear in this report may not necessarily be the order in which they are considered at the meeting.
3. A question from a community council must have been previously considered and noted by the relevant community council (CAPR 2.9.2).

1. QUESTION TO THE LEADER FROM COUNCILLOR CATHERINE DALE

What feedback have you had from members of the public who attended the first Leader's Public Question Time last month?

2. QUESTION TO THE LEADER FROM COUNCILLOR ADELE MORRIS

How many wheelchair-adapted shared ownership properties have been approved as part of planning applications in the borough in each of the last three years and how many of those have subsequently been provided as non-wheelchair-adapted properties?

3. QUESTION TO THE LEADER FROM COUNCILLOR MICHAEL MITCHELL

It is now three years since the Holmhurst Day Centre on the corner of Half Moon Lane and Burbage Road was closed. What plans has the council for this valuable community asset other than to house licensed squatters, and when might we see those plans come to fruition?

4. QUESTION TO THE LEADER FROM COUNCILLOR KATH WHITTAM

Can the leader give an update on the council's ongoing challenge against the Thames Super Sewer?

5. QUESTION TO THE LEADER FROM COUNCILLOR ANOOD AL-SAMERAI

How does he plan to measure his administration's pledge to create a) 5,000 new jobs and b) 2,000 new apprenticeships for Southwark residents over the next four years? Please will the leader provide a list of all the businesses in the borough that offer apprenticeships?

6. QUESTION TO THE LEADER FROM COUNCILLOR JANE LYONS

Will the leader provide an update on the progress of his plans for free swimming for all Southwark residents, especially having regard to the timeline and the cost to the council's budget?

7. QUESTION TO THE LEADER FROM COUNCILLOR CHARLIE SMITH

Can the leader tell me what the council is doing to support a new secondary school on the Dulwich Hospital site?

8. QUESTION TO THE LEADER FROM COUNCILLOR JAMES BARBER

What discussions has the leader had since May 2014 regarding the introduction of free public wi-fi to Southwark? Will he consider piloting such a scheme in the borough's commercial, tourist and shopping areas such as Lordship Lane in East Dulwich?

9. QUESTION TO THE LEADER FROM COUNCILLOR JOHNSON SITU

A Liberal Democrat councillor was quoted in the South London Press saying he was concerned that the new Cycling Strategy didn't include 'a single penny' of funding to make improvements. Can the leader confirm how much money has been allocated for cycling in Southwark?

10. QUESTION TO THE LEADER FROM COUNCILLOR DAMIAN O'BRIEN

What specific plans does the council have to install segregated cycle lanes on council-managed roads over the next twelve months?

11. QUESTION TO THE LEADER FROM COUNCILLOR RADHA BURGESS

The Mayor's Office for Policing and Crime (MOPAC) has responded to Southwark Council's campaign to increase the number of dedicated local police officers in the borough by denying that the number has decreased. Can the leader reassure me that the council's figures are robust and that he will continue to campaign to restore police numbers in Southwark?

12. QUESTION TO THE LEADER FROM COUNCILLOR JAMES OKOSUN

Will the leader please provide an update on the work of each of his deputy cabinet members, including what activities, including meetings, they have undertaken so far, and what the main priorities are for each in 2014/15?

13. QUESTION TO THE LEADER FROM COUNCILLOR JAMILLE MOHAMMED

Southwark Works recently celebrated its tenth anniversary of support local people to find work. What impact has this initiative had over the last decade?

14. QUESTION TO THE LEADER FROM COUNCILLOR KIERON WILLIAMS (CAMBERWELL COMMUNITY COUNCIL)

Camberwell Community Council is worried about the reduction in police officers in Camberwell and Southwark more widely. What is the council doing to ensure that there are adequate police numbers in our borough and Camberwell specifically?

15. QUESTION TO THE LEADER FROM COUNCILLOR BILL WILLIAMS (BERMONDSEY AND ROTHERHITHE COMMUNITY COUNCIL)

What is the council going to do in response to the Thames Tunnel decision [by Government ministers Eric Pickles and Liz Truss] in Chambers Wharf?

16. QUESTION TO THE LEADER FROM COUNCILLOR MARTIN SEATON (BOROUGH, BANKSIDE AND WALWORTH COMMUNITY COUNCIL)

Are the changes to local NHS services, increased waiting times and access to treatment impacting on the council services, and what is that impact?

17. QUESTION TO THE CABINET MEMBER FOR FINANCE, STRATEGY AND PERFORMANCE FROM COUNCILLOR ELEANOR KERSLAKE

Can the cabinet members guarantee that the council will continue to protect the most vulnerable in Southwark despite the government's withdrawal of funding for emergency support?

18. QUESTION TO THE CABINET MEMBER FOR FINANCE, STRATEGY AND PERFORMANCE FROM COUNCILLOR LEO POLLAK

The council's revenues and benefits team recently won a gold award from the Institute of Revenues, Rating and Valuation. Can the cabinet member tell me how this service has improved since it was brought in-house in 2011?

19. QUESTION TO THE CABINET MEMBER FOR FINANCE, STRATEGY AND PERFORMANCE FROM COUNCILLOR JON HARTLEY

Southwark's budget has been cut by a quarter over the past four years. How much more is the government likely to cut the council's budget and how will the cabinet member ensure that frontline services will be protected in light of the savings that will have to be made?

20. QUESTION TO THE CABINET MEMBER FOR FINANCE, STRATEGY AND PERFORMANCE FROM COUNCILLOR LISA RAJAN

Will the cabinet member provide an update on the council's plans to refurbish the Seven Islands Leisure Centre which it has allocated around £8 million for over the coming years in its capital budget?

21. QUESTION TO THE CABINET MEMBER FOR FINANCE, STRATEGY AND PERFORMANCE FROM COUNCILLOR DAVID NOAKES

What recent discussions has the council had with contractors regarding paying the London Living Wage to their staff? Which contractors, if any, is the council aware of that are not yet paying London Living Wage to staff?

22. QUESTION TO THE CABINET MEMBER FOR FINANCE, STRATEGY AND PERFORMANCE FROM COUNCILLOR CLEO SOANES

Can the cabinet member tell me how she will ensure that residents in Southwark are able to have their say on how the council prioritises its spending in light of the ongoing, severe cuts from central government to the council's budget?

23. QUESTION TO THE CABINET MEMBER FOR FINANCE, STRATEGY AND PERFORMANCE FROM COUNCILLOR ROSIE SHIMELL

Will the cabinet member provide an update on the council's free swimming and gym pledge? Has the cabinet member now calculated the cost to the council purse of fulfilling the pledge and has she determined where this funding will come from?

24. QUESTION TO THE CABINET MEMBER FOR FINANCE, STRATEGY AND PERFORMANCE FROM COUNCILLOR DAVID HUBBER

Will the cabinet member provide a full schedule of occasions when the council's IT systems have failed to work properly since May 2014?

25. QUESTION TO THE CABINET MEMBER FOR FINANCE, STRATEGY AND PERFORMANCE FROM COUNCILLOR MARIA LINFORTH-HALL

How much has the council spent on mental health provision in each of the last three years?

26. QUESTION TO THE CABINET MEMBER FOR PUBLIC HEALTH, PARKS AND LEISURE FROM COUNCILLOR REBECCA LURY

Can the cabinet member give an update on the delivery of the council's commitment to make swimming and gym use free for all Southwark residents?

27. QUESTION TO THE CABINET MEMBER FOR PUBLIC HEALTH, PARKS AND LEISURE FROM COUNCILLOR JASMINE ALI

How will the council respond to the recommendations put forward in the London Health Commission report, Better Health for London?

28. QUESTION TO THE CABINET MEMBER FOR PUBLIC HEALTH, PARKS AND LEISURE FROM COUNCILLOR MARTIN SEATON

What is the council doing to advise and reassure local people who have concerns about Ebola?

29. QUESTION TO THE CABINET MEMBER FOR ADULT CARE, ARTS AND CULTURE FROM COUNCILLOR LORRAINE LAUDER

Can the cabinet member give an update on the council's plans to become an Age Friendly Borough?

30. QUESTION TO THE CABINET MEMBER FOR HOUSING FROM COUNCILLOR BEN JOHNSON

How many complaints have been made to the council's housing unit in each of the past six financial years (2009/10 to 2014/15 inclusive), broken down by category of complaint and respective ward? Please will the cabinet member provide the results of the most recent satisfaction survey issued by the housing department?

31. QUESTION TO THE CABINET MEMBER FOR HOUSING FROM COUNCILLOR HAMISH McCALLUM

How many complaints have there been from leaseholders in each of the past three financial years about excessive leaseholder billing? What is the total sum of leaseholder bills in the borough for each of the past five years? What is the average bill per leaseholder in each of these years?

32. QUESTION TO THE CABINET MEMBER FOR HOUSING FROM COUNCILLOR ELIZA MANN

How many notices seeking possession have been issued by the council in each of the past three years? How many evictions have been carried out by the council over the same period and will the cabinet member commit to a wider review of policy following the recent high court case condemning the council's unlawful eviction?

33. QUESTION TO THE CABINET MEMBER FOR REGENERATION, PLANNING AND TRANSPORT FROM COUNCILLOR GAVIN EDWARDS

Peckham Rye's Labour councillors want to ensure that cycling in our ward is made as safe and easy as possible. We also want to ensure that improvements to the cycling infrastructure around Peckham Rye Common are sensitive to the needs of park users and protects this much valued community resource from unnecessary development. Could the cabinet member give a reassurance that the suggestion

made by Southwark Cyclists to "Create protected space for cycling on both sides of Peckham Rye Common and at the eastern junction of Peckham Rye/A2214" will be taken forward for investigation and development with TfL at the earliest opportunity, and that this will be done in a way which respects the integrity of Peckham Rye Common?

Item No. 5.2	Classification: Open	Date: 26 November 2014	Meeting Name: Council Assembly
Report title:		Motions	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

BACKGROUND INFORMATION

The councillor introducing or “moving” the motion may make a speech directed to the matter under discussion. This may not exceed five minutes¹.

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

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

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

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

IMPLICATIONS OF THE CONSTITUTION

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

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

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

¹ Council assembly procedure rule 1.14 (9)

1. **MOTION FROM COUNCILLOR COUNCILLOR HAMISH McCALLUM** (Seconded by Councillor James Okosun)

A fair deal for tenants and leaseholders

Council assembly:

1. Notes that when tenants or leaseholders breach the terms of their contract with the council by failing to provide rent or service charge payments in full and on time, the council has well-developed and strictly enforced procedures to ensure that any money owed to it is recovered.
2. Further notes that although instances in which basic services like cleaning and refuse collection are not adequately provided amount to a failure of the council to fulfil its requirements under the same contracts, many residents feel powerless to seek redress from the council.
3. Therefore calls on the cabinet to provide a fair deal for leaseholders and tenants by introducing a system of rent reductions and service charge rebates as compensation to residents when the basic services they are entitled to expect from their landlord are not delivered.

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

2. **MOTION FROM COUNCILLOR NEIL COYLE** (Seconded by Councillor Stephanie Cryan)

Campaign against high stake gambling machines

1. Council assembly reiterates its concern about the proliferation of high street betting outlets in Southwark which, like for many other London boroughs, is an issue of grave concern to the council and local residents.
2. Council assembly notes that there are more than twice as many betting shops in the poorest 55 boroughs compared with the most affluent 115, equivalent by population. Council assembly also notes the concerns of the Gambling Commission that fixed odds betting terminals (FOBTs) present a high inherent money laundering risk.
3. Council assembly regrets that despite this evidence that the most vulnerable are being targeted, the government has refused to act.
4. Council assembly condemns Liberal Democrat and Tory MPs, including government minister and local MP Simon Hughes, for voting against Labour's motion calling for local authorities to be given new powers to restrict the growth of FOBTs, despite publicly backing campaigns to curb high stakes gambling machines.
5. Council assembly notes that Labour's proposal have been welcomed by the Campaign for Fairer Gambling, which praised Labour for 'putting pressure on the government to take action sooner rather than later'.

6. Council assembly calls on the government to back Labour's proposals to enable local authorities to curb the growth of FOBTs and to establish a separate planning class for betting shops.
7. Council assembly calls on cabinet to work with The London Borough of Newham and other London councils to make a submission to the government under the Sustainable Communities Act 2007 to reduce the maximum bet per spin on FOBTs in on street betting shops from £100 to £2, bringing them in line with other gambling machines.
8. Council assembly calls on Liberal Democrat MPs and government ministers, including Simon Hughes MP, to demonstrate their support for the campaign against high stake gambling machines by backing Labour councils' submission to reduce the maximum bet per spin on FOBTs and to introduce a separate use class for betting shops, instead of simply voting on the issue at an party conference that no one cares about.

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

3. MOTION FROM COUNCILLOR KARL EASTHAM (Seconded by Councillor Sarah King)

Towns against tax dodging

1. Council assembly believes
 - i. Southwark as a local authority has a duty to provide the best possible public services.
 - ii. The council's ability to provide quality local services would be significantly enhanced by the increased revenues from the government tackling tax dodging.
 - iii. All who benefit from public spending should contribute their fair share.
 - iv. The UK must take a lead role in creating a fairer tax system and combating tax dodging
2. Council assembly notes:
 - i. It has been estimated that the UK Treasury loses as much as £12 billion to tax dodging by multinational companies every year. Developing countries lose three times more to tax dodging than they receive in aid each year - enough to give a basic education to the 57 million children currently missing out.
 - ii. The UK has a particular responsibility to end tax dodging, as it is responsible for 1 in 5 of the world's tax havens in the British Overseas Territories and Crown Dependencies.
 - iii. The use of tax havens by UK companies is rife, with 98 of the FTSE 100 companies routinely using tax havens.

- iv. Large multinational companies pay as little as 5% in corporate taxes globally, while smaller businesses pay up to 30%.
3. Therefore council assembly calls on cabinet to support ActionAid's Towns Against Tax Dodging campaign and to support the motion:

"While many ordinary people face falling household income and rising costs of living, some multinational companies are avoiding billions of pounds of tax from a tax system that fails to make them pay their fair share. Local governments in developing countries and the UK alike would benefit from a fairer tax system where multinational companies pay their fair share, enabling authorities around the world to provide quality public services. The UK government must listen to the strength of public feeling and act to end the injustice of tax dodging by large multinational companies, in developing countries and the UK."

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

BACKGROUND DOCUMENTS

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

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager
Report Author	Andrew Weir, Constitutional Officer
Version	Final
Dated	14 November 2014

Item No. 6.1	Classification: Open	Date: 26 November 2014	Meeting Name: Council Assembly
Report title:		Peckham and Nunhead Area Action Plan	
Ward(s) or groups affected:		Peckham, The Lane, Livesey, Peckham Rye, Nunhead	
From:		Cabinet	

RECOMMENDATIONS

That council assembly:

1. Notes the recommendations made by cabinet on 21 October 2014. These are set out in paragraphs 41 and 42 of this report.
2. Considers the report of the planning inspector on the Peckham and Nunhead Area Action Plan (Appendices B and C).
3. Adopts the Peckham and Nunhead Area Action Plan (Appendix A) as amended by the inspector's main modifications and the council's minor modifications.
4. Note the sustainability appraisal (Appendix E), equalities analysis (Appendix G), consultation report (Appendix G), sustainability appraisal statement (Appendix H), appropriate assessment (Appendix I) and adopted policies map (Appendix J).

BACKGROUND INFORMATION

Background to the area action plan

5. The council has prepared an area action plan (AAP) for Peckham and Nunhead. The AAP will form part of Southwark's development plan and will be used to make decisions on planning applications. Whilst the AAP must be in general conformity with the London Plan (2013) and the Core Strategy (2011), it can adapt some of these policies to reflect specific issues in Peckham and Nunhead. Alongside the Core Strategy, it may also replace some of the saved Southwark Plan (2007) policies.
6. The AAP covers the majority of the area covered by the Peckham and Nunhead community council, covering Livesey, Peckham Rye, The Lane, Peckham, and Nunhead wards. Parts of Livesey and Peckham Rye wards are outside the AAP boundary.
7. The AAP has been prepared over a number of years, with six stages of consultation taking place between 2006 and 2012. The sixth stage of consultation was the publication/submission consultation from September to December 2012. This consultation was on the draft AAP. The publication/submission AAP sets out a detailed vision for Peckham and Nunhead which builds on the vision in the Core Strategy. It sets policies to make sure that over the next fifteen years we get the type of development to deliver the vision. It covers the following topics:

- Enterprise and activity. This includes policies on shopping; arts, culture, leisure and entertainment, hot food takeaways, markets and businesses.
 - Community wellbeing. This includes policies on community facilities; schools; health facilities and sports facilities
 - Transport and traffic. This includes policies on active travel; public transport; the road network; parking for shopping and visitors and residential parking.
 - High quality homes. This includes policies on new homes to cover density standards and a minimum housing target, affordable and private homes and the mix and design of new homes.
 - Natural environment. This includes policies on open spaces including designating new open spaces, trees, energy and water, water, flooding and pollution.
 - Design and heritage. This includes policies on public realm; heritage; built form and building heights.
8. The publication/submission AAP also includes policies specific to each of the character areas and designates 32 proposals sites, setting out required and acceptable land uses and policy requirements for each site. There is also a section on delivery which sets out how the policies and necessary infrastructure will be implemented.
 9. The publication/submission version of the AAP was taken to cabinet and council assembly for agreement for formal consultation and submission to the Secretary of State, on 25 September 2012 and 17 October 2012 respectively.
 10. The AAP was submitted to the Secretary of State for independent examination in March 2013. The Secretary of State subsequently appointed a Planning Inspector to examine the AAP.
 11. The appointed Inspector wrote to the council on 26 April 2013, asking for the council's early response on a range matters. Within these matters he raised a number of concerns where he considered a 'main modification' may be required. Main modifications are changes that are considered significant changes to a plan, which require consultation before being able to be adopted as part of the plan. The Inspector is able to direct the council to make main modifications in order to make a plan sound. He is also able to consider main modifications suggested by the council after their final stage of consultation prior to the submission to the Secretary of State. In this case, the council proposed one main modification to the Inspector for consideration based on his April note, and a number of minor modifications to provide clarity to the plan and factual updates.
 12. An examination in public (EiP) took place from 23 July to 1 August 2013. At the EiP the inspector considered the soundness of the AAP and whether the council has followed the correct procedural and legal requirements in preparing the AAP. He asked both the council and objectors to put forward their views on a number of issues and questions.

Main modifications consultation

13. Following the EiP the Inspector wrote to the council on 21 August 2013 to identify potential changes to the AAP which the Inspector wished to be the subject of further consultation to enable the Inspector to potentially include them as main modifications in his final report.

14. He asked the council to prepare a table of main modifications to reflect his post hearing note. He also required the council to prepare a list of minor changes to the AAP which we were asked to make public for information alongside the main modifications. The Inspector can only direct the council on main modifications. Minor modifications can be agreed by the council.
15. A report was taken to cabinet on 22 October 2013 for cabinet to agree to formally consult on the potential main modifications. A report delegated to the director of planning in October 2013 agreed the minor modifications. The main modifications were consulted on from 15 October 2013 to 6 January 2014. The minor modifications were also made public during this period.
16. On close of consultation, the council sent the representations received to the Inspector along with the council's comments on the potential main modifications. A report was taken to the cabinet member for regeneration and corporate strategy for an Individual Decision Maker decision in February 2014 to agree the council's response to the Inspector's potential main modifications.

Final report

17. The council received the Inspector's draft report for fact checking on 23 April 2014, and had 14 days to complete the fact check. The council responded to the Inspector on 7 May 2014 with some minor suggested factual corrections and clarifications. The final Inspector's final report was received on 13 May 2014.
18. The final report concludes that the council has met all the necessary legal and procedural requirements for preparing an area action plan, and that subject to the main modifications required by the Inspector the AAP is sound and can be adopted by the council.
19. The AAP has now been updated with the Inspector's required main modifications and the council's proposed minor changes (Appendix A) to be adopted by Council Assembly.

KEY ISSUES FOR CONSIDERATION

20. The Inspector's final report (Appendix B and Appendix C) confirmed that the inspector found that:
 - The council has complied with and satisfied the requirements of the 'Duty to Cooperate'. The inspector concludes that the council has co-operated constructively, actively and on an on-going basis with the relevant authorities and bodies.
 - The AAP is legally compliant. The report confirms that the council has complied with its statement of community involvement in how it consulted on the AAP. It also confirms compliance with legal requirements relating to the publication of documents, advertising, notification and consultation.
 - Subject to the main modifications required by the inspector (Appendix C) the AAP is sound and can be adopted by the council.

Main modifications

21. Appendix C sets out the main modifications required by the inspector. All the modifications were consulted on by the council following the receipt of the inspector's pre-hearing note. There have been some minor updates made by the Inspector to the precise wording of the main modifications following public consultation on the potential main modifications to reflect comments made in the consultation. One of the potential main modifications initially proposed by the Inspector in his pre-hearing note has also been removed from his final main modifications as the Inspector ultimately concluded that there was no need for this modification.
22. These main modifications must be incorporated into the AAP for the AAP to be able to be adopted. The final AAP (Appendix A) includes all the main modifications required by the Inspector.
23. In summary the main modifications are:
24. *Policy 4: Hot food takeaways.* The council previously suggested what we felt were minor changes to policy 4: Hot food takeaways to factually correct the location of Tuke School on figure 9 and to make it clear that figure 9 showing the schools is indicative as the policy restricts hot food takeaways around all secondary schools, whose location might change across the lifetime of the plan. The inspector requires this change to be considered as a main modification.
25. *Policy 6: Business space, policy 27: Land use (Peckham core action area), policy 35: Land use (Peckham south).* The inspector requests the policies and where relevant supporting text be amended to include reference to artist and creative enterprises within the policy and the supporting text. Whilst we already refer to this within other policies, his view is it also needs to be referred to within policy 6, 27 and 35 for the AAP to be sound.
26. *Policy 16: New homes.* The council proposed a minor factual update to the housing trajectory as there was year accidentally missing in the original graph. The inspector requires this to be a main modification rather than a minor change. The trajectory and associated wording has been updated to include the missing year and to reflect the removal of proposal site PNAAP 2 (see below).
27. *Policy 17: Affordable and private homes.* Overall the inspector is content with the minimum 35% affordable policy but requires the wording 'subject to financial viability' to be inserted into the policy. The supporting text is also updated to reflect this wording and to cross refer to the council's affordable housing supplementary planning document. This is already the requirement within Core Strategy policy 6 and the Affordable Housing supplementary planning document and so the change is simply to repeat existing borough-wide policy.
28. The Inspector also requires a further change to this policy, the supporting text and the fact box on affordable housing to resolve the issue of non-conformity with the London Plan. At the publication/submission stage of consultation the Greater London Authority (GLA) issued the council with a letter of non-conformity with the London Plan, asking the council to include the product 'Affordable Rent' within the affordable housing policy. No resolution could be reached between the council and the GLA on this prior to the EiP, and so the GLA attended the EiP to put forward their view that the AAP is not in

conformity with the London Plan. The Inspector's main modification now requires the council to remove the AAP's proposed requirement for 50% social rented and 50% intermediate within the required 35% affordable housing element, and make a commitment to looking at this borough-wide through the New Southwark Plan. The Inspector states that this will enable the AAP to be in conformity with the London Plan and the GLA have agreed this approach. This will mean that the council continues to use saved Southwark Plan policy 4.4 (until the New Southwark Plan is prepared), which requires a split of 70% intermediate and 30% social rent. The council will review this policy at a borough-wide level through the preparation of the New Southwark Plan, which is due for its first detailed stage of consultation from October to December 2014 and will be adopted in 2017.

29. *Policy 26: Building heights.* There was much discussion on this policy at the EiP and objections from some local residents and community groups, including in part from English Heritage. The Inspector's main modification places more emphasis on the area's heritage assets and wider historic environment, and places more of an emphasis on linking to an improved and generous public realm. The policy has been slightly restructured but in the view of officers the substance of the policy is similar to that in the proposed publication/submission AAP.
30. *Presumption in favour of sustainable development.* In the Inspector's April note, he asked the council to include a generic policy on the presumption in favour of sustainable development, in accordance with the National Planning Policy Framework in order to ensure a sound plan. The council subsequently suggested a main modification to this effect and the Inspector has taken this forward in his final main modifications.
31. *Proposals site PNAAP1: Aylesham Centre.* The Inspector's main modification requires a clarification to this figure to make it clearer the indicative capacities for non-residential and retail uses incorporate replacement of the existing uses on the site.
32. *Proposals site PNAAP2: Cinema/Multi-storey car park.* The Inspector is of the view that there is not enough evidence to justify including this site within the AAP due to its existing temporary uses and the existing cinema use. His main modifications require removal of this designation throughout the AAP – within the policies, supporting text and proposal site designations. The removal of PNAAP2 also results in some changes to other parts of the AAP to remove reference to PNAAP2 including specifically within policy 26: Building heights.
33. The council previously questioned the Inspector on this approach setting out that the council's view is that the PNAAP2 designation is sufficiently flexible, in accordance with the National Planning Policy Framework tests of soundness to allow for a range of uses and different options for development of this site. The council put forward the view that it would be unusual for an AAP to provide no new site designation for a site in the centre of the action area.
34. However, the Inspector maintains that PNAAP2 designation must be deleted from the AAP in its entirety. As referred to within his report (Appendix B, paragraph 134) saved Southwark Plan policy 69P remains part of the development plan and will continue to apply to the site. Saved Southwark Plan site 69P states that A Use Class is the required land use and only allows residential and D Uses as other acceptable uses. The table in appendix B of the AAP is updated to cross refer to saved Southwark Plan

proposals site 69P and to refer to this being reviewed through the preparation of the New Southwark Plan. The New Southwark Plan preparation and review will allow the council to amend the designation if appropriate to make it clearer that the council will continue to be committed to promoting and supporting creative industries and the local community in Peckham town centre subject to financially viable proposals being developed.

35. *Proposals site PNAAP4: Copeland Industrial Park and 1-27 Bournemouth Road.* The inspector's main modification requires the "required land use" of B use class to be defined as Class B1. This will make it clear that it is not suitable for industrial uses but more office based B1 uses, as discussed with the site owners at the EiP. This is the intention of the policy.
36. The main modification also requires the inclusion of wording to say 'the continued use of the Bussey building by creative and artistic enterprises will be supported and encouraged.'
37. *Proposals site PNAAP 6: Peckham Rye Station.* The main modifications request that the AAP includes an updated figure/map highlighting Blenheim Court and wording to say that it will be retained and made available for Class B1 business use and that the continued use of these premises by creative and artistic enterprises will be supported and encouraged.

Minor changes

38. In addition to the main modifications, it is proposed that number of minor modifications for factual accuracy and clarification be made to the AAP. These are shown in the table of minor changes in Appendix D. In summary these minor changes are:
 - Factual changes to ensure an up to date AAP at the time of adoption. The AAP was last taken to council assembly in October 2012 and since then there have been some changes in Peckham and Nunhead such as the completion of the East London Line. Factual updates have been made accordingly.
 - Removal of some of the detail which was included in the October 2012 version of the plan to aid consultation. For example, the AAP included information on the Community Infrastructure Levy (CIL) which is now out of date, and it is more appropriate to cross refer to our website on CIL to ensure the AAP stays up to date.
 - Correction of typos and formatting.
 - Minor changes to reflect the main modifications changes.

Final AAP for adoption and next steps

39. The final AAP (Appendix A) incorporates all the main modifications and minor modifications. Adoption of the AAP will also result in some updates to the Adopted Policies Map to include new (and amended proposals sites designations), new and amended protected shopping frontages and changes to the core action area and town centre boundaries. The updated adopted policies map (Appendix J) has been updated to include all the new and amended boundaries and designations.

40. Following the adoption of the AAP, the council will review the effectiveness of the implementation of the policies through our authority's monitoring report.

Comments from cabinet

41. A report was taken to cabinet on 21 October 2014. Cabinet agreed the recommendations in the cabinet report as follows:
42. That council assembly:
- i. Considers the report of the planning inspector on the Peckham and Nunhead Area Action Plan (Appendices B and C of the report).
 - ii. Adopts the Peckham and Nunhead Area Action Plan (appendix A of the report) as amended by the inspector's main modifications and the council's minor modifications.
 - iii. Notes the sustainability appraisal (Appendix E of the report), equalities analysis (Appendix G), consultation report (Appendix G), sustainability appraisal statement (Appendix H), appropriate assessment (Appendix I), adopted policies map (Appendix J) and main modifications consultation report (Appendix K).

Consultation

43. The Planning and Compulsory Purchase Act 2004 (amended 2008), the Town and Country Planning (Local Planning) (England) Regulations 2012 ("the 2012 Regulations"), and the council's statement of community involvement (2008) set out the consultation requirements for area action plans.
44. The council has carried out extensive consultation on the AAP. This included a consultation strategy, a consultation plan for every stage of consultation and a consultation report. The consultation report summarises the consultation carried out and the responses received at each state (Appendix G). The main modifications consultation report (Appendix K) summarises consultation carried out on the main modifications required by the Inspector.
45. The inspector confirms in his report (Appendix B) that the council has met the requirements of our statement of community involvement and the requirements of the 2012 Regulations.

Community impact statement

46. The purpose of the AAP is to facilitate regeneration and deliver the council's Fairer Future promises ensuring that community impacts are taken into account. We have prepared an equalities analysis (Appendix F) and a sustainability appraisal (Appendix E) to make sure that the AAP is having a positive impact on different groups and that the AAP is delivering the most sustainable option for Peckham and Nunhead.
47. The sustainability appraisal statement (Appendix H) summarises the sustainability appraisal and how this influenced the preparation of AAP.

Financial implications

48. There are no immediate resource implications arising from this report as any additional work required to complete the work will be carried out by the relevant policy team staff and budgets without a call on additional funding.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

49. Under Part 3A paragraph 10 of the constitution, council assembly has responsibility for adoption of development plan documents of which the Peckham and Nunhead AAP is one. Council assembly is being requested to note the recommendations made by cabinet to consider and accept the content and recommendations of the binding Inspector's Report in respect of the Peckham and Nunhead AAP and accompanying documents and to adopt the Peckham and Nunhead AAP together with the accompanying documents which can be found in the appendices to this report.
50. The Peckham and Nunhead AAP has been subject to an independent examination in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") and the Inspector has endorsed the Peckham and Nunhead AAP subject to some main modifications which have been made in accordance with section 20(7C) of the 2004 Act, (as amended by the Localism Act 2011). The inspector's modifications can be found at paragraphs 23-36 of this report. Under section 20(7C) of the 2004 Act the council can ask the inspector to recommend modifications to the development plan document in order to make the document "sound". The council consulted upon these main modifications from 15 October 2013 to 6 January 2014 in order to comply with its obligations under the 2012 Regulations. The council has also publicised the minor modifications which it is not under a legal duty to consult upon as they do not materially affect the policies set out in the AAP.

General conformity

51. Section 24(1)(b) of the 2004 Act requires that local development documents, such as the Peckham and Nunhead AAP must be in general conformity with the spatial development strategy, namely the London Plan July 2011 consolidated with revised early minor alterations October 2013. The council sought the Mayor's opinion as to whether the Peckham and Nunhead AAP was in general conformity and the Mayor issued a letter of non-conformity in respect of affordable housing and the product 'Affordable Rent'. To overcome this the inspector has issued a main modification in respect of the council's affordable housing requirement in the AAP which the Mayor has accepted and which means that the AAP will therefore be in conformity with the London Plan.

Soundness of the Peckham and Nunhead AAP

52. Under section 20(5)(a) of the 2004 Act the Inspector has examined the AAP on behalf of the Secretary of State and has found that the plan complies with the legislative framework and is sound.

Sustainability appraisal

53. Section 19(5) of the 2004 Act requires sustainability appraisal of the economic, social and environmental sustainability of plans in development plan documents. Accordingly, a sustainability appraisal was prepared to ensure the wider impacts of the Peckham and Nunhead AAP policies are addressed. The sustainability appraisal provides a sound evidence base for the plan and forms an integrated part of the plan preparation process.
54. The sustainability appraisal has fully informed the preparation of the AAP and is recommended for adoption by members. The sustainability appraisal should be expressly adopted along with the AAP and must have a separate adoption statement pursuant to Environmental Assessment of Plans and Programmes Regulations 2004, regulation 16 (3) and (4) which summarises "...how environmental considerations have been integrated into the plan or programme... the reasons for choosing the plan or programme as adopted, in light of other reasonable alternatives dealt with, and the measures decided that are taken to monitor the significant environmental effects..." .

Equalities

55. 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").
56. 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).
57. 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".
58. 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."

59. The council's approach to equalities has always been broader than that required under previous legislation by protecting the now extended 'protected characteristics'.
60. Throughout the production process of the AAP from issues and options, preferred options to a publication / submission, the council has undertaken thorough iterative equality analysis including assessment of borough's demographics and the potential impacts of the plan on its diverse communities with particular regard to its equalities duties. The council's equality analysis processes extend beyond its current statutory equalities duties to incorporate religion/belief, sexual orientation and age.

Human rights considerations

61. The decision to adopt the Peckham and Nunhead AAP 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 AAP, a number of rights may be engaged: -
- **The right to a fair trial (Article 6)** – giving rise to the need to ensure proper consultation and effective engagement of the public in the process.
 - **The right to respect for private and family life (Article 8)** – for instance the 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.
62. 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.
63. 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.

64. 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.
65. The council has undertaken robust public participation, iterative sustainability and equalities assessments throughout the production of the AAP as well as engaging with the issue of human rights at each decision making process. Therefore the AAP is not deemed to interfere with any human rights which may be engaged and strikes the appropriate balance between making strategic policies for its communities against any potential interference. In deciding upon the adoption of the AAP, members are reminded to have regard to human rights considerations and strive to strike a fair balance between the legitimate aims of making development plans for the benefit of the community against potential interference with individual rights.

Adoption process – procedural requirements

66. Members' are advised that should the AAP be adopted by council assembly, a number of statutory requirements will need to be complied with by the council. These requirements are set out in Regulation 26 of the 2012 Regulations and must be complied with as soon as reasonably practicable after the date of adoption.
67. In summary, Regulation 26 requires that the council must make available in accordance with regulation 35:
 - i. The local plan
 - ii. An adoption statement
 - iii. The sustainability appraisal report; and
 - iv. Details of where the local plan is available for inspection and the places and times at which the document can be inspected.
68. The council must then send a copy of the adoption statement to any person who has asked to be notified of the adoption of the local plan must also send a copy of the adoption statement to the Secretary of State.

Application to the High Court

69. The Peckham and Nunhead AAP has been prepared in accordance with the relevant legislation and regulations. If adopted this final version will form part of the development plan documents for Southwark. Under Section 113 of the 2004 Act, any party aggrieved by the adoption of the AAP 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.

70. Officers believe this risk is minimal. The Inspector has concluded the AAP has been prepared in accordance with the relevant regulations and guidance and due process has been followed.

Strategic Director of Finance and Corporate Services

71. This report recommends that council assembly adopt the Peckham and Nunhead AAP.
72. There are no immediate financial implications arising from the adoption of the recommendations, and staff time to effect these recommendations will be contained within existing budgeted revenue resources.
73. Any specific financial implications arising from the final Peckham and Nunhead Area Action Plan will be included in subsequent reports for consideration and approval.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
London Plan 2011 consolidated with revised minor alterations 2013	160 Tooley Street, London SE1 2QH	planningpolicy@southwark.gov.uk
Link: http://www.london.gov.uk/priorities/planning/londonplan		
Southwark Statement of Community Involvement 2008	160 Tooley Street, London SE1 2QH	planningpolicy@southwark.gov.uk
Link: http://www.southwark.gov.uk/info/856/planning_policy/1238/statement_of_community_involvement_sci		
Saved Southwark Plan 2007	160 Tooley Street, London SE1 2QH	planningpolicy@southwark.gov.uk
Link: http://www.southwark.gov.uk/info/856/planning_policy/1241/the_southwark_plan		
The Core Strategy 2011	160 Tooley Street, London SE1 2QH	planningpolicy@southwark.gov.uk
Link: http://www.southwark.gov.uk/info/200210/core_strategy		

APPENDICES

No.	Title	Held at
Appendix A	Peckham and Nunhead Area Action Plan, November 2014	Hard copy circulated separately
Appendix B	Inspector's Report	http://www.southwark.gov.uk/futurepeckham
Appendix C	Annex to the Inspector's Report: Table of main modifications	Hard copy circulated on agenda
Appendix D	Table of minor changes	http://www.southwark.gov.uk/futurepeckham
Appendix E	The sustainability appraisal	http://www.southwark.gov.uk/futurepeckham
Appendix F	The equality analysis	http://www.southwark.gov.uk/futurepeckham
Appendix G	The consultation report	http://www.southwark.gov.uk/futurepeckham
Appendix H	Sustainability appraisal statement	http://www.southwark.gov.uk/futurepeckham
Appendix I	Appropriate assessment	http://www.southwark.gov.uk/futurepeckham
Appendix J	The updated adopted policies map, November 2014	http://www.southwark.gov.uk/futurepeckham
Appendix K	Main modifications consultation report	http://www.southwark.gov.uk/futurepeckham

AUDIT TRAIL

Cabinet Member	Councillor Mark Williams, Regeneration, Planning and Transport	
Lead Officer	Eleanor Kelly, Chief Executive	
Report Author	Alison Squires, Planning Team Leader	
Version	Final	
Dated	13 October 2014	
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		13 October 2014

Appendix C: Council Assembly Report 26 November 2014: Peckham and Nunhead Area Action Plan

Annex to the Inspector's Report: Table of Main Modifications

ANNEX: PECKHAM AND NUNHEAD AREA ACTION PLAN: MAIN MODIFICATIONS

The main modifications below are expressed with deleted text struck through in blue and new text underlined in red. The page numbers and paragraph numbering refer to the Publication/Submission version of the Peckham and Nunhead Area Action Plan and do not take account of the deletion or addition of text.

Ref	Page	Section/policy/paragraph/figure	Main modification
MM1	41	Paragraph 4.2.14 YES	Amend as follows: Feedback from consultation tells us that people like having a cinema in Peckham <u>and so we will seek to maintain a cinema either on its existing site or an alternative site within Peckham core action area.</u> and so redevelopment of the existing cinema and multi-storey car park (site PNAAP 2) should maintain a cinema on site, unless appropriate facilities can be provided elsewhere in the AAP area. We have identified other appropriate sites where a cinema could be located to include Eagle Wharf (site PNAAP 10) and Copeland Industrial Park and 1-27 Bournemouth Road (site PNAAP 4).
MM2	46	Policy 4 YES	Amend the last sentence of the second point as follows. 2.The <u>current indicative</u> location of secondary schools and approximate

MM3	47	Figure 9: Hot food takeaways YES	400m exclusion zone around each are shown on figure 9. Add the following text under the figure heading, above the figure. <u>This in an indicative figure.</u>
MM4	47	Figure 9: Hot food takeaways yes	Replace Figure 9 with revised Figure 9, as set out in Appendix A to this Annex. The figure has been updated to reflect the following. 1. Factual update to show the correct location of Tuke School. 2. Clarification added to the figure by showing the protected shopping frontages in Peckham and Nunhead referred to in the policy. 3. Change to the figure title to refer to both the secondary school exclusion zone and the Peckham and Nunhead centre protected shopping frontages.
MM5	50	Policy 6: Business space YES	Amend 5 th point as follows: <ul style="list-style-type: none"> Supporting a range of A, B and D Use Classes uses in the railway arches, in accordance with saved Southwark Plan policy 1.5. This may include artistic and creative enterprises, including small business space; and light industrial uses. and appropriate A or D class-uses.
MM6	50	Policy 6: Business space	Amend 6 th point as follows: <ul style="list-style-type: none"> Requiring new business space to be designed flexibility to

		. yes	accommodate a range of unit sizes <u>including where appropriate, units suitable for occupation by artistic and creative enterprises.</u>
MM7	50	Paragraph 4.2.31 Policy 6: Business space. We are doing this because YES	Amend as follows: There are currently over 1,400 businesses in Peckham and Nunhead, most of them small in size. Many of these are industrial uses including workshops, builders' yards and light manufacturing. <u>There are also a growing number of artists and creative enterprises which contribute to Peckham's multi-cultural arts scene. The range of business space adds to the vitality of Peckham town centre, supports a mixed local economy and provides jobs for many local people.</u>
MM8	51	Paragraph 4.2.35 YES	Amend as follows: We have identified capacity for around 4,000sqm of new additional business space in Peckham town centre. The majority of this capacity could be accommodated on the large development sites to include: the Aylesham Centre (PNAAP 1); <u>and Copeland Industrial Park and 1-27 Bournemouth Road (PNAAP 4) and the cinema/multi-storey car park site (PNAAP 2).</u>
MM9	64	Policy 14: Parking for shoppers and visitors YES	Amend the 3 rd point as follows. 3. Allowing the <u>existing Gerise Road multi-storey car park (site PNAAP 2)</u> <u>and the Copeland Road car park (site PNAAP 7)</u> to be developed for alternative uses.
MM10	65	Policy 14: Parking for shoppers and visitors	Amend as follows:

		We are doing this because Paragraph 4.4.17 YES	Of the council owned car parks, our intention is to retain Choumert Grove car park as a car park and to development Copeland Road car park (site PNAAP 7) <u>and We will consider the Cerise Road multi-storey car park through the preparation of the New Southwark Plan (site PNAAP 2).</u>
MM11	67	Figure 13: Peckham town centre car parks yes	Replace Figure 13 with revised Figure 13, as set out in Appendix B to this Annex. This revision removes the proposals site designation for car park 3 (Cerise Road multi-storey car park).
MM12	69	Figure 14: Peckham and Nunhead housing trajectory yes	Replace Figure 14 with revised Figure 14, as set out in Appendix C to this Annex. This revision updates the housing trajectory to include the year 2017/18, reflect updated housing completions and projections data and take account of the deletion of Proposal PNAAP2
MM13	71	Paragraph 4.5.6 YES	Amend paragraph 4.5.6 as follows: Our housing trajectory (figure 14) illustrates that we expect to meet our minimum 2,000 new homes target by 2019/2020 2017 .
MM14	72	Policy 17: Affordable and private homes YES	Amend the 2 nd point as follows: 2. Requiring developments of 10 or more units to provide a minimum of 35% affordable housing across the whole action area- subject to financial viability .

MM15	72	<p>Policy 17: Affordable and private homes</p> <p>YES</p>	<p>Delete the 4th point as follows.</p> <p>4. Requiring 50% of the affordable homes to be intermediate homes and 50% to be social rented homes.</p> <p>Amend the current 5th bullet point to be the 4th point as follows.</p> <p>5.4. Requiring development within Liversey, Peckham, Nunhead and The Lane wards to provide a minimum of 35% private homes as shown within figure 16.</p>
MM16	74	<p>New paragraph after paragraph 4.5.12</p> <p>YES</p>	<p>Insert the following:</p> <p>Our housing studies demonstrate that requiring a minimum of 35% affordable housing is a deliverable and achievable amount of affordable housing. In accordance with Core Strategy policy 6, developments of 10 or more units are required to provide as much affordable housing as is financially viable. Our Affordable Housing supplementary planning document sets out further guidance how this is assessed through a financial appraisal.</p>
MM17	74	<p>Paragraph 4.5.13</p> <p>YES</p>	<p>Amend as follows:</p> <p>...The AAP changes the saved Southwark Plan policy 4.4 on the type of affordable housing required, to set a policy for a split of 50% social rented homes and 50% intermediate homes. This will help to address the balance of housing types on the area and increase the range of housing types on offer.</p>

MM18	74	Fact box: Affordable and private housing YES	<p>Amend as follows:</p> <p>The NPPF replaced the updated Planning Policy Statement 3 which introduced affordable rent as a new type of affordable housing. In accordance with our Core Strategy and the saved Southwark Plan policies this AAP sets out policies for social rent and intermediate homes only. We are reviewing our approach to affordable rent and considering its implications for Southwark through the preparation of the New Southwark Plan and an update to the Affordable Housing supplementary planning document. In the meantime, the tenure split for affordable housing in saved Southwark Plan policy 4.4 will continue to be applied. We are reviewing our approach to the affordable rent tenure through the update to our Affordable Housing SPD and considering its implications for Southwark. At the moment we do not think it is affordable for people in housing need in Southwark. Consultation on a revised Affordable Housing SPD is planned for November 2012. Please check our website for more information at: www.southwark.gov.uk/ahspd</p>
MM19	96	Policy 26: Building heights YES	<p>Amend as follows:</p> <p>Policy 26: Building heights</p> <p>We will ensure development contributes positively to local character by requiring development to:</p> <ol style="list-style-type: none"> 1. Be similar to existing heights outside Peckham core action area (2 to 4 storeys). 2. Be similar to existing heights inside Peckham core action area (up to 7 storeys) except where:

			<p>i. <u>A</u> local landmark <u>building</u> is required to provide definition. This will be encouraged on the following sites:</p> <ul style="list-style-type: none"> • Copeland Industrial Park and 1-27 Bournemouth Road (site PNAAP 4) up to 15 storeys • Cinema and multi-storey car park (site PNAAP 2) up to 10 storeys • Formed Wooddene estate (site PNAAP 5) up to 15 storeys • Copeland road car park site (site PNAAP 7) up to 8 storeys • Aylesham Centre (site PNAAP 1) up to 20 storeys. <p>ii. <u>We will expect this taller element to be could be provided within our identified large sites by a distinctive building of exceptional quality and exemplary design linked to an improved and generous public realm. It should sustain and enhance the significance of Peckham’s heritage assets, their settings and the wider historic environment, including conservation areas and listed and locally listed buildings, having regard to both individual and cumulative impacts on the surrounding area.</u></p> <p><u>On the larger sites of Copeland Industrial Park and 1-27 Bournemouth Road (site PNAAP4), former Wooddene estate (PNAAP5) and Aylesham Centre (PNAAP1), the taller element should be linked to an improved and generous public realm. It should be designed to improve local legibility, to act as a local landmark within a public space of its own, and as a focus of route/s across the site.</u></p> <p><u>This will be encouraged on the following sites:</u></p> <ul style="list-style-type: none"> • Copeland Industrial Park and 1-27 Bournemouth Road (site PNAAP4)
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		<ul style="list-style-type: none"> • Former Wooddene estate (PNAAP5) • Aylesham Centre (PNAAP1) <p>3. Comply with out borough-wide policies, specifically saved Southwark Plan policy 3.20 and Core Strategy strategic policy 12.</p> <p><i>For ease of reading the amended policy is set out below without tracked changes:</i></p> <p>Policy 26: Building heights</p> <p>We will ensure development contributes positively to local character by requiring development to:</p> <ol style="list-style-type: none"> 1. Be similar to existing heights outside Peckham core action area (2 to 4 storeys). 2. Be similar to existing heights inside Peckham core action area (up to 7 storeys) except where a local landmark is required to provide definition. This will be encouraged on the following sites: <ul style="list-style-type: none"> • Copeland Industrial Park and 1-27 Bournemouth Road (site PNAAP 4) up to 15 storeys • Formed Wooddene estate (site PNAAP 5) up to 15 storeys • Copeland road car park site (site PNAAP 7) up to 8 storeys • Aylesham Centre (site PNAAP 1) up to 20 storeys. <p>We will expect this taller landmark to be distinctive, of exceptional quality and exemplary design. It should sustain and enhance the significance of Peckham’s heritage assets, their settings and the wider historic environment, including conservation areas and listed and</p>
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MM20	97	Paragraph 4.7.24 YES	<p>locally listed buildings, having regard to both individual and cumulative impacts on the surrounding area.</p> <p>On the larger sites of Copeland Industrial Park and 1-27 Bournemouth Road (site PNAAP4), former Wooddene estate (PNAAP5) and Aylesham Centre (PNAAP1), the taller element should be linked to an improved and generous public realm, designed to improve local legibility, to act as a local landmark within a public space of its own and as a focus on routes across the site.</p> <p>3. Comply with out borough-wide policies, specifically saved Southwark Plan policy 3.20 and Core Strategy strategic policy 12.</p>	
MM21	98	Paragraph 4.7.25 YES	<p>Amend as follows.</p> <p>Our urban design background paper has identified that taller buildings may be suitable of the following-proposals sites:</p> <ul style="list-style-type: none"> • The Aylesham Centre (PNAAP 1) • Copeland Industrial Park and 1-27 Bournemouth Road (PNAAP4) • The Cinema and multi-storey car park (PNAAP 2) • Copeland Road car park (PNAAP 7) • The former Wooddene estate (PNAAP5) 	<p>Amend as follows.</p> <p>...All five four sites have the potential to improve wayfinding and permeability.....</p>

MM22	98	Paragraph 4.7.26 YES	Amend as follows: ...Proposals for taller buildings on all five four sites will need to justify this.....
MM23	101	Figure 20: Peckham core action area vision yes	Replace Figure 20 with revised Figure 20, as set out in Appendix D to this Annex The revision removes the cinema/multi-storey car park from the figure.
MM24	106	Policy 27: Land uses Business section YES	Amend point 9 as follows. 9. Supporting the provision of new and improved business floorspace. Most of this will be on the following sites: <ul style="list-style-type: none"> • Copeland Industrial Park and 1-27 Bournemouth Road (site PNAAP 4) • Peckham Rye Station (site PNAAP 6) • Cinema and multi-storey car park (site PNAAP 2) • Land between the railway arches (site <u>PNAAP 3</u>)
MM25	106	Policy 27: Land uses Business section YES	Amend point 10 as follows. 10. Supporting a range of A, B and D Use Classes uses in the railway arches, in accordance with saved Southwark Plan policy 1.5. This may include artistic and creative enterprises, including small business space, and light industrial uses. and appropriate A or D class uses.

MM26	108	Policy 29: Built environment Public realm section YES	Amend as follows under point 6. <ul style="list-style-type: none"> • Peckham Rye Station (site PNAAP 6) • Copeland Industrial Park and 1-27 Bournemouth Road (site PNAAP 4) • Eagle Wharf site (PNAAP 10) • Cinema and multi-storey carpark (site PNAAP 2) • Aylesham Centre (site PNAAP 1) • Land between the railway arches (site PNAAP 3) • Former Wooddene estate (site PNAAP 5)
MM27	120	Policy 35: Land use YES	Amend the 4 th point as follows. <ol style="list-style-type: none"> 4. Supporting a range of <u>A, B and D Use Classes</u> uses in the railway arches, <u>in accordance with saved Southwark Plan policy 1.5. This may include artistic and creative enterprises, including small business space, and light industrial uses. and appropriate A or D class uses.</u>
MM28	135	Figure 25: Proposals sites yes	Replace Figure 25 with revised Figure 25, as set out in Appendix E to this Annex. The revision removes the cinema/multi-storey car park (site PNAAP 2) and updates the remaining site numbers.
MM29	136	Section 7 YES	Insert a new section into section 7 of the AAP: Delivering: working together to make it happen. The new section will be inserted after section 7.1, before existing section 7.2, and so all subsequent section numbers will be updated accordingly.

7.2 Presumption in favour of sustainable development

7.2.1 We always take a positive approach to development, encouraging new appropriate development to meet the aspirations of our vision. In accordance with the National Planning Policy Framework, our policies support and have a presumption for sustainable development. Our sustainability appraisal also ensures that the AAP has a positive impact on social, environmental and economic sustainability. Policy 48 sets out a clear policy to bring together the specific policies in the AAP, and make it clear that there is a presumption in favour of sustainable development.

Policy 48: Presumption in favour of sustainable development

When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. We will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this AAP (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then we will grant permission unless material considerations indicate otherwise- taking into account whether:

- Any adverse impacts of granting planning permission would

				<p><u>significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or</u></p> <p><u>Specific policies in that Framework indicate that development should be restricted.</u></p>
MM30	138	Paragraph 7.3.1 YES	Amend as follows: The council owned <u>AAP</u> proposals sites include: • Cinema/multi-storey car park (PNAAP-2)	
MM31	162	Appendix B: Southwark Plan proposals sites YES	Amend the column 'Replaced by the AAP?' for Southwark Plan (2007) proposal site number 69P as follows: This is replaced by PNAAP-2. No, saved Southwark Plan site 69P remains part of the development plan. This will be reviewed through the preparation of the New Southwark Plan.	
MM32	165	PNAAP 1: Aylesham Centre Indicative capacities. YES	Amend the row on indicative capacities as follows. Non-residential uses: 1,500sqm <u>8,500sqm</u> Retail (classes A1/A2/A3/A4): 1,350sqm <u>8,350sqm</u>	
MM33	168	PNAAP 2: Cinema/Multi-storey car park YES	Delete all of PNAAP 2: Cinema/multi-storey car park designation as follows. PNAAP-2: Cinema/Multi-storey car park Required land uses Leisure/ community use (Class-D), retail use (Classes A1/ A2/ A3/ A4), residential	

		<p>use (Class C3), public realm</p> <p>Other land uses that would be accepted Business use (Class B1), Student accommodation (Class sui generis) subject to Core Strategy policy 8.</p> <p>Indicative capacity Residential (Class C3): 160 units Non residential use: 1,050sqm Retail (Classes A1/A2/ A3/ A4): 735sqm Business (Class B1) 315sqm Assuming 70% of non residential is retail use and 30% of the non residential use is business use.</p> <p>Phasing and 2016-2010 This site is owned by Southwark Council.</p> <p>Site specific guidance The cinema should be retained on this site unless appropriate facilities can be provided elsewhere in the AAP area. Opportunities to create new public space and improved public realm through redevelopment of the site should be maximised. Opportunities for increasing north and south, and east and west links and improvements to public realm should be maximised. Opportunities to improve accessibility and public realm on Moncreiff Street</p>
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		<p>should be maximised, taking into consideration neighbouring Rye Lane Peckham conservation.</p> <p>There is the potential for a taller building of up to 10 storeys.</p> <p>We are making this designation because</p> <p>Located in the centre of Peckham town centre, minutes walk from Peckham Rye Station, this site is currently not reaching its potential for use or design. Whilst interim uses have sprung up in recent years in the car park, including Frank's cafe on the car park roof, and Hannah Barry Gallery, there is much further potential for fully using the site. The improvements to Peckham Rye Station will have a huge positive impact on this site and it is important to bring it forward for early development to maximise these opportunities. There is significant potential for mixed use development, with a combination of community, retail and residential use as well as possible business use.</p> <p>The multi-storey car park is currently under used, with feedback from consultation telling us that people do not feel safe in the car park, especially at night. Our Car Parking Study 2010 reinforces this view telling us that frequently less than 10% of the spaces are occupied. Allowing the car park to be redeveloped for new uses will increase the use of this site in the heart of the town centre, improving the look and feel of Rye Lane.</p> <p>The cinema is considered to be a popular local attraction, with consultation feedback telling us that people like having a cinema in Peckham. We want to continue to meet this need for a cinema, so redevelopment of this site should maintain a cinema on site, unless appropriate facilities can be provided elsewhere in the core area. We have identified other appropriate sites where a cinema could be located to include Eagle Wharf (PNAAP 10) and Copeland Industrial Park and 1-27 Bournemouthe Road (PNAAP 4).</p>
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			<p>The cinema and car park are currently set back from Rye Lane, accessed via Monerieff Street. Redevelopment on this site has the potential to improve the street frontage on Rye Lane by improving access to the site and linking with the improvements to the station on the other side of Rye Lane. This is particularly important to improve the setting of Rye Lane Peckham conservation area, which borders the site and covers Monerieff Street. Redevelopment of the site provides many opportunities to improve linkages. East-west links through Monerieff Street through to Gerise Road and onto Copeland Industrial Park should be explored. There should be north-south connections to create an alternative route to Rye Lane, by linking with the Land between the Railway Arches (PNAAP 3), Copeland Industrial Park and 1-27 Bournemouth Road (PNAAP 4) and the Aylesham Centre (PNAAP 1). There is the opportunity for active uses along the railway viaduct to create more activity and a more welcoming link. Through developing these improved linkages there is the opportunity to also provide new public space and much improved public realm.</p> <p>A taller building of up to 10 storeys could be appropriate to help mark the centre of Peckham but due to the site's location adjacent to Rye Lane Peckham conservation area, careful consideration must be given to conserving and enhancing the wider heritage setting. Similarly any proposal for development, particularly for a taller building needs to give careful consideration to the adjoining low-rise residential areas. of this site should maintain a cinema on site, unless appropriate facilities can be provided elsewhere in the AAP area. We have identified other appropriate sites where a cinema could be located to include Eagle Wharf (PNAAP 10) and Copeland Road Industrial Park and 1-27 Bournemouth Road (PNAAP 4).</p>
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MM34	170	Figure 28: PNAAP 2: Cinema/Multi-storey car park YES	Delete Figure 28.
MM35	173	PNAAP 4: Copeland Industrial Park Required land use YES	Amend as follows. Required land use Cultural/Leisure/community uses (Class D), retail use Classes A1/A2/A3/A4), Business use (Class B1), residential Use (Class C3), public space/public realm.
MM36	173	PNAAP 4: Copeland Industrial Park YES	Amend as follows Site specific guidance The Bussey building should be retained as part of the redevelopment of this site. The building is identified on our local list. <u>The continued use of the Bussey building by creative and artistic enterprises will be supported and encouraged.</u>
MM37	179	PNAAP 6: Peckham Rye Station YES	Insert within the site specific guidance the following. <u>Those units within the railway arches on the part of the site known as Blenheim Court, as defined in Figure 32, presently or last subject to a Class</u>

			<u>B1 business use shall be retained and made available for the continuation of such use. The use of all premises within Blenheim Court by creative and artistic enterprises will be supported and encouraged.</u>
MM38	179	Figure 32: Peckham Rye Station yes	Replace Figure 32 with revised Figure 32, as set out in Appendix F to this Annex. The updated figure shows the indicative boundary of Blenheim Court.
MM39	206	Appendix D: Monitoring framework Theme 4- High quality homes: providing more and better homes YES	Delete as follows: Targets Provide 50% of affordable homes as intermediate homes and 50% as social rented

Item No. 7.	Classification: Open	Date: 26 November 2014	Meeting Name: Constitutional Steering Panel
Report title:		Constitutional Issues 2014/15	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

RECOMMENDATIONS

That council assembly considers the recommendations of the constitutional steering panel set out in this report.

Council assembly - Date of the 2015 annual meeting and notice period

1. That the date of the annual meeting be changed to Saturday 16 May 2015 and that it be held jointly with the Civic Association's Civic Awards ceremony at Southwark Cathedral.
2. That the notice period for the annual meeting (mayor-making and constitutional meetings) be amended to five clear working days notice (see amendment in paragraph 9).

Openness of Local Government Bodies Regulations 2014 - Filming and recording at council meetings

3. That the council assembly, cabinet, committees and community council procedure rule on filming and recording at council meetings be amended as identified in paragraph 18.

Communications Protocol

4. That council assembly agrees the attached communication protocol at Appendix A.

Consequential changes

5. That the proper constitutional officer be authorised to make any necessary consequential changes to the constitution as a result of the above.

BACKGROUND INFORMATION

6. All constitutional changes are considered by constitutional steering panel, which then recommends changes to council assembly. Changes to the constitution are generally agreed by council assembly, unless another body or individual is authorised to do so – see Article 1.15. The constitutional steering panel considered the issues set out in this report on 5 November 2014.

KEY ISSUES FOR CONSIDERATION

Date of the 2015 annual meeting and notice period

7. The annual council (mayor making) meeting is currently scheduled for Wednesday 20 May 2015 and this was agreed by council assembly in February 2014. However, based on the success of last year's joint meeting with the Civic Association it is proposed that the 2015 mayor making/annual meeting be held jointly with the Civic Association's Civic Awards ceremony at Southwark Cathedral on Saturday 16 May 2015. Council assembly dates are set by council assembly, therefore the constitutional steering panel recommends this change to council assembly.
8. In accordance with council assembly procedure rule 1.1 (1) the summons must be dispatched seven clear working days in advance of the meeting. In recent years council assembly has approved one off changes to the notice period for the annual meeting to allow the summons to be issued in less time in election years. On 26 March 2014 council assembly agreed a new procedure rule to allow for a five day dispatch in the event that either parliamentary or European or London wide elections and local elections are held on the same day. However this only allows for a five day dispatch if two elections are held on the same day rather than a single election.
9. The timing of the general election 2015 requires a further change so the summons for the annual meeting can be issued outside of the pre-election period. The pre-election period for the parliamentary election runs from 30 March 2015 to 7 May 2015. A normal seven day dispatch would mean the summons is published on 6 May, the day before the general election. In order to rectify this anomaly officers suggest the following change to new rule 1.1(1b), which would allow a five day dispatch for all future annual meetings:

Rule 1.1 (1b) agreed by 26 March 2014 council assembly:

'In the event that either parliamentary or European or London wide elections and local elections are held on the same day, the chief executive will give notice to the public of the time and place of any meeting in accordance with the access to information rules. At least five clear working days before the meeting, the chief executive will send a summons signed by him or her by post to all members of the council or leave it at their usual place of residence.'

Proposed amended rule 1.1 (1b) to read:

Annual meeting

'The chief executive will give notice to the public of the time and place of the annual meeting of council assembly in accordance with the access to information rules. At least five clear working days before the meeting, the chief executive will send a summons signed by him or her by post to all members of the council or leave it at their usual place of residence.'

10. The change will be applied to the annual meeting in 2015 and onwards.
11. Schedule 12 of the Local Government Act 1972 (as amended) allows five clear working days for the public notice of meetings of a principal council (and of its committees and sub-committees).

Openness of Local Government Bodies Regulations 2014 - Filming and recording at council meetings

12. The constitutional steering panel meeting in September was informed that on 11 August 2014 all councillors were notified of a change arising from the Secretary of State's power to make regulations under the Local Audit and Accountability Act 2014, which came into force on 6 August 2014.
13. In summary, the regulations:
 - Allow the public to report on meetings of local government bodies, their committees and sub-committees, by filming, photographing, audio recording or any other means which is in line with the public's current right to report on meetings of a council's executive. This applies to the open part of the meeting.
 - Reinforce the fact that the public have the right to use social media to report on local government meetings, and may provide written commentaries during a meeting and oral commentaries outside it.
14. The council has taken a positive and welcoming approach to those members of the public or press who wish to exercise this new right to report on meetings. The council is obliged to offer reasonable facilities to those wishing to do so; so officers in constitutional and scrutiny teams will encourage people to contact us in advance if they have specific requirements e.g. filming. Much of this we do already. The procedural changes will affect all council meetings; strictly speaking to date the new regulations have meant it has been necessary to formally waive the relevant procedure rules to allow filming, recording and other journalism.
15. The regulations provide for certain circumstances under which the chair can intercede to stop reporting such as if the meeting is disturbed by the reporting or the proceedings are taking place in closed session. The circumstances in which this might occur could include:
 1. Public disturbance or suspension of the meeting (including any oral reporting or oral commentary as the meeting takes place)
 2. Exclusion of public and press being moved and supported
 3. The chair, on advice of the monitoring officer, considering that continued recording/photography/filming/webcasting might infringe the rights of any individual
 4. The chair, on advice of the monitoring officer, considering that a defamatory statement has been made.

16. Officers have advised that chairs make a short announcement at the beginning of their meetings to show the council is "device friendly", an example is set out below:

Please can you switch your mobile phone to silent whilst in the committee room. Members of the public are welcome to film, audio record, photograph, or tweet the public proceedings of the meeting. I'd ask you to please be considerate towards other people in the room and take care not to disturb the proceedings. The code for accessing the council's WIFI is --.

Members of this sub-committee will not access the internet, send or receive emails, texts, messages or tweets concerning the business of the sub-committee.

Note: The second paragraph above applies to licensing sub-committees and planning committees and sub-committees only.

17. Prior to the date the regulations came into effect, most council meetings only permitted photographing or filming of the proceedings at the discretion of the chair. There is a specific impact on community councils as they are not now able to vote on whether to allow filming etc, as under the new regulations the presumption is that this is allowed.
18. A proposed new procedure rule is shown below:

PROPOSED CHANGE TO PROCEDURE RULES – RECORDING OF MEETINGS

Revised procedure rule:

The council welcomes any ~~Audio recording, photographing or filming~~ of the proceedings of a meeting or use of social media by any member of the public, media or councillor* which shall be allowed, and reasonable provision for facilities to so do shall be provided. ~~Photographing or filming of the proceedings of a council meeting by any member of the public, media or councillor shall only take place with the prior agreement of the chair.~~ The chair will make an announcement at the beginning of the meeting, where appropriate ~~on any arrangement agreed.~~

Members of the public or media are encouraged to contact the relevant officer (i.e. proper constitutional officer or head of overview and scrutiny) in advance of the meeting should they have any specific requirements.

The chair has the discretion to terminate or suspend the recording or photograph or filming if, in the opinion of the chair, continuing to do so would prejudice the meeting. The circumstances in which termination or suspension might occur could include:

1. Public disturbance or suspension of the meeting (including any oral reporting or oral commentary as the meeting takes place)
2. Exclusion of public and press being moved and supported
3. The chair, on advice of the monitoring officer, considering that continued recording/photography/filming/webcasting might infringe the rights of any individual

4. The chair, on advice of the monitoring officer, considering that a defamatory statement has been made.

** = Note: In accordance with committee procedure rule 8 which applies to meetings of licensing sub-committees and planning committees and sub-committees determining any application, members of these committees will not access the internet, send or receive emails, texts, messages or tweets concerning the business of the meeting.*

Communication protocol

19. The communication protocol was introduced in May 2004.
20. In 2011 a revised Code of recommended practice on local authority publicity (“the Code”) came into force and the council reviewed the communications protocol to reflect the Code.
21. The amendment in paragraph 4 of the protocol is to update the protocol in line with the changes to legislation.
22. The amendment in paragraph 52 of the protocol is to make clear that the telephone number and email address issued to a member or group of members cannot be used in political publicity material. This follows complaints during the last election.
23. A marked up copy of the proposed communications protocol is attached as Appendix A. The changes are recommended by the constitutional steering panel. The standards committee also considered the changes on 5 November 2014 and had no further comments.

Advice on constitutional changes

24. All constitutional changes are considered by the constitutional steering panel, which then recommends changes to council assembly. Changes to the constitution are generally agreed by council assembly, unless another body or individual is authorised to do so – see Article 1.15.

Changes to the constitution are shown as follows:

- Additions (shown as underlined)
- Deletions (shown with a ~~strikethrough~~).

Community impact statement

25. The openness regulations provide new rights for members of the public and press to report on council meetings, including filming, recording and use of social media.
26. A clear communication protocol is very important in aiding the decision-making process and helping to boost public confidence in the Council. A protocol that clearly defines responsibilities creates certainty, which in turn leads to better decision-making and a more satisfied customer.

Resource implications

27. There are no specific budget implications from the proposals set out in this report. The recommended changes can be maintained within existing resources.
28. The constitution is published on the council's website and is available for viewing online. Limited numbers of the constitution are produced in binder form with loose leaf pages and dividers. This means that any additional costs arising from the reproduction of small sections of the constitution are reduced compared to the reprinting of the whole constitution. It is anticipated that the cost can be contained within existing budgets.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

29. Any legal issues are outlined in the body of the report.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Constitution http://www.southwark.gov.uk/info/10058/about_southwark_council/375/councils_constitution	Council Offices, 160 Tooley Street, London SE1 2QH	Constitutional Team Email: constitutional.team@southwark.gov.uk Tel: 020 7525 7228

APPENDICES

Appendix	Title
Appendix A	Communication protocol

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager	
Report Author	Lesley John, Principal Constitutional Officer	
Version	Final	
Dated	13 November 2014	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Legal Services	Yes	Incorporated in the report
Strategic Director of Finance and Corporate Strategy	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	13 November 2014	

COMMUNICATION PROTOCOL

Scope of the protocol

1. This protocol applies to all publicity issued or produced and paid for out of the council's resources.
2. The protocol also applies to any other material issued by organisations that are either wholly or partly separate from the council but which use council's grants or other funding from the council to produce the publicity.

The legal framework

3. When publishing any material at any time, a local authority must comply with the provisions of the Local Government Act 1986 (the act) and the Code of Recommended Practice on Local Authority Publicity 2011 (the code) which was revised on 31 March 2011. Section 2 of the act states as follows:
 - (1) A local authority shall not publish (or assist others to publish) any material, which in whole or in part is designed to affect public support for a political party
 - (2) In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of the publication and the likely effect on those to whom it is directed and in particular the following matters:
 - a) whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the views of one political party and not of another
 - b) where the material is part of a campaign, the effect that the campaign appears to be designed to achieve.
4. Sections 4A and 4B of the act provide the Secretary of State with the power to give directions and make orders requiring local authorities to comply with recommendations made in a code of practice issued under section 4 of the act,
5. Section 6 of the act defines publicity as "any communication in whatever form, addressed to the public at large or to a section of the public".
6. The key points to note from the above section and the code are that publicity by local authorities should:
 - (1) be lawful
 - (2) be cost-effective
 - Consideration needs to be given to achieving value for money and to what is the most appropriate publicity in each case.
 - The code requires that where central government publicity has been issued on a matter, local authorities should not incur expenditure on

publicity on the same matter unless they consider additional value is added, i.e. by giving a local context to national issues.

- Local authorities should consider whether to take advice before embarking on a publicity campaign involving very large expenditure.
- (3) be objective
- Where publicity is used to comment on, or respond to the policies and proposals of central government, or other local councils, the comments or response should be balanced and factually accurate and should avoid anything likely to be perceived by readers as constituting a political statement.
 - Any publicity describing council policies and aims should be as objective as possible, concentrating on facts or explanations or both.
 - Local authorities should not use public funds to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy.
- (4) be even-handed
- Where local authority publicity addresses matters of political controversy it should seek to present the different positions in question in a fair manner.
 - Except where a period of heightened sensitivity exists (i.e. purdah), it is acceptable for local authorities to publicise the work done by individual members of the council, even if those views do not reflect the views of the local authority itself, although such publicity should make this fact clear.
 - It is acceptable for local authorities to host publicity prepared by third parties such as blogs and with links to external sites, although those may need to be disabled during a period of heightened sensitivity.
 - It is acceptable for publicity prepared by third parties and hosted by local authorities to include a logo associated with a political party or particular member of the authority such as the leader, but publicity material relating to a particular member must not seek to affect public support for that individual.
- (5) be appropriate
- Local authorities should not incur any expenditure in retaining the services of lobbyists in order to publish material designed to influence public officials, MPs or the government.
 - Publicity about local authorities and services should be freely available in accessible formats.
 - Local authority publicity should clearly identify itself as a product of the local authority.
- (6) have regard to equality and diversity
- Publicity may seek to influence attitudes on health, safety, crime prevention, equality, diversity and community issues.
- (7) be issued with care during periods of heightened sensitivity
- Particularly regard needs to be paid before elections and referendums, when the general rule is that no publicity should be issued which seeks to influence voters.

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- (8) When deciding whether publicity may fall foul of the act and the code, the council should consider
- the content and style of the materials
 - the timing and circumstances of the materials
 - the likely effect on those to whom it is addressed
 - whether it refers to a political party or politician
 - whether it advocates a particular view that can be easily identified with a political party
 - if it is part of a campaign, the effect that campaign is designed to achieve.

Publicity of individual councillors

7. Publicity about councillors may include their contact details, their political affiliation, the position they hold with the council and their responsibilities.
8. Publicity may include information about individual councillor's proposals, decisions and recommendations where this is relevant to their position and responsibilities within the council. Publicity of individual councillors should avoid personalisation of issues or personal image making.

Ward member of the council

9. Ward councillors will be invited to attend public meetings and events organised by the council to consider a local issue and will also be kept informed of consultative exercises on local issues. Some events will involve some members in formal roles, i.e. take part in photo opportunities, make presentations or officially address an audience and members will be advised of what those formal roles are and who is involved in those at the time of invitation.
10. Nothing in this protocol shall prevent the normal publication of the details of members' surgeries on-line, in hard copy or in advertisements.

Official visits by government and shadow ministers

11. It is open to government and shadow ministers to visit the borough at any time. However should the minister require assistance or access to any of the council's services or facilities, the visit will need to be arranged through official channels of the council. This will ensure that appropriate support is provided on the day.
12. To this end all such requests from government and shadow ministers must be referred to the head of communications who will promptly notify the chief executive of the request.
13. The head of communications will liaise with their counterpart at the relevant government department to ascertain the purpose of the visit. The head of communications in consultation with the chief executive and monitoring officer will authorise the visit if satisfied that the visit would assist the council in promoting one or more of its policies and or objectives or would be purely for fact finding.

14. Events which involve government ministers or other political figures and shadow ministers should usually be led by the leader or cabinet member with the Mayor informed or invited to lead as appropriate. Ward councillors and leaders of all the political parties should be invited where possible and appropriate.

Visits by local and other Members of Parliament (MPs)

15. There may be instances where local and other MPs who are not ministers will have a special interest in attending an event that is taking place in the borough. In this instance the MP in question may either be formally invited or merely informed about the event. Where the MP has not been specifically invited to attend, he or she should not expect to be treated as an "official" invitee.

Promotional publicity

16. Local authorities are authorised under the Local Government Act 1972 to publicise information as to the services provided by them or other local authorities in their area. Publicity can also be used to explain or justify the council's policies either in general, such as in the annual report, or on specific topics, for example as a background to consultation. However, any such publicity should comply with the principles of the code.

Publicity of matters going before the cabinet, council assembly or any committee of the council

17. All matters going before the cabinet or committees for decision are publicised five clear working days before the meeting or seven clear working days in the case of council assembly unless the report contains exempt information (i.e. information that has been judged by the proper officer as confidential). Some matters will obviously generate more press interest than others. Where the press is interested in a matter that is to be the subject of a decision by the council, the head of communications in conjunction with the relevant chief officer and cabinet member may issue a press release explaining the reasons behind the recommendations. Any such press release must be factual and objective. Members may be asked by the media to comment on this press release but should remember that whilst criticism of ideas and opinion is part of the democratic process, a member must comply with the code of conduct.
18. Where there has been misinformation about any of the council's policies or objectives the head of communications is authorised to take any appropriate corrective measures.

Scrutiny

19. Publicity about scrutiny will concentrate on factual information about which scrutiny exercises the council is conducting, who is involved, the process they will follow and the decisions they take. Where scrutiny suggests a course of action that differs to or challenges one agreed by the cabinet or any other council decision making body, this would be made clear in publicity together with the process for resolving the difference.

Contact with press

20. As outlined in the code of conduct for employees, employees and other staff should not communicate with press and other media unless authorised by the appropriate manager to do so.

Press releases

21. All press releases from the council must be agreed and signed off by the communications unit and issued either electronically or on council headed paper. Press releases containing quotes from members must be agreed and signed off by the appropriate member.

Social media

22. It is acceptable for the council to host social media, such as a blog, which itself contains links to external sites where the content would not itself comply with the code. However care needs to be exercised in that such links do not:
 - contain content that may result in actions for libel, defamation or other claims for damages
 - be used to process personal data other than for the purpose stated at the time of capture
 - be used in an abusive, hateful or disrespectful manner.
23. However particular care must be taken during the period before elections and referendums to ensure that no breach of any legal restriction takes place. It may be necessary to suspend the hosting of material produced by third parties or public forums during such periods.
24. In addition, where members are present as voting members at any meeting where they are determining any application for any approval, consent, licence, permit or permission, they should not access the internet, send or receive emails, text, messages or tweets concerning the business of that committee.

Publicity during periods of heightened sensitivity

25. Candidates in an election or referendum should not be provided with any form of publicity during the period between the notice of an election and the election itself.
26. Any publicity should be objective, factual, not deal with controversial political issues and avoid personalisation of the issues or inappropriate personal image making.
27. The council should not produce publicity designed to influence the views of local people on petitions, referendums or specific proposals.

The role of the communications unit

28. The communications unit works on behalf of the council and not for any political party. The purpose of its work is to provide high quality information about the council, its policies and its services and to maintain public confidence and where appropriate to protect and to promote the council's reputation. It aims to

encourage better relationships with the local community. It is important to remember that all publicity and press releases are directed through the communications unit so these goals can be achieved.

29. The head of communications can advise members on how to deal with press enquiries, and how to arrange publicity for events, which can be properly publicised. Members have a remit to discover and make public inefficiency and poor public service; however, they should be careful where a matter they wish to make public relates to identifiable officers.
30. Publicity and information will cover areas such as why the council makes the decisions it does, and why other proposals are rejected. The communications unit will feature the decisions of the council, i.e. those decisions made by the council assembly, cabinet, scrutiny, planning or licensing committees or community councils, or those actions which have been taken within the broad policy framework already set by the council, subject to any call-in arrangements.

Obligations on officers in relation to documents being prepared for public consumption

31. Council staff and resources must not be used to arrange proactive events, such as photocalls, if they would provide politicians with a platform to communicate with the public that would not otherwise be available to them.
32. When considering whether a communication or publicity is safe to be put out officers should ask themselves whether the communication or publicity is objective, balanced, informative and accurate. If the answer is an unequivocal yes then the communication or publicity is safe to be put out.
33. Where officers are uncertain as to whether a communication or publicity is appropriate they should seek advice from the communications unit and the monitoring officer in those cases.
34. If something cannot go out as a member has suggested then officers can explain why and offer an alternative form of words. Again the communications unit or the monitoring officer can offer you guidance on what would be appropriate.

The role of the Mayor

35. The Mayor is the first citizen of the borough and as such is apolitical. He or she is responsible for promoting the council as a whole and representing the council in civic and ceremonial events.
36. The Mayor is also responsible for chairing meetings of the council assembly and interpreting the constitution as necessary. Where the Mayor is unable to act or the office is vacant, the Deputy Mayor will discharge all of the Mayor's duties except that the deputy may not chair meetings of the council assembly unless specifically appointed to do so.

Key spokespeople

37. The role of the spokesperson is to present facts about council decisions, the context in which they were taken, actions, and issues faced by the council.

Members who are key council spokespeople are the leader and deputy leader and cabinet members within their portfolio, the chair of overview and scrutiny committee, planning chair, licensing chair, chair of the relevant community council, standards chair and chair of the audit and governance committee. They will be quoted or featured in publicity where it relates to their responsibilities on the council.

Correspondence

38. Generally correspondence from one member should not be copied to, or discussed with, another member without the member's consent subject to any rights of access arising from the Freedom of Information Act 2000 and the Data Protection Act 1998. If a member has sought advice from an officer and included a circulation list, it can be assumed that the officer's response can be circulated to those people on the circulation list for the original letter, even if that list includes other members.
39. This does not prevent officers copying letters to each other about casework across ward or interest boundaries in order to respond to a member inquiry. Points of general interest to all members may be converted into general advice, and circulated (within the limitations set down in the Data Protection Act). A chief officer is also able to advise a relevant cabinet member in general terms of an issue raised with the chief officer in correspondence, or otherwise, by another member.
40. Official letters from the council should normally be sent out in the name of the appropriate officer rather than a member. It may be appropriate for members to write in certain circumstances (e.g. representations to a government minister); however, this would be the exception rather than the norm. Letters which create obligations or give instructions should not be sent out in the name of a member.

Postage

41. Preparation and postage of correspondence are a significant part of the support given to members. The content and purpose of letters, leaflets, and other correspondence must relate to the member's role in the authority. The members' services manager will arrange for monitoring arrangements to be put in place, and refer doubtful cases to the monitoring officer.
42. The use of council resources in the preparation and postage of the following kinds of post are not permitted:
 - private mail including correspondence for other bodies
 - mailshots
 - letters sending out information (concerning planning application, refuse collection, etc) which is the responsibility of officers
 - letters which criticise other groups and their members or praise the writer or their political group
 - group publicity such as political party greetings cards.

For the avoidance of doubt, correspondence to residents about the location of surgeries by members who do not have a fixed location for their surgery shall not constitute a mailshot.

43. The question of what is a mailshot has proved problematic. Members are entitled to use council resources to respond to requests that their constituents have raised with them for action and explain what action has been taken, but not generally to publicise their work in the ward. Requests to send out large numbers of letters will have to show what demand is being responded to, and that the letter is a proportionate response to that demand. In any event, member services do not have the resources to send out more than one batch of such letters a month for any member. Members are reminded that this is a finite resource, and member services may need to limit the use of this if excessive costs are incurred. Further advice is given by the monitoring officer's guidance 'Correspondence and Mailshots' issued 18 January 2013 (<http://moderngov.southwark.gov.uk/documents/s35152/Monitoring%20Officer%20Guidance%20on%20Mailshots.pdf>).
44. Where members are uncertain as to whether a communication or publicity is appropriate they should seek advice from the head of communications and the monitoring officer in those cases.

Emails

45. Email and internet access facilities are provided to members to support work on council related activities. The standards set out for officers in the use of emails apply equally to members. The key standards are that:
- any behaviour or comment that is not permitted in the spoken or paper environment is also not permitted in an email message
 - email messages should be inoffensive and should not be construed to harass
 - emails must not incite racial hatred or be pornographic in nature either in the body of the text or as an attachment
 - chain emails should not be forwarded on.
46. As a general rule, emails cannot be used for party political purposes but:
- emails organising the political group in relation to council business are allowed
 - the use of the email address in a party political leaflet to advertise a ward surgery or as a means of allowing residents to contact their ward members on non-party political matters is allowed
 - emails to newspapers as a means of commenting on council business from the political group's perspective are allowed.
47. Members should note the requirements for social media are given in paragraphs 21 and 22.
48. Members should remember that emails may be subject to disclosure if a request is made under the Freedom of Information Act 2000.
49. Any use of IT resources, including email and the internet, that contravenes any legislation (such as the Data Protection Act 1998; the Computer Misuse Act 1990; and the Copyrights, Designs and Patents Act 1988 (amended 2002)); or breaches the general obligations of the code of conduct for members; or breaches council policies on information security is considered to be

unacceptable. Members are responsible for the content of any email sent from your username and in certain circumstances the council may also be found liable for the content of such email.

50. Emails and other personal information should be retained only for the minimum period necessary, in accordance with the Data Protection Act 1998. Further details on the Data Protection Act in term of members' business use can be obtained from legal services.
51. It is important that members manage the information that they store to ensure its availability, confidentiality and integrity. Therefore members should regularly review all council information (including files and email messages) they hold and delete all redundant or irrelevant data.
52. Where a telephone number or email address has been issued to a member or group of members it is expected that this information will be publicised except on political publicity material.

Item No: 8.	Classification: Open	Date: 26 November 2014	Meeting Name: Council Assembly
Report title:		Treasury Management - Mid-year Update 2014/15	
Wards or Groups affected:		All	
From:		Strategic Director of Finance and Corporate Services	

RECOMMENDATION

1. That council assembly notes this 2014/15 mid-year treasury management update.

BACKGROUND INFORMATION

2. This item is one of an annual cycle of reports on the council's debt and investments. Other reports to council assembly on treasury include a strategy report at the start of each financial year and an out-turn report following the end of the year. The cabinet also receives quarterly updates and the audit and governance committee reviews treasury strategy annually.
3. Treasury activity is supported by a series of prudential indicators (estimates and limits on capital finance, debt and investments), which are agreed by council assembly each year and under financial delegation all executive, managerial and operational decisions are the responsibility of the strategic director of finance and corporate services. This area of finance falls under the Local Government Act 2003 and is supplemented by investment guidance issued by the government and codes of practice issued by the Chartered Institute of Public Finance and Accountancy (CIPFA).

KEY ISSUES FOR CONSIDERATION

Investment management activity and position

4. The council's cash is invested in accordance with its investment strategy, which is agreed annually by council assembly. The investment objectives are to preserve capital, ensure liquidity and secure a reasonable return.
5. Over the first half of 2014/15 the balance in investments averaged £224 million and at 30 September 2014 stood at £213 million (£157 million at 31 March 2014). The movement over the six months to September 2014 reflects cash flows from day to day flows of receipts and payments. Investments were diversified across major high rated banks/building societies and placed in the UK government or supranational bodies (such as the European Investment Bank and the International Bank for Reconstruction and Development, both backed by governments across the world).
6. Bank exposure was in the form of money market funds, call accounts, time deposits or certificates of deposits (CD), maturing within 12 months. The UK government exposure was in bonds or treasury bills, and the supranational was in bonds alone. The CD, treasury bill and bond portfolios are managed by two fund managers (AllianceBernstein and Aberdeen Investment Managers). Each

manager holds circa £50 million and sums are placed in bonds longer than one year where prudent within a risk controlled framework, prioritising security and liquidity. The remainder of the funds are managed in-house, and the focus is on investing cash safely to meet day to day spending.

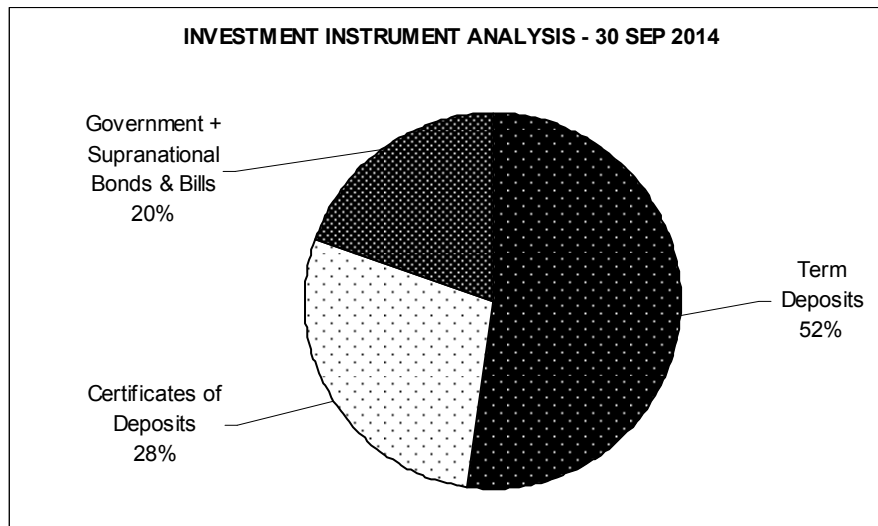
7. The half-year return to 30 September 2014 was 0.32%, reflecting the prolonged period of very low UK base rates (0.50%, equivalent to 0.25% over the half-year) and the stimulatory monetary policies which central banks here and abroad still have in place. Here expectations of a rise in base rates have been pushed back to the second half of 2015.
8. The sum held across investment counterparties as at 30 September 2014, together with rating and maturity profiles is set out in the tables and chart below.

INVESTMENT COUNTERPARTY AND RATINGS - 30 SEP 2014									
EXPOSURE £m	FUND				Ratings				
	Aberdeen	Alliance Bernstein	In-House	£m	Long	Short	Support	Sovereign	Sovereign Rating
COUNTERPARTY									
NORDEA BANK FINLAND	6.50	-	-	6.50	AA-	F1+	1	FINLAND	AAA
CREDIT INDUST ET COMRCL	3.50	-	-	3.50	A+	F1	1	FRANCE	AA+
SOCGEN	-	1.20	6.30	7.50	A	F1	1	FRANCE	AA+
BANQUE NATIONAL DE PARIS	3.50	2.00	15.00	20.50	A+	F1	1	FRANCE	AA+
DEUTSCHE BANK	-	2.00	-	2.00	A+	F1+	1	GERMANY	AAA
RABOBANK	1.10	2.00	-	3.10	AA-	F1+	1	NETHERLANDS	AAA
ING BANK	3.40	2.00	15.00	20.40	A+	F1+	1	NETHERLANDS	AAA
ABN AMRO BANK	3.50	2.00	-	5.50	A+	F1+	1	NETHERLANDS	AAA
EUROPEAN INV BANK	7.00	6.50	-	13.50	AAA	F1+	0	SUPRANATIONAL	AAA
INT BANK RECONST DEVT	3.50	6.80	-	10.30	AAA	F1+	0	SUPRANATIONAL	AAA
SVENSKA	-	-	15.00	15.00	AA-	F1+	1	SWEDEN	AAA
SKANDINAVISKA	3.30	2.00	-	5.30	A+	F1	1	SWEDEN	AAA
CREDIT SUISSE	3.50	2.00	-	5.50	A	F1	1	SWITZERLAND	AAA
UBS	3.50	2.00	15.00	20.50	A	F1	1	SWITZERLAND	AAA
NATIONWIDE BSOB	3.30	2.00	5.00	10.30	A	F1	1	UK	AA+
RBS/NATWEST	-	-	10.00	10.00	A	F1	1	UK	AA+
SANTANDER UK	1.50	-	-	1.50	A	F1	1	UK	AA+
UK TREASURY	-	18.10	-	18.10	AA+	F1+	0	UK	AA+
BARCLAYS BANK	-	-	15.00	15.00	A	F1	1	UK	AA+
LLOYDS BANK	-	-	15.10	15.10	A	F1	1	UK	AA+
BNY MELLON	0.10	-	-	0.10	AA-	F1+	1	US	AAA
BANK OF AMERICA	3.50	-	-	3.50	A	F1	1	US	AAA
TOTAL	50.7	50.6	111.4	212.7	A	F1			

* Refers to Fitch Ratings or equivalent

INVESTMENT MATURITY PROFILE AND LONG TERM RATING - 30 SEP 2014				
Yr Band	A	AA	AAA	Grand Total
Up to 1 Yr	70%	13%	4%	87%
1-2 Yrs		1%	4%	5%
2-5 Yrs		5%	3%	8%
Grand Total £m	70%	19%	11%	100%

Fitch Ratings	Definition
AAA	Highest credit quality
AA+, AA, AA-	Very high credit quality
A+, A, A-	High credit quality
F1	Highest short term credit quality; strongest capacity for timely payment (+donates exceptionally strong credit feature)
1 or 2	Extremely high or high probability of support



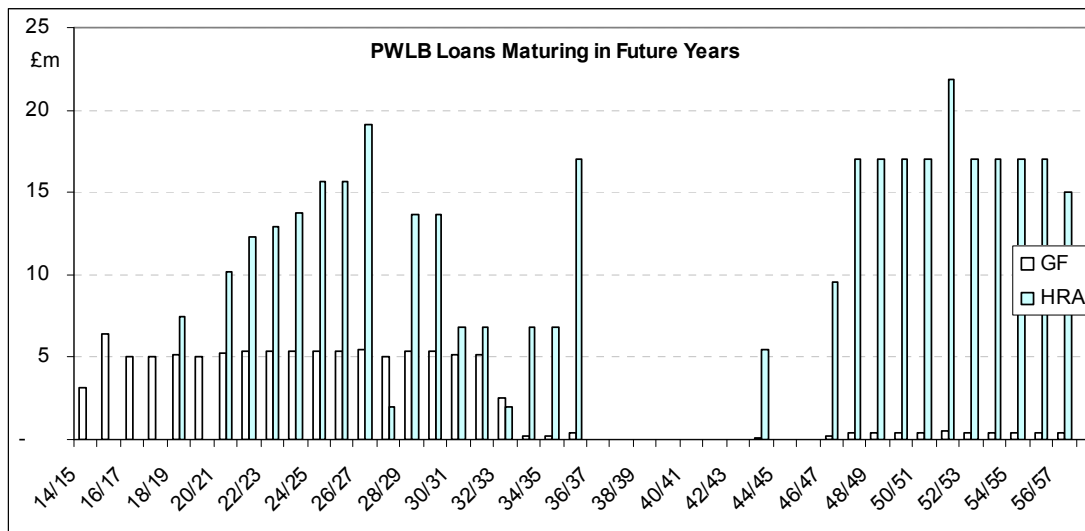
9. To ensure that the investment strategy remains up to date under current financial conditions, KPMG's investment advisory unit were asked to carry out an independent review. Their review is at draft report stage, and is being considered by officers. Their findings confirm that the council's current investment strategy remains prudent and fit for purpose. They have also suggested a number of updates the council might consider. Broadly these are to:
- Improve diversification by increased use of pooled funds and relaxing minimum ratings.
 - Improve liquidity by increasing access to marketable money market instruments that are available through the external fund managers.
10. In light of this, officers are considering reducing ratings for banks by one notch (long term rating from A/A2/A to A-/A3/A- and short term from F1/P-1/A-1 to F2/P-2/A-2 (Fitch/Moody's/S&P), to help reduce exposure to any single counterparty. Officers are also considering reducing the minimum ratings for foreign government sterling bonds, supranational banks and quasi-sovereigns from AAA/Aaa/AAA to AA-/Aa3/AA-.
11. These suggestions were included in the 11 November 2014 audit and governance committee agenda and will help inform the update to the council's investment strategy, which will be reported to council assembly in February 2015.

Debt management activity and position

12. The council holds debt to fund past capital spend and the balance outstanding on the debt at 31 March 2014 was £475 million (£560 million at 31 March 2013), divided between the HRA (£371 million) and the general fund (GF) (£104 million). Each year the general fund is required to set aside sums to repay its borrowing by way of the minimum revenue provision. For 2014/15 this is £9.1 million. The HRA is also reducing its debts and raising the borrowing headroom for new investment.
13. In 2013/14 £80 million HRA loans running at an average rate of 9.31% and an annual interest of £7.5 million were paid off out of cash balances. Of the £80 million, £35.8 million was financed in 2013/14 and increased the headroom by

that amount. From 2014/15 the interest no longer payable on these loans is being used to finance the remainder, raising the headroom further.

14. All borrowing is from the Public Works Loans Board (PWLB, a local authority lending arm of the government) at fixed rates and matures at different dates in the future (the chart below shows maturities at 30 September 2014). In 2014/15 £5.2 million general fund debt matures, of which £2.5 million fell due in April 2014. No HRA debt falls due until 2018/19.



15. On maturity the loans can be replaced with new borrowings. The new loans from the PWLB may be repayable at the end of the loan term, in equal instalments over loan life, or by way of annuity, depending on future financing requirements. Rates on new loans depend on prevailing market conditions and are currently low on account of global economic weakness. But as it is still cheaper to use council cash than loans, borrowing is being deferred for the time being. However new borrowing will be taken if it is needed for spend or where prudent. The level of cash used in place of loans, known as internal borrowing, stood at £232 million at 31 March 2014, £44 million HRA and £188 million general fund. The HRA element follows the debt repayment carried out in 2013/14 and the general fund share follows the acquisition of the freehold interest in the council's Tooley Street headquarters.
16. The average rate of interest is currently running at 5.97% on HRA debt and 3.58% on general fund debt. The total debt and the overall average rate have been falling over the last few years; see table below.

Year	Closing debt £ million	Annual interest payable £ million	Average interest rate %
2006/07	693.7	60.9	8.8%
2007/08	738.3	54.6	7.6%
2008/09	770.7	52.0	7.0%
2009/10	761.7	52.8	6.9%
2010/11	761.7	52.8	6.9%
2011/12*	462.5	55.6	6.9%
2012/13	560.0	33.2	6.0%
2013/14	555.0	33.4	6.0%

* Under HRA self-financing reforms, the debt was reduced by £199.2 million in March 2012 and from 2012/13, councils became responsible for servicing the remaining debt out of rents and other HRA income.

Municipal bond agency

17. The Local Government Association (LGA) has begun raising funds to develop a municipal bond agency as an alternative to the PWLB. To date, 37 local authorities have expressed an interest in providing around £4 million capital to help launch the agency's first bond issue in March or April 2015. The LGA itself is contributing £500,000. The council's own contribution is £200,000 and of this £60,000 has so far been drawn. The agency is going to carry out further fund raising ahead of its bond issues, but the council's contribution will remain capped at £200,000.
18. The contribution will help ensure that the council can participate in the agency and have a positive influence in its development. The agency hopes to undercut the PWLB and if successful, the investment would earn a return after five or so years. Any return would be on top of savings from potentially cheaper agency borrowing. Furthermore, if the government decides to lower the PWLB margin, that too would also result in cheaper borrowing and would easily make up for any loss there may be on the initial investment. . However any borrowing Southwark itself needed in the future would be from whichever source was the cheapest.

Prudential indicators

19. Local authority borrowing, investment and capital finance activity is supported by the prudential code for capital finance and the treasury management in the public services code of practice and guidance published by the Chartered institute of Public Finance and Accountancy and backed by the Local Government Act 2003. The codes recommend councils agree a series of prudential indicators and limits on the affordability, prudence and sustainability of capital finance and treasury management. The 2014/15 indicators were agreed in February 2014, before the start of the year and a mid-year update is set out below.
20. The indicators recognise that capital expenditure not otherwise funded through capital receipts, grants or revenue resources, creates liabilities, and raises interest and loan repayment costs, which draw on future income. Capital financing costs are reflected in existing budgets and the indicators themselves have no effect on them. The indicators also include an authorised debt limit, which is a self imposed cap on borrowing and other long term liabilities (like PFI schemes) outstanding on any one day, limits on the mix between fixed and variable rate loans, and limits on sums falling for refinance in future periods. The authorised debt limit for 2014/15 is £935 million. It accommodates existing loans and liabilities and includes operational flexibility for temporary borrowing, prudent refinancing and raising cash with external loans, within a risk controlled framework. The council is within its cap; actual debt and long term liabilities have not exceeded £588m at any time in the six months to September 2014.

PRUDENTIAL INDICATORS – 2014/15 MID-YEAR UPDATE
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(A) INDICATORS ON AFFORDABILITY AND PRUDENCE

		Ratio of Financing Cost to Net Revenue Stream
		A measure of the cost of debt and PFI liability, net of interest income, as a percentage of revenue.
2013/14 Actual	2014/15 Estimate	The HRA ratio reflects financing for the £80 million debt repayments. £35.8 million was financed in 2013/14 and further sums are to be applied out of interest savings from 2014/15 onwards, discussed further in the report. The GF ratio also reflects debt payments by way of the minimum revenue provision.
34%	17%	HRA
7%	8%	General Fund
		Incremental Impact of Capital Spend
		A measure of the effect of capital spend proposals on council tax and rents.
2013/14 Actual	2014/15 Estimate	Actual council tax and rents are determined by the council assembly/cabinet taking account of all the resources of the council.
nil	Nil	Weekly rents
nil	Nil	Council tax – band D
		Capital Financing Requirements (CFR) and Gross Debt
		The CFR is a measure of past capital expenditure financed through borrowing and long term liabilities (e.g. PFI). The level of gross debt should normally not exceed the CFR except over a short period.
2013/14 Actual	2014/15 Estimate	Actual gross debt remained below the CFR throughout the first half of 2014/15, on account of cash balances, internal borrowing and PFI transactions.
£804m	£807m	CFR
£560m	£475m	Maximum Gross Debt, first half of 2014/15

(B) INDICATORS ON CAPITAL FINANCE
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		Capital Expenditure Estimate
		The estimated spend reflects latest spend plans and will be updated over the course of the year. The 2014/15 GF spend includes the PFI funded Sacred Heart Catholic School.
2013/14 Actual	2014/15 Estimate	
£123m	£189m	HRA
£67m	£107m	General Fund

(B) INDICATORS ON CAPITAL FINANCE		
£190m	£296m	Total
		Estimated Capital Financing Requirement (CFR)
		Past capital expenditure financed through borrowing and long term liabilities.
2013/14 Actual	2014/15 Estimate	The GF CFR includes the PFI funded Sacred Heart Catholic School coming into operation this year. Both the HRA and GF include provisions to reduce future CFR liabilities.
£419m	£413m	HRA
£385m	£391m	GF
£804m	£804m	Total
		HRA Indebtedness Limit
2013/14 Actual	2014/15 Estimate	A limit on capital financed debt and long term liabilities determined by the government.
£577m	£577m	Limit
£419m	£413m	HRA CFR

(C) INDICATORS ON TREASURY MANAGEMENT			
			Operational Boundary on Debt and Authorised Limits for External Debt
			Limits the council determine to accommodate debt, internal borrowing and long term liabilities. The lower limit is the operational boundary and takes account of existing positions and ordinary activity and the higher limit is the authorised limit and enables additional debt to be taken for very short periods, in the interest of prudence, within a risk controlled framework.
2013/14 Actual Maximum	2014/15 Limit	2014/15 Max. to Sept. 2014	
			Operational Boundary
£560m	£765m	£475m	Borrowing
£98m	£125m	£113m	Other Long Term Liabilities
£658m	£890m	£588m	Total
			Authorised Limit
£560m	£805m	£475m	Borrowing
£98m	£130m	£113m	Other Long Term Liabilities
£658m	£935m	£588m	Total
			Gross and Net Debt
			An upper limit on net debt as a percentage of gross debt.
2013/14	2014/15	2014/15 Max. to	The net has remained below gross on account of investments held to meet spend.

(C) INDICATORS ON TREASURY MANAGEMENT			
Actual	Limit	Sept. 2014	
68%	100%	57%	Upper Limit
2013/14 Actual	2014/15 Limit	2014/15 Max. to Sept. 2014	Fixed and Variable Rate Upper Limits Limits recognising existing positions, with flexibility to vary exposure within a risk controlled framework should it be prudent.
£560m	£805m	£475m	Upper limit on fixed rate debt
£0m	£200m	£0m	Upper limit on variable rate debt
2014/15 Lower Limit	2014/15 Upper Limit	2014/15 Position at start of year	Maturity Structure of Fixed Rate Debt Limits accommodating existing positions, with flexibility to vary exposure within a risk controlled framework should it be prudent.
0%	20%	1%	Under 1 year
0%	20%	1%	1 year and within 2 years
0%	30%	5%	2 years and within 5 years
0%	40%	16%	5 years and within 10 years
0%	40%	31%	10 years and within 20 years
0%	40%	6%	20 years and within 30 years
0%	40%	29%	30 years and within 40 years
0%	40%	11%	40 years and within 50 years
2013/14 Actual	2014/15 Limit	2014/15 Max. to Sept. 2014	Limit on Investments of one year or more Caps maximum exposure to longer investments, while recognising that it can help secure additional yield within a risk controlled framework. Exposure over the last six months has remained cautious in view of market volatility.
15%	50%	15%	Percentage in one year or longer
8 Mnths	3 Yrs	8 Mnths	Overall maximum average maturity
5 Yrs	10 Yrs	5 Yrs	Longest investment
Adoption of the CIPFA code of Practice on Treasury Management			
The code and its principles were adopted by the council assembly in 2010.			

SUPPLEMENTAL ADVICE FROM OTHER OFFICERS

Director of Legal Services

21. The constitution determines that agreeing the treasury management strategy is a function of the council assembly and that review and scrutiny of strategies and policies is the responsibility of the audit and governance committee.
22. Financial standing orders require the strategic director of finance and corporate services to set out the treasury management strategy for consideration and decision by council assembly, and report on activity on a quarterly basis to cabinet and at mid and year-end to council assembly. Furthermore all executive and operational decisions are delegated to the strategic director of finance and corporate services.
23. The Local Government Act 2003 and supporting regulations require local authorities to determine annual borrowing limits and have regard to the prudential code for capital finance, and the treasury management in the public services code of practice and guidance, published by the Chartered Institute of Public Finance and Accountancy, when considering borrowing and investment strategies, determining or changing borrowing limits or prudential indicators.
24. Section 15(1) of the 2003 Act requires a local authority "to have regard (a) to such guidance as the Secretary of State may issue". This guidance is found in the Department of Communities and Local Government guidance on local authority investments updated March 2010 and there is statutory guidance on the minimum revenue provision (MRP) produced under amendments made to section 21(1A) of the 2003 Act by section 238(2) of the Local Government and the Public Involvement in Health Act 2007.
25. Section 12 of the 2003 Act grants local authorities the powers to invest for any purpose relevant to its functions or for the purposes of the prudent management of its financial affairs.

BACKGROUND DOCUMENTS

Background Papers	Held at	Contact
Report to Council Assembly 28 February 2014: Treasury management strategy 2014/15 including annual investment strategy, prudential indicators and annual minimum revenue provision statement	160 Tooley Street	Chris O'Brien Tel: 020 7525 7468

APPENDICES

No.	Title
None	

AUDIT TRAIL

Lead Officer	Duncan Whitfield, Strategic Director of Finance and Corporate Services	
Report Author	Jennifer Seeley, Deputy Finance Director	
Version	Final	
Version Date	3 November 2014	
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 Services	N/a	N/a
Cabinet Member	Yes	Yes
Final Report Sent to Constitutional Team		13 November 2014

**COUNCIL ASSEMBLY AGENDA DISTRIBUTION LIST (OPEN) (FULL LIST)
MUNICIPAL YEAR 2014/15**

NOTE: Original held by Constitutional Team; all amendments/queries to
Lesley John Tel: 020 7525 7228

ONE COPY TO ALL UNLESS OTHERWISE STATED	Copies	To	Copies
All Councillors	1 each	Officers	4
Group Offices	2	Doreen Forrester-Brown	1
Aine Gallagher, Labour Group Office	1	Robin Campbell	1
Niko Baar, Liberal Democrat Group Office	1	Ian Millichap	1
		Sonia Sutton	1
Press	2	Constitutional Team	25
Southwark News	1	(Copies to Lesley John, 2 nd Floor, Hub	
South London Press	1	4, Tooley Street)	
Corporate Management Team	5	Trade Unions	9
Eleanor Kelly	1	Roy Fielding, GMB	1
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David Quirke-Thornton	1	Sue Plain, Unison	1
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		James Lewis, NASUWT	1
		Pat Reeves, ATL	1
		Miss Sylvia Morris, NAHT	1
		Irene Bishop, ASCL	1
		Local M.P.	1
		Simon Hughes M.P.	
		Others	1
		Elizabeth Olive, Audit Commission,	1
		Ground Floor, Tooley Street	
		Total:	112
		Last updated: November 2014	