

Cabinet

Tuesday 22 January 2019

4.00 pm

Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

Membership

Councillor Peter John OBE (Chair)
Councillor Rebecca Lury

Councillor Evelyn Akoto
Councillor Jasmine Ali
Councillor Stephanie Cryan
Councillor Richard Livingstone

Councillor Victoria Mills
Councillor Leo Pollak

Councillor Johnson Situ
Councillor Kieron Williams

Portfolio

Leader of the Council
Deputy Leader and Cabinet Member for
Culture, Leisure, Equalities and Communities
Community Safety and Public Health
Children, Schools and Adult Care
Housing Management and Modernisation
Environment, Transport Management and Air
Quality
Finance, Performance and Brexit
Social Regeneration, Great Estates and New
Council Homes
Growth, Development and Planning
Jobs, Skills and Innovation

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Contact

Paula Thornton 020 7525 4395 or email: paula.thornton@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Councillor Peter John

Leader of the Council

Date: 14 January 2019



Cabinet

Tuesday 22 January 2019
4.00 pm

Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

Order of Business

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PART A - OPEN BUSINESS

MOBILE PHONES

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

1. APOLOGIES

To receive any apologies for absence.

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

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

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

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

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

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

Item No.	Title	Page No.
5.	PUBLIC QUESTION TIME (15 MINUTES)	
	To receive any questions from members of the public which have been submitted in advance of the meeting in accordance with the cabinet procedure rules. The deadline for the receipt of a public question is midnight Wednesday 16 January 2019.	
6.	MINUTES	1 - 15
	To approve as a correct record the minutes of the open section of the meeting held on 11 December 2018.	
7.	DEPUTATION REQUESTS	
	To consider any deputation requests. The deadline for the receipt of a deputation request is midnight Wednesday 16 January 2019.	
8.	HOUSING REVENUE ACCOUNT - FINAL RENT-SETTING AND BUDGET REPORT 2019-20	16 - 33
	To agree recommendations associated with the housing revenue account rent setting and budget for 2019 - 2020.	
9.	ADMISSION ARRANGEMENTS FOR COMMUNITY PRIMARY SCHOOLS FOR SEPTEMBER 2020 AND AMENDMENT (AT SHORT NOTICE) OF PRIMARY PUBLISHED ADMISSION NUMBERS (PANS) FOR SEPTEMBER 2019	34 - 43
	To agree the Southwark community primary schools admission arrangements for 2020 and agree to proceed with the reduction to the 2019-20 published admission arrangements for 13 primary schools.	
10.	SOUTHWARK COORDINATED ADMISSION SCHEMES FOR PRIMARY, JUNIOR AND SECONDARY ADMISSIONS 2020	44 - 49
	To agree the primary (reception), junior and secondary (year 7) coordinated admission schemes for 2020.	
11.	LIBRARIES AND HERITAGE STRATEGY 2019 - 2022	50 - 61
	To agree the proposed libraries and heritage strategy 2019-2022.	
12.	NEW LIBRARY AND HERITAGE CENTRE FOR WALWORTH	62 - 72
	To confirm pursuant to s120 of Local Government Act and s7 Public Libraries and Museum Act 1964 and subject to planning, the council takes a lease of ground floor accommodation on the land shown in the report.	

Item No.	Title	Page No.
13.	IMPLEMENTING CIVIL PENALTIES IN THE PRIVATE RENTED SECTOR	73 - 94
	To approve the adoption of the private sector housing – prosecution and civil penalties enforcement policy for use by the duly authorised officers.	
14.	NEW SOUTHWARK PLAN: PROPOSED SUBMISSION VERSION - AMENDED POLICIES	95 - 105
	To agree the New Southwark Plan Proposed Submission version: Amended policies January 2019 for consultation.	
15.	LIVESEY EXCHANGE	106 - 138
	To approve the Lease Heads of Terms and grant arrangements for the Livesey Exchange to construct and operate a new, temporary community building on the Old Kent Road.	
16.	SOUTHWARK BREXIT PANEL - RECOMMENDATIONS TO CABINET	139 - 166
	To consider recommendations from the Southwark Brexit Panel.	
17.	MOTIONS REFERRED FROM COUNCIL ASSEMBLY	167 - 184
	To consider the following motions referred from council assembly 28 November 2018:	
	• The best possible start in life • A people's vote on Brexit • School cuts • Royal British Legion commemoration • End unfair evictions - abolish section 21 of 1988 Housing Act • Third runway at Heathrow • Opposing bus cuts • Overground ticket office closures • Solidarity with the Windrush generation • Sustainable public health funding.	
18.	1 ANN MOSS WAY, ROTHERHITHE, LONDON SE16 1TL (ACQUISITION)	185 - 193
	To authorise pursuant to s120 of the Local Government Act 1972 and s9 of the Housing Act 1985 that the council acquires the freehold interest in the property, 1 Ann Moss Road, Rotherhithe SE16.	

OTHER ITEMS

The following items are also scheduled for consideration at this meeting:

- 19. POLICY AND RESOURCES STRATEGY 2019-20**
- 20. GATEWAY 1: PROCUREMENT STRATEGY APPROVAL - CONTRACTOR SERVICES FOR THE DELIVERY OF SCEAUX GARDENS**
- 21. REGENERATION THAT WORKS FOR ALL FRAMEWORK AND SOCIAL REGENERATION INDICATORS**

DISCUSSION OF ANY OTHER OPEN ITEMS AS NOTIFIED AT THE START OF THE MEETING**EXCLUSION OF PRESS AND PUBLIC**

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

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

PART B - CLOSED BUSINESS

- 22. MINUTES**
- 23. NEW LIBRARY AND HERITAGE CENTRE FOR WALWORTH**
- 24. 1 ANN MOSS WAY, ROTHERHITHE, LONDON SE16 1TL (ACQUISITION)**

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



Cabinet

MINUTES of the OPEN section of the Cabinet held on Tuesday 11 December 2018 at 4.00 pm at the Council Offices, 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Peter John OBE (Chair)
 Councillor Rebecca Lury
 Councillor Evelyn Akoto
 Councillor Richard Livingstone
 Councillor Victoria Mills
 Councillor Leo Pollak
 Councillor Johnson Situ
 Councillor Kieron Williams

1. APOLOGIES

Apologies for absence were received from Councillors Jasmine Ali and Stephanie Cryan.

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

The chair gave notice of the following late items:

Item 7: Deputation requests
 Item 8: Policy and Resources Strategy 2019-20
 Item 23: Capital Letters: Procurement of Accommodation for Homeless Households
 Items 24 and 25: Commercial Property Portfolio: Addition of Income Generating Asset.

Reasons for urgency and lateness will be specified in the relevant minutes.

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

No representations were received in respect of the item listed as closed business for the meeting.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

None were declared.

5. PUBLIC QUESTION TIME (15 MINUTES)

Public Question from Sue Plain

What arrangements are in place with participating boroughs to ensure:

- Equitable and sustained financing proportionate to service access?
- Indemnity against future redundancies?

Will the council give further detail about consultation said to have taken place in paragraph 27e?

Response

An inter-agency partnership agreement will be signed by London Borough of Southwark and each participating borough. This will set out the agreed financial contributions and the commitment to ensure these remain sustainable for service provision over time.

The inter-agency partnership agreement will set out the arrangements in the event of any future redundancies to ensure that the risks of redundancy are minimised as far as possible, and that the risk is shared across participating authorities.

The programme manager for Adopt London Regional Adoption Agencies (RAAs), along with Directors of Children's Services (DCS) representatives have met, and are continuing to meet with representatives from voluntary adoption agencies. The programme manager for Adopt London RAAs, along with representatives of the Heads of HR met with the Greater London Provincial Council on 18 October 2018. Trade Unions undertook to identify a representative for each RAA and engagement will continue regionally, sub-regionally and locally.

(The public questioner was unable to attend the cabinet meeting and it was confirmed that this response would be sent to her).

6. MINUTES

RESOLVED:

That the minutes of the meeting held on 30 October 2018 be approved as a correct record and signed by the chair.

7. DEPUTATION REQUESTS

The deputation request received on behalf of the Canada Estate tenants and residents was not heard. It was agreed that the chair of the Canada Estate tenants and residents association would meet separately with the leader of the council in respect of the issues

that were raised as part of this deputation submission.

8. POLICY AND RESOURCES STRATEGY 2019-20

This report had not been circulated five clear days in advance of the meeting. The chair agreed to accept the report as urgent as the council were committed to publishing budget proposals at the earliest possible opportunity to ensure they were available to the public for comments and questions. Presenting the report to cabinet on 12 December 2018 gives the opportunity for debate prior to presentation of budget figures to cabinet on 22 January 2019. Also under the council's constitution, there is a requirement for the overview and scrutiny committee to review and challenge budget proposals and this is due to take place on 28 January 2019.

RESOLVED:

1. That it be noted that the government's budget statement was presented by the Chancellor of the Exchequer on 29 October 2018, key headlines being set out in the report (paragraphs 26 – 27 of the report).
2. That it be noted that the provisional local government finance settlement, due to be announced on 6 December 2018, has been delayed until after the Brexit vote on Tuesday 11 December (paragraphs 28 – 29 of the report).
3. That it be noted, as reported to cabinet in September 2018 and recognising continued uncertainty for local government funding, that the intention remains for the council to prepare a balanced one-year 2019-20 budget for approval by cabinet in advance of council assembly in February 2019 (paragraph 19 of the report).
4. That the current budget options proposed to help achieve a balanced budget 2019-20 (Appendices C to F of the report) be noted.
5. That the budget proposals for 2019-20 contained within the report be noted, which include:
 - Estimated general grant resources likely to be available arising from the provisional settlement (Appendix A of the report), a reduction of £8.647m from 2018-19
 - Improved Better Care Fund resources totalling £15.752m, an increase of £3.168m from 2018-19
 - Additional one-off social care grants of circa £4.254m announced in the Autumn 2018 budget
 - Retained business rates growth of £25.0m (paragraph 41 to 44), an increase of £3.250m over 2018-19 arising from proceeds generated by continued regeneration in the borough; plus an estimated surplus brought forward of £1.158m
 - Estimated council tax revenue of £107.322m, including £2.476m additional income arising from growth in the tax base and £0.4m from increased premium on long-term empty properties; an estimated collection fund surplus of £3.500m
 - Planned contingency to be maintained at £4m to mitigate underlying budget risks. (Paragraph 74 of the report).

6. That it be noted that the following savings, commitments and pay and price pressures have been proposed to help ensure the delivery of a balanced budget in 2019-20 (Appendices C – F of the report):
 - Efficiency savings of £14.005m
 - Income generation of £3.050m
 - Savings impacting on services of £0.900m
 - Commitments and growth of £14.236m
 - Pay Award and contractual inflation of £8.450m
 - Debt financing costs of £3.809m.
7. That it be noted that, in order to ensure that the base budget is on a secure financial footing a number of commitments are proposed for 2019-20 totalling £14.236m, including:
 - £8.072m for children's and adult's services funded principally from the growth in the Improved Better Care Fund (£3.168m) and additional social care funding (4.254m)
 - A net increase of £2.7m to further support spending pressures on Temporary Accommodation and £0.7m No Recourse to Public Funds (NRPF).
8. That the ongoing negotiations regarding the continuation of the London Business Rates Pool arrangement into 2019-20 (paragraphs 45 – 48 of the report) be noted and that:
 - Authority be delegated to the strategic director of finance and governance in consultation with the cabinet member for finance, performance and Brexit to agree the operational details of the pooling arrangements with the participating authorities
 - Authority be delegated to the strategic director of finance and governance, in consultation with the director of law and democracy, to make any amendments as may be required by the Secretary of State, and to enter into the final Memorandum of Understanding on behalf of the council.
9. That the updated budget gap for 2019-20 of £3.853m be noted and that it also be noted that this budget gap would reduce by £3.2m should the council decide to increase council tax by 2.99%, in line with the government threshold. Officers will complete further work to present a fully balanced budget position for cabinet on 22 January 2019.
10. That the departmental narratives (Appendix B of the report) and the equality analysis provided for the budget proposals be noted.
11. That the consultation that took place prior to agreeing the indicative budget options for 2017-18 and 2018-19 be noted and that officers be instructed to undertake further consultation for new budget options where necessary or appropriate (paragraphs 75 – 76 of the report).
12. That it be noted that the report to cabinet on 22 January 2019 will be considered by overview and scrutiny committee on 28 January 2019 and that any recommendations arising will be incorporated into the final report to cabinet on 5

February 2019 for recommendation to council assembly on 27 February 2019 (paragraph 77 of the report).

9. THE COUNCIL TAX BASE 2019-20

RESOLVED:

1. That the schedule of discounts and exemptions in paragraph 13 of the report, which remains unchanged, with an exception for long-term empty dwellings effective from 1 April 2019-20 onwards be approved.
2. That it be noted that the council tax reduction scheme (CTRS) for both working and pensionable age claimants shall remain unchanged in 2019-20.
3. That the council tax base for 2019-20 be set at 103,662 (100,884 in 2018-19) band D equivalent dwellings.
4. That it be agreed that the assumed council tax collection level should remain at 97.20% for 2019-20 (97.20% in 2018-19) noting the risks outlined in paragraphs 26, 27 and 28 of the report.
5. That it be noted that the council tax base for 2019-20 for St. Mary Newington parish is set at 12,129 (11,936 in 2018-19) band D equivalent dwellings.
6. That it be noted that the council tax base for 2019-20 for St. Saviour's parish is set at 1,259 (1,267 in 2018-19) band D equivalent dwellings.
7. That it be noted that:
 - any minor and consequential amendments to the CTRS written policy are to remain delegated to the strategic director of finance and governance, in consultation with the monitoring officer.
 - no changes were made to the council tax reduction scheme under the council's section 151 officer's (strategic director of finance and governance) authority during 2018-19 for 2019-20.
8. That it be noted that, as for 2018-19, the national non-domestic rates (NNDR1) return for 2019-20 showing the national non-domestic rates base will be signed off by the strategic director of finance and governance.
9. That the proposed extension of the current council tax section 13a policy covering discretionary relief* (refer to paragraph 18 of the report) be noted:
 - to continue the council tax discretionary relief (0% to 100%) for young people leaving Southwark council's care aged 18 to 24 years, for the period 1 April 2019 to 31 March 2020 (a second year for this scheme).
 - to continue foster carers discretionary relief (0% to 100%), for the period 1 April 2019 to 31 March 2020.

(*Southwark Council Tax Section 13a (1)(c) policy for 2019-20)

10. HOUSING REVENUE ACCOUNT - INDICATIVE RENT SETTING AND BUDGET REPORT 2019-20

RESOLVED:

1. That a rent decrease of 1.0% for all directly and tenant managed (TMO) housing stock within the housing revenue account (HRA) (including estate voids, sheltered and hostels), with effect from 1 April 2019 be noted on a provisional basis. This is in accordance with the provisions of the Welfare Reform and Work Act 2016.
2. That with regard to other HRA-wide charges, the changes to tenant service charges, comprising estate cleaning, grounds maintenance, communal lighting and door entry maintenance as set out in paragraphs 30 – 31 of the report with effect from 1 April 2019 be noted on a provisional basis.
3. That increases in charges for garages and other non-residential facilities as set out in paragraphs 32 – 33 of the report with effect from 1 April 2019 be noted on a provisional basis.
4. That no increase to district heating and hot water charges as set out in paragraph 34 of the report with effect from 1 April 2019 be noted on a provisional basis.
5. That a commitment to ensure savings proposals are primarily based on efficiencies be reaffirmed, and that where staffing reductions form part of any savings proposal, that due consultation and process be followed with trade unions.
6. That officers be instructed to provide a final report on rent setting and the housing revenue account (HRA) budget for 2019-20 after due consultation processes with residents have been followed for consideration at the cabinet meeting on 22 January 2019.

11. SOUTHWARK SCHOOLS STANDARDS REPORT 2017-18

The head teachers of the following schools also presented their comments, feedback and answered questions for cabinet: Simon Eccles, SPAR (special school), Simon Assig, Mayflower Federation (primary school) and Felicity Corcoran, St. Michael's (secondary school).

RESOLVED:

That the 'Best start in life - Southwark school standards report 2017-18' attached at Appendix 1 of the report be noted.

12. ADOPT LONDON SOUTH, REGIONAL ADOPTION AGENCY

RESOLVED:

1. That Southwark enter into regional adoption arrangements as part of Adopt London

South with ten participating authorities identified in the report.

2. That it be agreed that Southwark is the host for Adopt London South. This means Southwark hosts staff and resources from up to nine other boroughs in South London to deliver a regional adoption agency for South and South West London
3. That the authority to make more detailed decisions around the implementation of this proposal including signing off the inter-authority agreement between Southwark and the other boroughs involved in Adopt London South and the finalisation of governance arrangements be delegated to the strategic director for children's and adults' services.
4. That it be noted that the governance arrangements will operate by the other local authorities in Adopt South London delegating adoption functions to the council and that the leader of the council will need to formally accept the delegation of the relevant functions once these have been delegated by the other councils.

13. GATEWAY 1 - PROCUREMENT STRATEGY APPROVAL: FACILITIES MANAGEMENT (FM) CONTRACT FOR THE COUNCIL'S OPERATIONAL ESTATE

RESOLVED:

1. That the procurement strategy outlined in the report, and as detailed in paragraphs 2 – 5 below be approved.
2. That it be approved to bring the CFM (corporate facilities management) services outlined in paragraph 36 of the report in-house on expiry of the current facilities management (FM) contracts in June 2020, with an estimated annual cost of £1m.
3. That a further competition be undertaken via the Crown Commercial Service (CCS) framework for Hard FM Services (hard FM), which includes small works and capital investment projects, Ref: RM3830 Facilities Management Marketplace (Lot 1b – Total Contract Value £7m - £50m) at an estimated annual cost of £3.6m for hard FM and up to £3.5m for the small works and capital investment projects, for a period of five years with the potential to extend up to a further two years (in increments at the council's discretion), making an estimated maximum total contract value of £49.8m, with an estimated start date of June 2020.
4. That the award of small works and capital investment projects be directed in line with the council's contract standing orders, to exempt CFM from obtaining five tenders from the works approved list in respect of project related works procured through this contract in accordance with the methodology specified below;
 - all project related works up to £500k will be procured through this contract where the contractor is adequately performing their main contract work, subject to CFM undertaking a pre-tender estimate and the contractor demonstrating value for money against this benchmark
 - for project related works up to £500k, where the contractor is not a specialist in the area, is not adequately performing the main contract or cannot prove value for money, then tendered from the approved list an open market exercise.

5. That a separate further competition be undertaken, to appoint a second supplier for Soft FM Services (soft FM) Ref: RM3830 Facilities Management Marketplace (Lot 1b – Total Contract Value £7m - £50m) at an estimated annual cost of £5.2m for a period of five years with the potential to extend up to a further two years (in increments at the council's discretion), making an estimated total contract value of £36.2m, with an estimated start date of June 2020.
6. That it be noted that there is no additional cost to use this framework agreement.

14. ESTABLISHMENT OF THE POSITIVE FUTURES FUND

RESOLVED:

1. That the establishment of the positive futures fund that aims to support community organisations to provide inspiring opportunities for young people that divert them away from crime be approved.
2. That officers be instructed to develop the detailed criteria and funding processes for the scheme with the intention that the implementation of funded projects commences from April 2019.
3. That officers ensure that £500,000 be included in the budget for the positive futures fund.

15. SOUTHWARK GREAT ESTATES PROGRAMME - PAPER 1 - AGREEING THE VISION AND APPROACH

RESOLVED:

1. That Southwark's vision and approach for the Great Estates Programme as set out in Appendix 1 of the report be agreed, including the principal approach to 'expand and enrich' our council estates, while restating the terms and circumstances for any redevelopment proposal.
2. That consultation be undertaken with residents to inform the development of the resident-centred estate improvement plans process and the Great Estate guarantee and commitments.
3. That the process be started of drawing up terms of reference and establishing a Great Estates programme advisory group, made up of local residents and key stakeholders who have knowledge of estate management and regeneration.
4. That officers be instructed to produce further cabinet reports in 2019 to feedback the results of the consultation; develop and launch the Great Estates guide detailing case studies and opportunities from across the borough of initiatives that improve the shared living environment of Southwark estates and bring estate communities together; agree the estate improvement plan process and pilot schemes; and a further report detailing the Great Estate guarantee and commitments.

16. ANNUAL WORKFORCE REPORT

RESOLVED:

That the workforce report attached as Appendix 1 of the report be noted and that it also be noted this report:

1. Demonstrates that the council continues to reflect the diversity of the borough in the makeup of its workforce and the levels of change that have taken place have not impacted negatively on the diversity of the workforce despite the level of savings that have been made due to reductions in central government funding.
2. Suggests a picture of a productive and well motivated staff with low levels of sickness, low levels of staff complaints and good rates of staff retention.
3. Suggests that the council is an attractive employer given the high numbers of applications that the council receives.
4. Reinforces our intention to refresh our workforce strategy to take account of our new Investors in People Gold status and highlights areas for us to focus our workforce equality plan on, with certain areas benefiting from new commitments and associated targets, for example career development and in-work progression with a particular focus on under-represented groups.

17. INTRODUCING A GOLD STANDARD TO THE PRIVATE RENTED SECTOR

RESOLVED:

1. That officers be instructed to consult on the adoption of a Gold Standard and pilot an associated award scheme for the private rented sector.
2. That the criteria to be consulted on in order for a dwelling to meet the Gold Standard as shown in Appendix 1 of the report be agreed.
3. That the importance of monitoring and managing the scheme be noted and that officers be instructed to work closely with tenants during the period of consultation in setting up and supporting a Southwark Renters Union that will play an important part in doing this.

18. NEW DEPOT

RESOLVED:

Decisions of the Cabinet

1. That the preparatory work done to date on providing a new depot for the council's in house services be noted and the proposal to develop this as set out in paragraphs 14, and 16-20 of the report be approved in principle.
2. That the estimated cost and timing of the proposal be noted and the inclusion of this

sum in the capital programme as set out in paragraph 24 of the report be approved.

3. That officers be instructed to report back to cabinet for approval of the project once the legal and financial terms have been negotiated and before the planning application is submitted.

Decision of the Leader of the Council

4. That the authority for the approval of the revised business case and a detailed project initiation document setting out the governance, workstreams and timing of this project be delegated to the cabinet member for finance, performance and Brexit, in consultation with the cabinet member for environment, transport management and air quality.

ANNOUNCEMENT

The leader of the council, Councillor Peter John and cabinet thanked Deborah Collins, strategic director for environment and leisure, for her commitment and hard work for the council over the last 12 years, and wished her the best for her future as chief operating officer of Cardiff University.

19. GATEWAY 1 - PROCUREMENT STRATEGY APPROVAL FOR SOUTHWARK HIGHWAYS WORKS CONTRACTS

RESOLVED:

That the procurement strategy outlined in the report for two separate contracts be approved:

Works Contract

- Southwark Highways Works Contracts in two lots commencing 1 July 2020 for an initial duration of five years and nine months, with an option for the council to extend for up to two further years.
 - Lot A – Maintenance (for small scale reactive repairs) at an estimated maximum total cost of £15.9m (1 supplier)
 - Lot B – Projects (for planned renewal / improvement projects) at an estimated maximum total cost of £55.4m (1 supplier).

Services Contract

- Southwark Highways Professional Services Contract consisting of three lots, commencing 1 January 2021 for an initial duration of five years and three months, with an option for the council to extend for up to two further years.
 - Lot A - Structures Inspections and Design at an estimated maximum total cost of £7.3m
 - Lot B - Highway Design and Management at an estimated maximum total cost of £11.6m
 - Lot C - Drainage and SUDS (Sustainable Drainage System) Design and Management at an estimated maximum total cost of £3.6m.

20. ALLOCATION OF LOCAL COMMUNITY INFRASTRUCTURE LEVY FUNDING

RESOLVED:

1. That the commitment to spending the funds collected to end of financial year 2017-18 (as detailed in paragraph 37 of the report) as the 25% neighbourhood portion of the community infrastructure levy within each community council area in which it was collected be agreed and that this funding be committed on the basis of the cabinet decision made in March 2015.
2. That the submission from each community council be noted and that officers be instructed to undertake further consultation with the community councils.
3. That funding be released and allocated to the priority projects put forward by the community councils for projects within the existing council capital programme as listed in Appendix 1 of the report.
4. That officers be instructed to develop projects that are currently on the council plan but not yet included on the capital programme and report to cabinet in April 2019.
5. That it be recognised that the current system of community infrastructure project lists should be improved in order to make it more transparent and that officers be instructed to work with the community councils to develop community investment plans for each area to prioritise the allocation of funding collected 2018-19 and to allocate unspent CIL generated pre-2017-18.
6. That officers report back to cabinet in April 2019 setting out the proposed process for the consultation and implementation of community investment plans.

21. SOUTHWARK REGENERATION IN PARTNERSHIP PROGRAMME - LOT A SITES APPROPRIATION

RESOLVED:

1. That the area of council-owned land edged red on the plans at Appendix 1 of the report and Appendix 2, and known as 169-179 Manor Place, the former Council Office, Stopford Road, SE17 and Kennington Workshops 42 Braganza Street SE17 be confirmed as no longer required for the purposes for which they are currently held, and that the appropriation of the land for planning purposes to facilitate the development proposals for the area in accordance with section 226 of the Town and Country Planning Act 1990 and section 122(1) of the Local Government Act 1972 be approved.
2. That once the land is appropriated for planning purposes under the statutory provisions detailed above, the completed housing stock should be appropriated to the housing revenue account.

22. CANADA WATER SOCIAL REGENERATION CHARTER

Cabinet reaffirmed their commitment to the living wage element of the council plan and its inclusion in this charter.

RESOLVED:

Decisions of the Cabinet:

1. That the Canada Water Social Regeneration Charter [CWSRC] attached as Appendix 1 to the report which includes the following five Canada Water Place Action Plan [CWPAP] emerging priorities be agreed:
 - Mental health - outreach and raising awareness
 - Projects for young people – ‘things to do’, tackling social isolation
 - Estate programmes – ensuring the impact of regeneration reaches all
 - Employment and Skills – training, apprenticeships, jobs for local people
 - Supporting enterprise – capacity building for local traders.
2. That the effective update and review of the Canada Water Social Regeneration Charter and Canada Water Place Action Plan be facilitated.

Decision of the Leader of the Council

3. That that the future reviews and update be delegated to the cabinet member for social regeneration, great estates and new council homes.

23. CAPITAL LETTERS: PROCUREMENT OF ACCOMMODATION FOR HOMELESS HOUSEHOLDS

The report had not been circulated five clear days in advance of the meeting. The chair agreed to accept the report as urgent as boroughs were required to confirm whether they intend to participate in ‘Capital Letters’ by the end of December 2018.

RESOLVED:

1. That Southwark Council’s membership of ‘Capital Letters’, a new company established by a number of London boroughs to procure and to manage accommodation for homeless households be approved.
2. That it be noted that the company is to be financed at least initially by support grant from the Ministry of Housing, Communities and Local Government (MHCLG) for a period to be confirmed.
3. That it be noted there are two separate levels of membership open to boroughs; ‘A Membership’ or ‘B Membership’ (the difference is explained further in paragraphs 19 – 27 of the report), and that the council’s involvement as an ‘A’ member be approved.
4. That the council's obligations as an ‘A’ Member be noted as follows:

- To transfer a proportion of the council's procurement and housing management activities to the company and
 - To transfer sufficient resources to the company to fulfil these activities. The majority of participating boroughs intend to meet this obligation through the secondment of existing posts.
5. That the formal incorporation by the council into the company be agreed by the strategic director for finance and governance in consultation with the strategic director for housing and modernisation and the cabinet member for housing and modernisation.
 6. That the decision on a separate gateway 1 procurement strategy be delegated to the strategic director in consultation with the lead cabinet member. This gateway report would formally authorise the transfer of some procurement activities from the council to 'Capital Letters'. (This delegation will be subject to a notice of variation to the executive scheme of delegation from the leader).
 7. That it be noted that the gateway report will refer to a small proportion of the council's total procurement activity, at least during the company's first year of operation.
 8. That it be noted that the council's participation in the scheme is dependent on the secondment of officers from the housing and modernisation department, or the payment of staff in kind, where this is not covered by grant funding and that any decision for officers to undertake a secondment is voluntary.
 9. That it be noted that an evaluation report will be presented to cabinet within the first 12 months of operation, giving cabinet the opportunity to consider the council's continued level of involvement in 'Capital Letters'.

24. COMMERCIAL PROPERTY PORTFOLIO: ADDITION OF INCOME GENERATING ASSET

The report had not been circulated five clear days in advance of the meeting. The chair agreed to accept the report as urgent as the vendor had stipulated a timeframe that required cabinet approval on 11 December and legal formalities completed by 19 December. Therefore the proposal could not be deferred to the next cabinet meeting. Failure to meet the timeframe would result in the vendor withdrawing from the transaction and the investment opportunity being lost to the council.

RESOLVED:

1. That the circumstances leading to the proposed acquisition of the freehold interests, and actions and investment due diligence being undertaken by officers and their advisors be noted.
2. That the acquisition of the freehold interest in the property and all associated costs be approved.
3. That the fees & costs of approx. 6.8% of the purchase price (professional fees, Stamp Duty Land Tax and VAT) associated with the process leading to completion

of the purchase be noted.

4. That authority be delegated to the chief executive, advised by and in consultation with the strategic director of finance and governance and head of property to:
 - Complete the purchase of the freehold interest in the asset
 - Agree detailed transactional terms pursuant to the Heads of Terms
 - Agree the financing structure to be adopted to fund the acquisition of the assets.

(Note: This decision was subject to an urgent implementation request which has been agreed by the chair of the overview and scrutiny committee. The decision will therefore not be subject to the scrutiny call-in process.)

EXCLUSION OF THE PRESS AND PUBLIC

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

The following is a summary of the decisions taken in the closed part of the meeting.

25. COMMERCIAL PROPERTY PORTFOLIO: ADDITION OF INCOME GENERATING ASSET

The cabinet considered the closed information relating to this item. Please see item 24 for the decision.

The meeting ended at 6.00 pm.

CHAIR:

DATED:

DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 21 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, WEDNESDAY 19 DECEMBER 2018.

THE ABOVE DECISIONS WILL NOT BE IMPLEMENTABLE UNTIL AFTER THAT DATE (WITH THE EXCEPTION OF ITEMS 24 AND 25 WHICH WERE SUBJECT TO AN URGENT IMPLEMENTATION AGREEMENT). SHOULD A DECISION OF THE CABINET BE CALLED-IN FOR SCRUTINY, THEN THE RELEVANT DECISION WILL BE HELD IN ABEYANCE PENDING THE OUTCOME OF SCRUTINY CONSIDERATION.

Item No. 8.	Classification Open	Date: 22 January 2019	Meeting Name: Cabinet
Report title:		Housing Revenue Account – Final Rent-Setting and Budget Report 2019-20	
Ward(s) or groups affected:		All	
Cabinet Members:		Councillor Stephanie Cryan, Housing Management and Modernisation and Councillor Victoria Mills, Finance, Performance and Brexit	

FOREWORD – COUNCILLOR STEPHANIE CRYAN, HOUSING MANAGEMENT AND MODERNISATION AND COUNCILLOR VICTORIA MILLS, FINANCE, PERFORMANCE AND BREXIT

In December cabinet approved the indicative rent setting and budget report for the Housing Revenue Account. This report has now gone out to consultation with Tenants Council, Homeowner Council and the Area Housing Forums and the final report is now being presented for approval.

The budget for 2019-20 factors in the national rent reduction of 1% that was introduced as part of the Welfare Reform and Work Act 2016 and this continues to have a significant impact on the finances within the Housing Revenue Account. This is the last year of the reduction although the impacts of the last four years of rent reductions will continue for the foreseeable future.

The report sets out the council's position not to increase sheltered housing, district heating or hot water charges for the financial year. However there are recommendations to increase estate cleaning and grounds maintenance charges to cover the underlying contract costs. It is also recommended that we increase garage charges.

We remain committed to our Quality Home Investment Programme, the delivery of new kitchens and bathrooms to our tenants, updating our district heating networks and our ongoing day to day housing management despite the continued financial restraints and pressures on the Housing Revenue Account.

The report also notes the recent Government announcement to lift the HRA borrowing cap which will help to deliver on our Council Plan commitment to build new council homes across the borough and to help residents on our waiting list who desperately need a place to call home.

We recommend that cabinet approve the report and note the proposed savings and income generation in the appendices along with the comments from the consultation.

RECOMMENDATIONS

1. That Cabinet agrees a rent decrease of 1.0% for all directly and tenant managed (TMO) housing stock within the Housing Revenue Account (HRA) (including estate voids, sheltered and hostels) with effect from 1 April 2019. This is in accordance with the provisions of the Welfare Reform and Work Act 2016.

2. That with regard to other HRA-wide charges, cabinet agrees that tenant service charges, comprising estate cleaning, grounds maintenance, communal lighting and door entry maintenance be increased as set out in paragraph 18 with effect from 1 April 2019.
3. That Cabinet agrees that no increase be made to sheltered housing service charges as set out in paragraph 19 with effect from 1 April 2019.
4. That Cabinet agrees that charges for garages and other non-residential facilities be increased as set out in paragraphs 20 and 21 with effect from 1 April 2019.
5. That Cabinet agrees that there be no increase to district heating and hot water charges as set out in paragraph 22 with effect from 1 April 2019.
6. That Cabinet agrees the HRA budget proposals set out in this report and notes these changes ensure a balanced budget is set as required by statute.
7. That Cabinet reaffirms the commitments made last month to ensure that savings made are primarily based on efficiencies, and where staffing reductions form part of any said savings, that due consultation and process is followed with trade unions.

BACKGROUND INFORMATION

Indicative HRA budget (11 December report)

8. Cabinet on 11 December 2018 considered the indicative HRA rent-setting and budget position for 2019-20. This report contained all of the background information necessary to consider the reasons behind the proposals for rents and other charges. It is not proposed to repeat this detail here, but where further and updated information has been received that is germane to this process it is outlined below. Any resolutions or comments arising from the consultation process will be reported to cabinet on the night.
9. The purpose of this final report is to seek formal approval of the recommendations in respect of rents and other charges outlined at paragraphs 1 to 7 above.

Statutory framework

10. The HRA reflects the statutory requirement under Section 74 of the Local Government and Housing Act 1989 to account separately for local authority housing provision. It is a ring-fenced account, containing solely the costs arising from the provision and management of the council's housing stock, offset by tenant rents and service charges, homeowner service charges and other income. The HRA forms a specific part of the council's accounts, and a report regarding the general fund budget including those aspects provided via the housing and modernisation department is being considered separately.
11. Whilst there is no statutory requirement to consult, the council is committed to engaging with stakeholders, particularly under the terms of the Tenancy Agreement, and so the December report formed the basis of consultation with Tenant Council, area housing forums, Homeowner Council and Southwark TMO Liaison Committee.
12. The council is obliged by statute to agree a balanced HRA budget, whereby income and expenditure levels for the forthcoming year match. Appendix A summarises

budget movements between 2018-19 and 2019-20, predicated on the basis of a rent reduction of 1% and other proposed changes to charges and budget movements.

KEY ISSUES FOR CONSIDERATION

Financial context

13. Whilst self-financing provided financial freedoms, it also brought with it a number of increased risks and budget pressures, particularly in the early years of operation. To a large extent these have already been mitigated through the delivery of efficiency savings and wholesale restructuring of landlord services since 2012-13. Appendix A sets out budget movements for 2019-20 specifically.

HRA reserves and financing

14. In accordance with the Fairer Future Medium-Term Financial Strategy and in common with the general fund, the HRA holds specific reserves to manage demand, to fulfil future commitments made and mitigate the risk of exceptional or catastrophic events. The level of reserves and working balances at 31 March 2018 stood at £19.9m, up from £14.3m the previous year which represents a positive achievement and reversal of the downward trajectory in previous years. However, given the size and complexity of the HRA and Housing Investment Programme (HIP), this is still considered to be below the optimal level required and it remains a priority to establish a more prudent reserve position when resources permit.

Current legislative issues

15. As set out in the indicative budget report, two major pieces of legislation were enacted by parliament recently; both with significant impact on the financing of social housing. The first, the Welfare Reform and Work Act 2016, implements a cut of at least 1% in local authority rents for each of the financial years from 2016-17 to 2019-20. The Ministry for Housing, Communities and Local Government (MHCLG) has indicated that rent levels will revert to September CPI + 1% increases for five years post 2020.
16. The second legislative item – the Housing and Planning Act 2016 – contained several elements impacting directly on the financing of social housing in future years. However, as the 11 December report noted, these are either in abeyance or have been formally abandoned by the government. The HRA budget for 2019-20 as set out in this report does not therefore provide for any direct impact of the policies either awaiting formal abolition or in suspension.

Tenant service charges

17. As set out in the 11 December report estate cleaning and grounds maintenance service charges are contract based, and the underlying increase in contract costs is itself primarily employee based (around 90%). Whilst the nationally determined pay award for 2019-20 is 2% for most grades, realignment of pay spines and higher increases applied at the lower end of the pay scale, disproportionately impacts the cost base for these contracts by around 5.5% on average and hence service charge rates. On a positive note, there is no anticipated increase in the underlying cost base for communal lighting and door entry maintenance service charges, and these will remain unchanged for 2019-20.

18. The existing and proposed rates are set out below. For a tenant in receipt of all four services, it represents an increase of 3.4%, which is the same as the underlying rent inflation figure (September CPI + 1%).

	2018-19 per week	2019-20 per week	Change pence per week
Estate Cleaning	£5.52	£5.78	26p
Grounds Maintenance	£1.22	£1.26	4p
Communal Lighting	£1.30	£1.30	nil
Door Entry System Maintenance	£0.63	£0.63	nil
Total	£8.67	£8.97	30p

Sheltered housing service charges

19. Service charges for sheltered residents were first introduced in 2013-14 to meet the cost of enhanced housing management provision not covered by the base rent. As reported to cabinet last year it had previously been the government's intention to review the funding of this area of service provision on a national basis; however this is no longer taking place, and since the council intends to take this forward independently during 2019-20 it is proposed to retain charges at their existing level for the forthcoming year.

Garages and other non-residential charges

20. Garage assets provide a valuable revenue stream to the HRA and modest charge increases and an increase in the number of lettable units help to ameliorate the budget gap.
21. Benchmarking shows that Southwark's rents are competitive in the market place, although higher than a number of other local authorities across London, most likely due to the borough's central location. However, the budget situation dictates that all sources of income are closely examined and it is proposed to apply a standard CPI uplift of 2.4% to garages, garage service charges and other miscellaneous non-dwelling facilities from 1 April 2019 (subject to a de-minimis value of 5p). The existing and proposed garage charge rates are set out below. The £5.00 concessionary charge reduction for elderly and Blue Badge holders is preserved under these proposals.

	2018-19 £ per week	2019-20 £ per week	Change £ per week
Standard charge	20.20	20.70	0.50
Concessionary rate (£5 reduction)	15.20	15.70	0.50
Small sites rate	10.80	11.00	0.20
Private sector rate	33.50	34.50	1.00
Additional charges:			
Larger than average garage	5.15	5.30	0.15
Additional parking	5.15	5.30	0.15
Water supply	0.50	0.50	—
Additional security	1.00	1.00	—

District heating charges

22. Council-wide utility contracts have and continue to deliver savings for gas and electricity and charges remain lower on average than retail market prices. Periodic review of the budget is necessary to align the anticipated cost and income during the forthcoming year arising from fluctuating prices, spikes in demand due to poor weather and changes in the recoverable stock base. Energy costs are pooled and standardised 'fuel only' charges set on a borough-wide basis for tenants, depending on the number of bedrooms and type of heating installation. On-going investment in the infrastructure to increase energy efficiency/reduce consumption also contributes to the financial sustainability of the heating account which has enabled charges to remain static over an extended period and can be held at existing levels once again for 2019-20. Homeowners are charged actual costs, comprising energy and repairs and maintenance as determined by their lease.

Commitments and savings

23. The 11 December report set out likely budget pressures and commitments for 2019-20. These included general inflation at £2.4m, specific service commitments of £2.4m and rent loss due to the combined effect of the statutory rent reduction and stock losses of £1.4m. As noted in the appendices below, savings at £4.5m and further additional rent and charge proposals of £1.7m have also been identified, enabling a balanced budget to be set for 2019-20.
24. To place this in context, paragraph 22 of the indicative HRA budget report indicated that savings of £43.5m have been identified since the introduction of self-financing in 2012. This has been to address the gap between committed expenditure and resources within the HRA budget, which over the same time period totalled £54.0m, with the balance being bridged by additional income of £10.5m. Further detail on the 2019-20 figures in particular is contained in the appendices to this report, and also in paragraphs 21 – 28 of the 11 December report.

Community impact statement

25. The department undertakes equality analysis/screening on its budget proposals, which helps to understand the potential effects that the proposals may have on different groups and whether there may be unintended consequences and how such issues can be mitigated. Analysis is also undertaken to consider any cross-cutting and council-wide impacts.
26. In line with our public sector equality duty contained within section 149 of the Equality Act 2010, any changes to services arising from these proposals will be implemented in such a way so as to not impact disproportionately on any specific section or group in our community and where necessary, consultation will be undertaken alongside mitigating action.
27. As specific proposals are brought forward and at each stage of implementation thereafter, the impacts on different categories of staff will be assessed in accordance with the council's reorganisation, redeployment and redundancy procedures.
28. Information on the equality analysis is shared with relevant cabinet members so as to enable it to be considered when decisions are taken. To date no cumulative impacts have been identified.

29. The purpose of this report is specifically to set tenant rents and associated charges (which can also impact homeowners), and set a balanced budget as required by statute. The analysis has established there is no differential effect for any community or protected group. It should be noted that rent policy from 2016-17 to 2019-20 is determined nationally and requires authorities to reduce rents by 1% per annum. However, it is recognised that in normal circumstances a rent increase may present particular difficulties for people on low incomes, although rents and tenant service charges remain eligible for housing benefit/universal credit.
30. The wider impact of welfare reform changes have been considered and measures to mitigate the effects on the community have been implemented together with the identification of resources to support tenancy sustainment and financial assistance through the provision of Discretionary Housing Payments (DHP). Formal notification of the council's allocation for 2019-20 has yet to be announced, but expectations are that it will be similar to the current year, around £1.3m.

Consultation and notification

31. The purpose of presenting rent setting and budget information to cabinet in two stages is to facilitate the early commencement of consultation with representative groups (i.e. before the Christmas break). To that end, the 11 December report was labelled 'indicative' and figures therein were subject to change. However since then there have been no changes in the figures or the recommendations.
32. Tenant Council met on 7 January 2019 to consider the December report, and to refer it on to area housing forums. They reconvened on 21 January 2019 to consider any recommendations arising from the area forum consultation and make consolidated recommendations to cabinet, which due to time constraints are reported under separate cover to this report. Homeowner Council are unable to make recommendations in the matter of tenant rents and service charges, but may do so in terms of any proposals regarding non-dwellings charges and in terms of the rest of the HRA budget and considered the report at their meeting of 9 January 2019. Any such comments are reported to cabinet alongside those of Tenant Council. Similarly, the December report was also the subject of formal consultation with Southwark TMO Liaison Committee at their meeting on 16 January 2019.

Statutory and Contractual Notifications

33. Subsequent to the approval of the final report on 22 January, either as set out or as amended by cabinet, and the passing of the necessary date for its implementation, the council will issue a statutory and contractual notification of variation in rents and other charges to all tenants, not less than 28 days prior to the commencement of the new rents and charges referred to above.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

34. Statutory requirements as to the keeping of a Housing Revenue Account (HRA) are contained in the Local Government and Housing Act 1989 ('the 1989 Act'). The 1989 Act provisions include a duty, under Section 76 of the 1989 Act, to budget to prevent a debit balance on the HRA and to implement and review the budget.
35. Under Section 24 of the Housing Act 1985, local housing authorities have the power to "make such reasonable charges as they may determine for the tenancy or

occupation of their houses". Section 24 also requires local authorities, from time to time, to review rents and make such changes as circumstances may require. This provision conferring discretion as to rents and charges made to occupiers, effectively limited by the above HRA provision, is subject to further restrictions arising from the provisions of the Welfare Reform and Work Act 2016 ('the 2016 Act').

36. The Welfare Reform and Work Act and regulations require (subject to limited exceptions) a 1% annual reduction from a frozen 2015-16 baseline, to the rent payable by social tenants for a period of four years. The Act also makes provision, for a period of four years commencing 2016, for the maximum levels of rent for social tenancies commencing after the 8 July 2015; these provisions apply to tenancies of new homes and re-lets to a new tenant, but not the grant of a new tenancy to an existing tenant.
37. For social rent properties, the rent reduction requirement applies to the rent element of the charge under the tenancy agreement and not to charges made for services.
38. Rent and other charges are excluded from the statutory definition of matters of housing management in respect of which local authorities are required to consult their tenants pursuant to Section 105 of the Housing Act 1985 and Sections 137 and 143A of the Housing Act 1996 in relation to secure, introductory and demoted tenants respectively. As a term of the tenancy agreement with its tenants however, Southwark Council has undertaken to consult with the Tenant Council before seeking to change rent and other charges. The report indicates consultation has taken place in order to comply with this term.
39. Sections 103 (relating to secure tenancies) and 111A (relating to introductory tenancies) of the Housing Act 1985, and the council's agreement with its tenants, require that tenants be notified of variation of rent and other charges, by service of a notice of variation, at least 28 days before the variation takes effect.
40. In making a decision the cabinet must have due regard to its equalities duties set out in the Equalities Act 2010 and specifically the need to:
 - Eliminate discrimination, harassment, victimisation or other prohibited conduct;
 - Advance quality of opportunity between persons who share a relevant protected characteristic and those who do not. The protected characteristics covered by the equality duty are age, disability, gender reassignment, pregnancy and maternity, race, religion, sex and sexual orientation. The duty also includes marriage and civil partnerships in respect of eliminating unlawful discrimination;
 - Foster good relationships between those who share relevant characteristics and those who do not.
41. The report includes a community impact statement which sets out consideration given to the equality duties in the Equality Act. Cabinet must consider the report author's reference to equalities considerations at paragraphs 25 – 30 of this report.

Strategic Director of Finance and Governance

42. The financial implications arising from the various movements in expenditure/income on the HRA are covered within this report.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
HRA Indicative Budget and Rent-Setting 2019-20	160 Tooley Street London SE1 2QH	Paula Thornton Constitutional Team
Link (please copy and paste into your browser): http://modern.gov.southwark.gov.uk/documents/s79129/Report%20Housing%20Revenue%20Account%20Indicative%20Rent%20Setting%20and%20Budget%20Report%202019-20.pdf		
Fairer Future Medium-Term Financial Strategy and Integrated Efficiency Plan	160 Tooley Street London SE1 2QH	Ian Young Interim Director of Finance
Link (please copy and paste into your browser): http://www.southwark.gov.uk/assets/attach/3858/Appendix%20A%20Updated%20Fairer%20Future%20Medium%20Term%20Financial%20Strategy%20and%20Integrated%20Efficiency%20Plan.pdf		

APPENDICES

No.	Title
Appendix A	Summary of HRA Budget Movements 2019-20
Appendix B	HRA Budget Pressures and Commitments 2019-20
Appendix C	HRA Income Generation 2019-20
Appendix D	HRA Efficiencies and Improved Use of Resources 2019-20
Appendix E	HRA Savings Impacting on Services 2019-20
Appendix F	HRA Subjective Expenditure and Income Bubble Charts
Appendix G	Objective Analysis of HRA Expenditure 2019-20 by Division
Appendix H	Results of consultation - to follow

AUDIT TRAIL

Cabinet Members	Councillor Stephanie Cryan, Housing Management and Modernisation and Councillor Victoria Mills, Finance, Performance and Brexit		
Lead Officers	Duncan Whitfield, Strategic Director of Finance and Governance Michael Scorer, Strategic Director of Housing and Modernisation		
Report Author	Ian Young, Acting Director of Finance and Departmental Finance Manager, Housing and Modernisation		
Version	Final		
Dated	10 January 2019		
Key Decision?	Yes		
CONSULTATION WITH OTHER OFFICERS/DIRECTORATES/CABINET MEMBER			
Officer Title		Comments Sought	Comments included
Director of Law and Democracy		Yes	Yes
Strategic Director of Finance and Governance		Yes	Yes
Date final report sent to Constitutional Team			10 January 2019

APPENDIX A**SUMMARY OF HRA BUDGET MOVEMENTS 2019-20**

	£'000
<u>Budget Pressures and Commitments:</u>	
Inflation	2,447
Rent reduction (including stock movements)	1,416
Service commitments	2,363
Sub-total (Appendix B)	6,226
<u>Income Generation:</u>	
Tenant service charges	(451)
Commercial property portfolio	(298)
Fees and charges	(115)
Garage charges	(544)
Homeowner service charges	(200)
Interest on balances	(65)
Sub-total (Appendix C)	(1,673)
<u>Efficiencies and Improved Use of Resources:</u>	
Efficiency savings and budget rebasing	(3,885)
Sub-total (Appendix D)	(3,885)
<u>Savings Impacting on Services:</u>	
Savings Impacting on Services	(668)
Sub-total (Appendix E)	(668)
HRA budget gap	0

APPENDIX B**HRA BUDGET PRESSURES AND COMMITMENTS 2019-20**

Division	Description	2019-20 £'000
HRA-wide	Contractual inflation uplift.	2,447
Customer Experience	Reduction in Right to Buy fixed administration fee income arising from declining sales activity.	570
Customer Experience	Uplift in lease rental for Queens Road III following periodic rent review.	52
Central Services	Statutory rent reduction including estimated stock and void movements.	1,416
Central Services	IT systems upgrades – Northgate cloud hosting (iWorld), iCasework and SAP HANA.	220
Asset Management	Move to full in-house provision for R&M, transition to price per property (PPP) charging regime and estimated volume increase and specification standardisation.	1,521
Total		6,226

APPENDIX C

HRA INCOME GENERATION 2019-20

Division	Description	2019-20 £'000
Customer Experience	Service level agreement for the provision of the 'out-of-hours' service between Southwark and Kensington & Chelsea – new income stream.	(75)
Central Services	Increase in commercial property income from new lettings and lease renewals.	(298)
Central Services	Increase in tenant service charges in line with increased cost base.	(451)
Central Services	Increase in general fees and charges in line with council's FFMTFS.	(40)
Central Services	Increase in interest receivable on HRA cash flow balances.	(65)
Exchequer Services	Increase in homeowner service charges in line with increased cost base.	(200)
Exchequer Services	Increase in garage charges in line with council's FFMTFS.	(135)
Exchequer Services	Rebasing of garage rental income budget to reflect current volumes/forecast activity.	(409)
Total		(1,673)

APPENDIX D

HRA EFFICIENCIES AND IMPROVED USE OF RESOURCES 2019-20

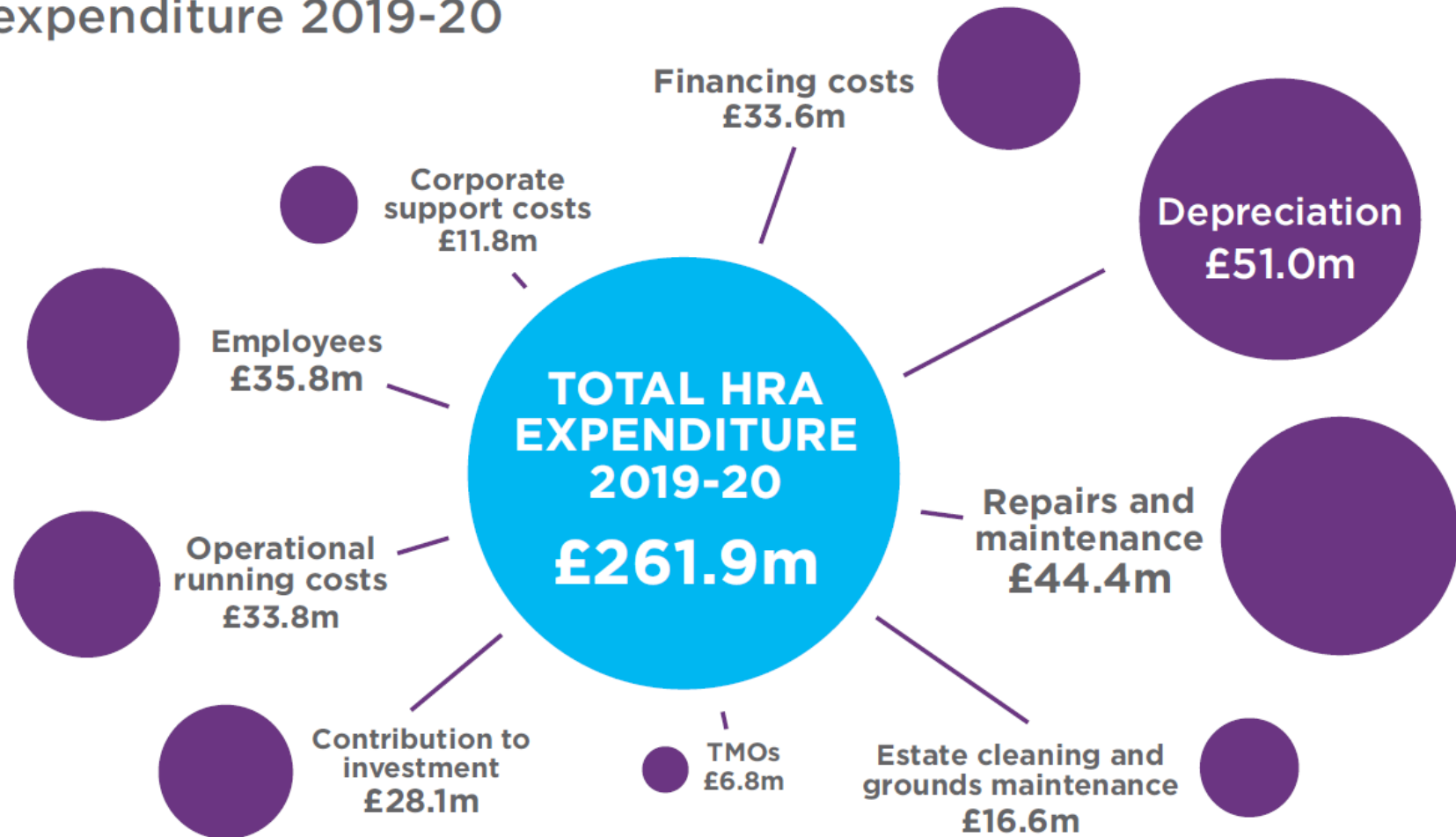
Division	Description	2019-20 £'000
Customer Experience	Review of My Southwark Homeowners Service (MSHO) enables a reduction in staffing due to lower activity/demand in the Home Purchase and Arbitration teams.	(83)
Customer Experience	Consolidation of the performance and quality roles to eliminate duplication/overprovision within the Contact Centre with consequent reduced staffing requirement. Cease use of 'Staffino' customer feedback tool and rationalise equipment, supplies and services budgets across the division.	(128)
Customer Experience	'Choose and book' service for MSSP now on-line with consequent reduced staffing requirement.	(17)
Customer Experience	Withdrawal of mobile office service due to low usage and impending obsolescence – vehicle does not meet Mayor of London's new emission standards, requiring costly upgrade or replacement.	(110)
Central Services	Reduction in financial and operational risk provision.	(337)
Central Services	Reduction in contingency budgets for recruitment, pensions, court and legal and other administrative expenses.	(292)
Exchequer Services	Buildings insurance budget rebased to reflect actual premium.	(84)
Resident Services	Area Management: tree maintenance, pest control, hoarding and cleaning variations - rebasing of service budgets to reflect current/forecast activity.	(155)
Resident Services	Rebase Sheltered Housing planned maintenance works budget to reflect lower requirement going forward following revenue/capital funded refurbishment/improvement works.	(158)
Resident Services	Area Management: transport, storage and removals, marketing, publicity and computing - rebasing of service budgets to reflect current/forecast activity.	(115)
Resident Services	Area Management: review of voids management to realise back office efficiencies and reduced staffing requirement.	(110)
Resident Services	Rebase overprovision for Maydew concierge budget.	(96)

Division	Description	2019-20 £'000
Asset Management	The move to price per property (PPP) has reduced the requirement to check/measure all jobs for payment with consequent reduced staffing requirement.	(120)
Asset Management	In-house provision for R&M has reduced the requirement for pre/post inspection with reduced staffing requirement.	(550)
Asset Management	Estate improvements to be subsumed into the new build and QHIP programmes as part of the council's Great Estates commitment (to be funded from the capital programme going forward).	(930)
Asset Management	The electrical testing programme to be extended based on most recent stock condition data.	(600)
Total		(3,885)

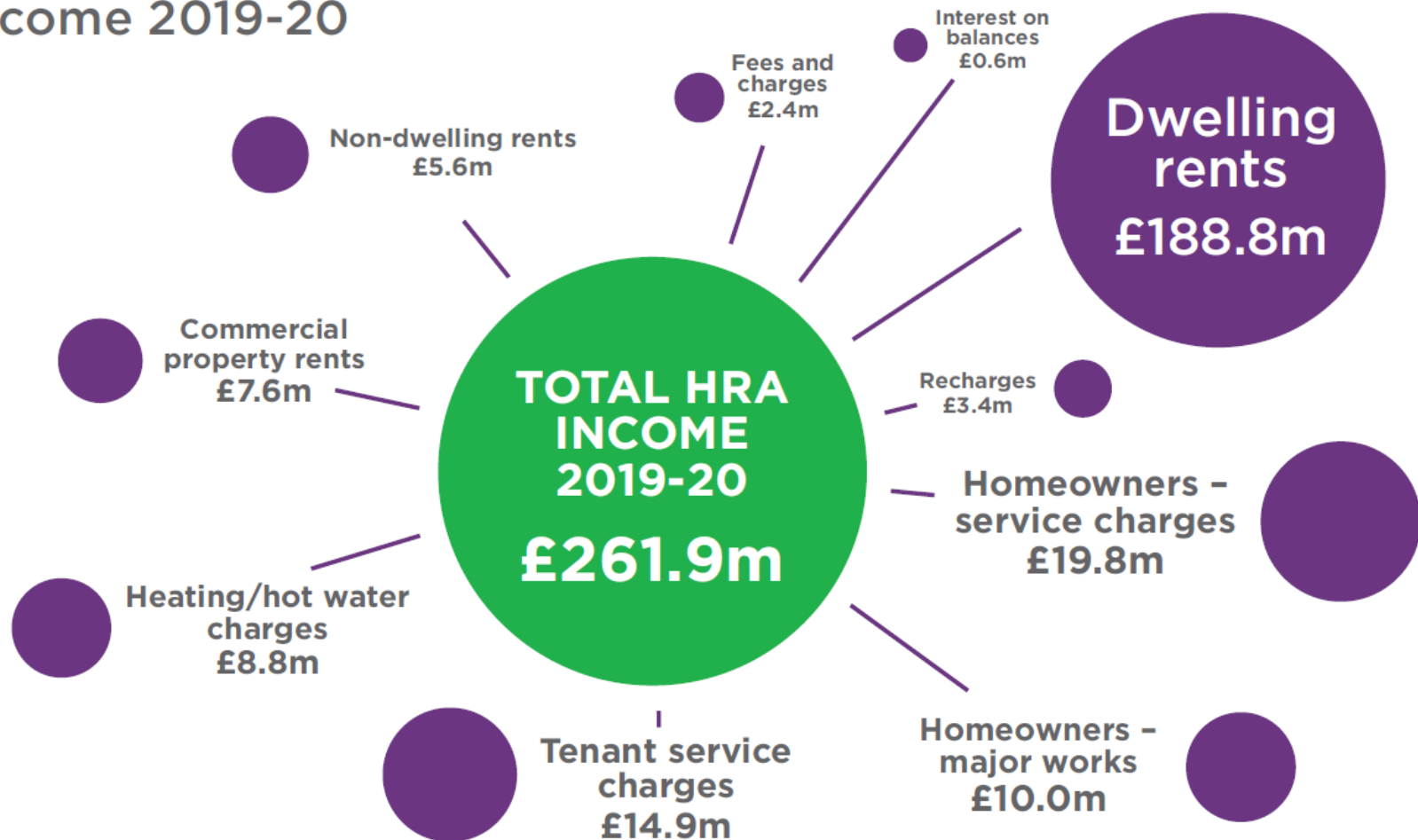
APPENDIX E**HRA SAVINGS IMPACTING ON SERVICES 2019-20**

Division	Description	2019-20 £'000
Customer Experience	Reduce number of MSSP's – closure of Walworth due to declining footfall and increased self-service and on-line use. Remaining Peckham MSSP refurbished and enhanced customer offer at Libraries.	(305)
Asset Management	Door entry programme has been reviewed and will be allocated on priority basis going forward, including top-sliced element for new installations (maintenance programme remains unchanged).	(363)
Total		(668)

HRA SUBJECTIVE EXPENDITURE AND INCOME BUBBLE CHARTS

Housing revenue account
expenditure 2019-20

Housing revenue account income 2019-20



APPENDIX G

OBJECTIVE ANALYSIS OF HRA EXPENDITURE BY DIVISION

	Budget 2018-19 £m	Budget 2019-20 £m
My Southwark Homeowners	2.1	2.1
Customer Experience	6.0	5.5
Customer Resolution	1.6	1.5
Housing Solutions	1.9	2.0
Customer Experience	11.6	11.1
Commercial Properties	1.3	1.3
Major Projects	7.4	7.4
Depreciation	51.0	51.0
Financing Costs	33.6	33.6
Corporate Support Costs and Departmental Overheads	16.2	16.2
Heating Account	9.3	9.3
Contribution to Investment Programme	20.7	20.7
Home Ownership Unit	8.3	8.3
Garage Repairs	1.7	1.8
Income Management	3.1	3.1
Central Functions	152.6	152.7
Tenant Management Organisations (TMOs)	7.2	7.2
Tenants Fund	0.6	0.6
Homeowners Fund	0.2	0.2
Resident Involvement	1.1	1.1
Communities	9.1	9.1
Supported Housing	4.3	4.4
Environmental Services	17.3	17.9
Housing Strategy and Business Support	1.4	1.5
Estate Parking	0.7	0.7
Tenancy Management	15.0	14.6
Resident Services	38.7	39.1
Investment and Regeneration	2.6	2.7
Engineering and Heating	21.5	20.8
Repairs and Maintenance	25.9	26.4
Asset Management	50.0	49.9
TOTAL HRA EXPENDITURE	262.0	261.9

Item No. 9.	Classification: Open	Date: 22 January 2019	Meeting Name: Cabinet
Report title:		Admission Arrangements for Community Primary Schools for September 2020 and amendment (at short notice) of Primary Published Admission Numbers (PANs) for September 2019	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Jasmine Ali, Children, Schools and Adult Care	

FOREWORD - COUNCILLOR JASMINE ALI , CABINET MEMBER FOR CHILDREN, SCHOOLS AND ADULT CARE

Southwark Council has a statutory responsibility for coordinating school admission applications on behalf of all Southwark residents applying for a place at a primary, junior or secondary maintained school/non-maintained state funded school in England.

The Admissions Code requires all admission authorities to consult when proposing to change their admission arrangements. The arrangements for community primary schools remain unchanged from the previous year when the council last consulted. The current arrangements have worked well to support the admissions process and provide access to places. However London is experiencing a new phenomenon: the supply of primary places is exceeding demand. This demographic shift has multiple causes: a decline in the birth rate, the impact of welfare reform on young families, changes in the housing market and uncertainties surrounding Brexit. This can have a detrimental effect on individual schools.

An over-supply of places at a school can lead to financial and organisational problems which can be difficult to manage, this action to reduce excess places will help school leaders to plan for and manage their schools. As a result several primary schools across the borough have requested an adjustment to their published admissions numbers for the September 2019 intake onwards. The council has worked closely with school leaders to address these issues. A comprehensive review of the rolls of all primary schools in the borough has been undertaken: schools have been identified whose rolls have been falling and where spare capacity already existed because they have not recruited over a three year period, and these have been put forward for reductions. This will help stabilise each school's intake and enable school leaders to plan school places effectively and meet local demand. Excess classroom space at schools will be able to be developed for suitable alternative use in a more managed way and also, will be available to future proof the borough's capacity when any localised or borough wide demand increases.

Admission numbers are normally determined 18 months in advance of implementation. So the admission numbers for September 2019 were determined in February 2018. Faced with information on the new trends in primary admissions this paper proposes to reduce admission numbers at 13 schools in the borough for the September 2019 intake. Officers have worked in collaboration with St George's Cathedral RC Primary, Charlotte Sharman Primary, Keyworth Primary, St Paul's CE Primary, Robert Browning Primary, Phoenix Primary, Hollydale Primary, Bellenden Primary, Camelot Primary, Ivydale

Primary, Brunswick Park Primary, Comber Park Primary, Comber Grove Primary and Crawford Primary schools.

I am in agreement with council officers and local schools as articulated through our recent consultation with schools from 21 November 2018 to 21 December 2018. A total of eleven responses were received from key stakeholders, 91% were in agreement to the proposed PAN reduction as detailed in paragraph 19.

I recommend that cabinet approve this report so that we can approach the Office for Schools Adjudicator for an in-year variation that will enable us to reduce the PANs in September 2019. It is anticipated that the OSA approve this so that the revised PANS will apply for September 2019 entry. According to our projections, this will help the above-named schools to better organise their finances for the incoming academic year and beyond to 2020.

RECOMMENDATIONS

1. That cabinet agrees the Southwark Community Primary Schools Admission Arrangements ("the Arrangements") for September 2020 as set out in Appendix 1 of this report.
2. That cabinet agrees to proceed with the reduction to the 2019-20 Published Admissions Numbers (PANs) of the following 13 primary schools: St George's Cathedral RC; Charlotte Sharman; Keyworth; St Paul's CE; Robert Browning; Phoenix; Hollydale; Bellenden; Camelot; Ivydale; Brunswick Park; Comber Grove and Crawford as listed in Appendix 4, and to instruct officers to seek a variation from the Office of the Schools' Adjudicator (OSA) directly to implement these amendments for all ten community schools and to continue to work with three, non community schools which are their own admission authorities to do so.

BACKGROUND INFORMATION

3. Southwark Council ("the Council") is the admission authority for community primary schools within Southwark. It must, before the beginning of each school year, determine the admission arrangements for those schools which are to apply for that year.
4. The School Admissions Code 2014 ("the Code"), which applies to all maintained schools, academies and free schools, came into force on 19 December 2014. When determining admission arrangements, admission authorities are required to act in accordance with all mandatory provisions contained in the Code.
5. Admission arrangements must also adhere to the requirements of the School Standards and Framework Act 1998 ("the SSFA 1998"), the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (as amended) ("the Regulations") and the School Admissions (Infant Class Sizes) (England) Regulations 2012.
6. At the cabinet meeting on 19 March 2013, the Leader of the Council delegated authority to the cabinet member for children's services to agree the admission arrangements for community primary schools for 2015 admissions and onwards where there were no changes made from the previous year. Although there are no proposed changes to the admission arrangements for September 2020 from

the previous year, these must still be determined annually. However, this report is being brought to cabinet for agreement to proceed with the proposed reduction to the 2019-20 PANs at 13 primary schools as outlined at Table 1, paragraph 18 of this report.

7. The Regulations and paragraph 1.42 of the Code require all admission authorities to consult when proposing to change their admission arrangements. Where admissions arrangements have not changed from the previous year, there is no requirement to consult. Admissions authorities must as a minimum consult on their admissions arrangements at least once every seven years, even if there are no changes to their existing arrangements. Consultation on admission arrangements must run for a period of at least six weeks and be completed by 31 January in the year preceding the year the change is to be effected (i.e. 31 January 2018 for September 2019 admissions). The council has written to all admission authorities in Southwark with a reminder of this.
8. The arrangements for community primary schools remain unchanged from the previous year when the council last consulted – a consultation was not carried out this year. The arrangements are similar to those of our neighbouring boroughs Lambeth and Lewisham and have worked well in Southwark to support the admissions process and provide access to places.
9. Final admission arrangements for September 2020 admissions (irrespective of whether or not an admission authority has consulted) must be determined and confirmed to the Secretary of State by 28 February 2019.
10. Full details of the arrangements, along with those of all other admission authorities in the borough, will be included in the starting primary booklet for September 2020. Many families will use this booklet as a main source of information when selecting a primary school which is available to download from the school admissions webpage - a hard copy can be obtained upon request.
11. The full admission arrangements, including supplementary information forms and any proposed changes for admission authorities of any non-community schools consulting on their 2020-21 arrangements have been checked by officers to ensure compliance with the Code. Formal written comments were provided in respect of any issues of non-compliance or, where a proposed change could adversely impact on the community or be amended to improve clarity. All comments provided must be considered before determination of arrangements. Any serious breach of compliance is able to be referred to the Office of the Schools' Adjudicator by the local authority or other key stakeholders if not able to be remedied through discussion with the admission authority directly.
12. A list of the published admission numbers for all Southwark primary schools for the September 2020 intake, alongside the proposed 2019 (onwards) PAN reduction for relevant schools is set out at Appendix 1 (attached).
13. Primary schools across London and Southwark are experiencing a fall in demand for primary places; several primary schools across the borough requested an adjustment to their published admission number for the September 2019 intake onwards. The issue was also discussed extensively at primary headteacher briefings, as well as at the Southwark School Partnership Board. The overwhelming view from schools was that any reduction to admission numbers should be undertaken as a borough-wide exercise, coordinated by the council

with all maintained school places considered for reduction based on recent demand trends. All 75 Southwark primary schools were examined against a set of criteria involving demand, local supply and financial stability - 13 primary schools were shortlisted where a PAN amendment was feasible.

14. Officers discussed the proposals and local area details for each school with the 13 school headteachers and chairs of governors individually to obtain their initial views and comments regarding the proposal. At this stage, Rye Oak Primary School stated that they did not wish to proceed, and was replaced by Camelot Primary School which also meets the falling rolls criteria.
15. Admission numbers are normally consulted on and determined, 18 months in advance of implementation – admission numbers for September 2019 were determined in February 2018. The proposal to reduce admission numbers at 13 schools for the September 2019 intake now, rather than to amend through the normal process for the September 2020 intake is in view of the substantial drop in reception numbers and current level of primary reception vacancies. Following further analysis, officers were of the view that to delay action to right size PANs for 2019 would likely have a adverse effect on schools and school finances. In order to implement PAN reductions at the 13 schools proposed, cabinet's decision as the admissions authority for community schools, would need to be referred to the Office of the Schools' Adjudicator (OSA) by the appropriate admissions authority for each school, for final agreement. Should cabinet agree the PAN amendments, officers will immediately prepare a report to the OSA outlining the case for the adjustments. Officers will then directly request a variation to arrangements for the ten community schools and work with the Governing bodies and Diocesan boards as appropriate of the three non community schools to support their individual submissions to the OSA to reduce their PANs.
16. There is no legal requirement for an admissions authority to carry out a consultation to reduce the admission number to a school once it has been previously determined, but it is good practice to do so and is helpful to produce as evidence to the OSA when applying for a variation when seeking a PAN reduction. Southwark Council undertook a public consultation exercise to permanently reduce the published admission numbers (PANs) at all 13 primary schools (community and non community schools) listed within Table 1 at Paragraph 18 for the September 2019 intake onwards. This provided an opportunity for key stakeholders to obtain an holistic view of the proposal and provide any comments, before moving forward with the PAN reductions at any individual school. This was highlighted as an action within the pupil place planning report to cabinet dated 30 October 2018.
17. During this consultation period the council sought representations from a wide variety of stakeholders, including and not limited to parents and carers of children attending or potentially attending the school, trade unions, school governors, school staff, local primary schools, admissions officers and place planning officers from adjacent local authorities, appropriate Diocesan authorities, all councillors and MPs. Adverts were placed at school entrances – all headteachers and governors were written to in Southwark. An advert was placed in the Southwark News in November 2018 at the start of the consultation detailing the changes and a consultation questionnaire was signposted in all the literature above.

18. Reducing PANs could contribute to savings in school budgets and/or help schools recover a deficit position. Schools with low recruitment to reception are already operating under financial pressure. Space liberated by a reduction in PANs can be used for income generation or areas of need; such as for nurseries, playgroups, alternative provision, or appropriate community use. The process to temporarily add reception provision back into these schools is straight forward and can be implemented quickly should the need arise. The outlined PAN reductions could therefore potentially result in a total net reduction of up to 315 reception places - up to 10.5FE.

Table1. Proposed amendments to Primary PANs by Planning area (PA)

PA	School	Present PAN	Proposed PAN	Reduction
1	St George's Cathedral RC* ¹	60	30	-30
	Charlotte Sharman*	60	30	-30
	Keyworth	90	60	-30
	St Pauls CE*	45	30	-15
	Robert Browning	60	30	-30
2	Phoenix	120	90	-30
3	Hollydale	45	30	-15
	Bellenden	60	30	-30
	Camelot	75	60	-15
	Ivydale	120	90	-30
4	Brunswick	75	60	-15
	Comber Grove	45	30	-15
	Crawford	90	60	-30
Total		945 (31.5FE)	630 (21FE)	315 (10.5FE)

Table 2. Effect of PAN reductions by planning area

Planning Area Number and Name	reductions Before PAN Capacity	reductions After PAN Capacity	Sep 2018 roll	Excess capacity Before PAN reduction	Excess Capacity After PAN reduction
1. Borough, Bankside & Walworth	945	810	648	297 (10)	162 (5)
2. Bermondsey & Rotherhithe	1,050	1,020	932	118 (4)	88 (3)
3. Peckham & Nunhead	840	735	625	215 (7)	110 (4)
4. Camberwell	690	630	578	112 (4)	52 (2)
5. Dulwich	530	530	484	46 (2)	46 (2)
Southwark Total	4,055	3,725	3,267	788 (26)	458 (15)

19. Consultation ran from the 21 November 2018 to the 21 December 2018. A total of eleven comments were received in response to the consultation including comments from local headteachers, school governors, school teachers and local stakeholders. Ten (91%) of the responses agreed overall with the proposal, from which seven (63%) responses 'strongly agreed'. Only one response disagreed (9%) with the proposal as they felt "classrooms at my school are not big enough for 30 pupils". The council has no intention to mandate how schools are to organise their class bases following these reductions – this will be a decision for schools to take. Following the feedback received, officers recommend that the

* These schools are their own admission authority and with support from LA officers, will approach the OSA directly.

proposed PAN reductions be presented to cabinet for agreement and then proceed to the OSA for the purposes of seeking in year variations.

KEY ISSUES FOR CONSIDERATION

Policy implications

20. The primary admissions and place planning strategy are aligned to local planning and policy frameworks, including the Council Plan. These outline the council's commitment to supporting schools to be outstanding, with children and young people able to achieve their full potential and parents able to exercise choice in a high-performing schools system. When formulating the primary place reduction programme, the council considered the suitability of all schools in Southwark and the risks and advantages of amending the PAN for each. Local authorities are bound by duty to take into account parental preference in so far as to do so avoid unreasonable public expenditure.
21. The Council Plan for 2018-22 was approved by the council assembly in November 2018 and presents a set of commitments, which will help the council deliver the majority party's manifesto vision of "A Fairer Future for All". It is a requirement that reports to cabinet now explicitly refer to the Council Plan and how the report and or the actions outlined will help deliver key aspects of the plan. One of the Council Plan's eight themes is "*A great start in life*" – and, amongst the targets to deliver this, states a commitment to "*make sure all schools in Southwark are Good or Outstanding*" and to "*drive up standards so that every school exceeds London averages at every stage*". The admissions arrangements outlined for 2020 and the PAN amendments from September 2019 onwards will help deliver both these commitments.

Community impact statement

22. The 2020-21 admission arrangements, together with the council's participation in the co-ordinated admissions scheme for primary admissions is designed to produce fair and equitable access to school places for all children. Allocation of places is delivered through strict application of admissions and oversubscription criteria of each school in Southwark through a central (pan-London) computerised system.
23. Additional support is provided to families that find it difficult to navigate the admissions system through the admission officers, school staff and the Southwark information, advice and support team. This involves a significant amount of training, outreach support and drop in sessions throughout the year at surgeries and schools, in order to engage EAL communities with the use of interpreters as well as parents / parents of children, who may have a protected characteristic under the Equality Act 2010. There are also two drop-in surgeries held weekly during term time to provide support on admissions issues at a Southwark one stop shop.
24. The public sector equality duty, at section 149 of the Equality Act, requires public bodies to consider all individuals when carrying out their day to day work – in shaping policy, in delivering services and in relation to their own employees. It requires public bodies to have due regard when carrying out their activities to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between people with protected characteristics and those with none. The

council's approach to equality ("the approach") commits the council to ensuring that equality is an integral part of our day to day business. The council's approach to equality ("the approach") commits the council to ensuring that equality is an integral part of our day to day business.

25. "Protected characteristics" are the grounds upon which discrimination is unlawful - the characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender and sexual orientation. In this case, the characteristics covering gender reassignment, marriage and civil partnership, pregnancy and maternity, and sexual orientation are unlikely to be issues for consideration in the amendment of the PANs of the schools in question. Managing the capacity of primary provision to meet demand have the potential to advance equality of opportunity, and foster good relations between people with protected characteristics and those with none.
26. We have had due regard in preparing the arrangements and will have due regard when carrying out the proposed activities, for the need to eliminate discrimination, advance equality of opportunity, and foster good relations between people with protected characteristics and those with none. Provision of new school places and fair and equitable admissions policies:
 - a) "advances the cause of the elimination of discrimination" by removing potential discrimination based on the protected characteristics
 - b) "advances equality of opportunity" by ensuring that all groups, irrespective of background, have equal access to school places
 - c) "fosters good relations" by implementing a demonstrably fair and equitable policy for school admissions across the borough for people with protected characteristics and those without.

Legal implications

27. Please see concurrent from director of law and democracy.

Financial implications

28. The responsibilities for funding and the sources for that funding pertinent to this report are clearly set out in the relevant funding and grant regulations. All the funding for schools comes from the Dedicated Schools Grant and does not impact on the core funding.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

29. The recommendations in this report are included in the matters reserved to full cabinet in Part 3C of the council's constitution.
30. School admission arrangements are governed by the SSFA 1998, together with the Regulations and Code, as stated within the body of the report.
31. The cabinet is asked to note that the council is not required to consult on proposed admission arrangements so long as they remain unchanged, for the period of up to 7 years from the last consultation. The most recent consultation was carried out between November 2017 and January 2018 for the 2019

arrangements. Nonetheless, the council must determine future admission arrangements on an annual basis, even if there has been no consultation.

32. As regards the proposed reduced PANs for schools named in the report the council can only proceed with this if it has complied with the statutory procedures referred to. Whilst there is no requirement to consult for these in year proposals the Council has chosen to do so. The Cabinet must therefore take account of the results of any such consultation in making its decision, as outlined at Paragraph 19 of this report.
33. The public sector equality duty under section 149 Equality Act 2010 has to be considered when making this decision. This requires that due regard is given to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between people with protected characteristics and those with none. In particular Cabinet will note the adjustments in place to enable full access to support and information for all communities in Southwark, outlined in the Community Impact Statement.

Strategic Director of Finance and Governance (Ref: CA S18/008)

34. This report seeks approval from cabinet to the Southwark Community Primary Schools Admission Arrangements for September 2019 as set out in Appendix 1 of the report. Paragraph 28 confirms that the costs associated with the admissions process are met from the Dedicated Schools Grant (DSG), and that there will be no direct financial implication on the council's revenue budgets.
35. This report also seeks approval from cabinet to the Southwark Community Primary Schools Admission Arrangements for September 2020 as set out in Appendix 1 of the report.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The School Standards and Framework Act 1998	Legislation Services Team at The National Archives, Kew, Richmond Surrey TW9 4DU	Glenn Garcia 0207 525 2717
Link: http://www.legislation.gov.uk/ukpga/1998/31/contents		
The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012	Legislation Services Team at The National Archives, Kew, Richmond Surrey TW9 4DU	Glenn Garcia 020 7525 2717
Link: http://www.legislation.gov.uk/ukpga/1998/31/contents		
The School Admissions Code 2014	Department for Education	Glenn Garcia 020 7525 2717
Link: https://www.gov.uk/government/publications/school-admissions-code--2		
Southwark Council Plan 2018-2022	Southwark Council	Glenn Garcia 020 7525 2717
Link: (please copy and paste into your browser) http://www.southwark.gov.uk/council-and-democracy/fairer-future/fairer-future-commitments?chapter=7		

APPENDICES

No.	Title
Appendix 1	Southwark Community Primary Schools Admission Arrangements for September 2020 (circulated separately)
Appendix 2	Southwark Primary Schools – Published Admissions Number for September 2020 intake (circulated separately)
Appendix 3	Southwark Secondary Schools – Published Admissions Number for September 2020 intake (circulated separately)
Appendix 4	Statutory Notices for PAN amendments by school (circulated separately)

AUDIT TRAIL

Cabinet Member	Councillor Jasmine Ali, Children, Schools and Adult Care		
Lead Officer	David Quirke-Thornton, Strategic Director of Children’s and Adults’ Services		
Report Author	Glenn Garcia, Assistant Director, Education Access and Statutory Services		
Version	Final		
Dated	10 January 2019		
Key Decision?	Yes		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title		Comments Sought	Comments Included
Director of Law and Democracy		Yes	Yes
Strategic Director of Finance and Governance		Yes	Yes
Cabinet Member		Yes	Yes
Date final report sent to Constitutional Team			10 January 2019

Item No. 10.	Classification: Open	Date: 22 January 2019	Meeting Name: Cabinet
Report title:		Southwark Coordinated Admission Schemes for Primary, Junior and Secondary Admissions 2020	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Jasmine Ali, Children, Schools and Adult Care	

FOREWORD - COUNCILLOR JASMINE ALI, CABINET MEMBER FOR CHILDREN, SCHOOLS AND ADULT CARE

Southwark Council has a statutory responsibility for coordinating school admission applications on behalf of all Southwark residents applying for a place at a primary, junior or secondary maintained school/non maintained state funded school in England. The council is signed up to the PAN London agreement to deliver this service. This has worked successfully over a number of year and no changes are proposed in this report.

The coordinated admissions schemes have been developed to ensure a fair and transparent system to allocate school places at normal point of entry – Reception class, Junior class and Year 7. Coordination also ensures that families have a single point of application to schools where up to six preferences may be made on a common application form.

RECOMMENDATIONS

1. That cabinet notes the Primary (Reception), Junior and Secondary (Year 7) coordinated admission schemes for 2020 admissions were unchanged as they have worked effectively for Southwark residents during the last academic year.
2. That cabinet agrees the Primary (Reception), Junior and Secondary (Year 7) coordinated admission schemes for 2020 admissions attached as Appendix 1, Appendix 2 and Appendix 3 of this report.

BACKGROUND INFORMATION

3. The coordination of admission arrangements must adhere to the requirements of the School Standards and Framework Act 1998, The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (as amended) and the School Admissions Code 2014. These arrangements apply to admission authorities of all maintained schools and non-maintained state funded schools.
4. At the cabinet meeting on 19 March 2013, the Leader of the Council delegated authority to the cabinet member for children's services to agree the secondary and primary admissions schemes for 2015 admissions and onwards where there were no changes made from the previous year. Although there are no proposed changes to the admissions arrangements 2020 or the coordinated admission schemes for 2020, these reports are being brought to cabinet for determination

due to the proposed amendment of the primary Published Admissions Numbers (PANs) for September 2019.

5. The council is the admissions authority for Southwark community primary schools only and also has a statutory responsibility for coordinating school admission applications on behalf of all Southwark residents applying for a place at a primary, junior or secondary maintained school/non-maintained state funded school in England. This includes admissions at normal points of entry, e.g. to primary reception year including Year 3 transfer and secondary Year 7 including 14-19 University Technical College transfer. Arrangements for these coordinated admissions are negotiated and agreed across all 33 London local authorities to form a pan-London admissions scheme.
6. Coordination provides families with a single point of application to schools where up to six preferences may be made on a common application form. The council is also responsible for confirming a single school offer to each child on offer date, which, for the September 2020 intake, is 2 March for Secondary and 16 April for Reception and Junior applications. The exception to this coordinated admissions process would be applications to any new free schools currently being established for September 2020 which are not able to be included in the co-ordinated admissions process which will begin in September 2019. There are currently no new free schools due to open within Southwark with a confirmed opening date of September 2020. If a new free school with an opening date of September 2020 is subsequently confirmed they will be expected to operate a separate application process alongside the council's co-ordinated primary and secondary admission schemes. This will enable families to submit an expression of interest directly to the schools in addition to listing up to six preferences via Southwark's Primary (Reception) and Secondary (Year 7) coordinated admission schemes. The council will then work collaboratively with the free school to coordinate the change of offers where families reject an offer received through the coordinated admissions scheme in favour of a place at the new free school. This method worked successfully for John Keats Primary School which opened in September 2018 and is currently being used for Haberdashers' Aske's Borough Academy which will be opening in September 2019.
7. Local authorities like all other admission authorities must determine their final admission arrangements and coordinated admission schemes (Primary - Reception, Junior and Secondary - Year 7) by 28 February 2019 for September 2020 admissions, and notify the Secretary of State if a coordinated scheme has been secured also by this date.
8. There are no proposed changes to the council's coordinated admission schemes (Primary -Reception, Junior and Secondary -Year 7) for September 2020.

KEY ISSUES FOR CONSIDERATION

Coordinated admissions schemes

9. The School Admissions Code 2014 sets out requirements for local authorities to provide a system to enable the efficient admission of pupils to schools at normal point of entry (Reception, Year 3, Year 7 and 14-19 UTC transfer). A coordinated admissions scheme for 2020 admissions must be in place with details of how this will operate within each local authority.

10. Coordinated admissions schemes must enable parents in a home local authority to apply to any school in England. The coordinated admission schemes must set out how information will be received, processed and transferred between the local authority, the applicants, the schools and neighbouring boroughs for Primary (Reception), Junior and Secondary (Year 7). Any offer of a school place must be made by the home local authority.
11. Coordinated admission schemes provide a fair and efficient school admissions process whilst almost entirely eliminating the risk of multiple offers being made to individual families.
12. Local authority officers across London developed the key principles, including a mix of mandatory and optional clauses for each for coordinated scheme to be considered and implemented by individual local authorities. Coordinated admission schemes for Primary (Reception), Junior and Secondary (Year 7) which meet the PAN London requirements are attached respectively as appendices 1, 2 and 3 of this report.
13. The current coordinated admission schemes for Primary (Reception), Junior and Secondary (Year 7) admissions have worked well and enabled successful management of school admissions. No changes have been made to these arrangements other than dates throughout the documents to reflect the 2020 academic year.

Policy implications

14. The Council Plan for 2018-22 was approved by council assembly in November 2018 and presents a set of commitments, which will help the council deliver the majority party's manifesto vision of "A Fairer Future for All". It is a requirement that reports to cabinet now explicitly refer to the Council Plan and how the report and or the actions outlined will help deliver key aspects of the plan. One of the Council Plan's eight themes is "A great start in life" – and, amongst the targets to deliver this, states a commitment to "make sure all schools in Southwark are Good or Outstanding" and to "drive up standards so that every school exceeds London averages at every stage".

Community impact statement

15. The coordinated admissions process is designed to produce fair and equitable access to school places for all children. Allocation of places is delivered through the strict application of admissions and oversubscription criteria of each school through a central PAN London computer. All admission authorities are expected to implement clear admission arrangements that achieve equity and fair access for all pupils in line with the School Admissions Code 2014.
16. Additional support is made available to families who may need support in understanding the application process and selecting schools of their preference through the Southwark information, advice and support team. This involves a significant amount of training, outreach support and drop in sessions throughout the year at surgeries and schools, some for specific EAL communities with interpreters plus a twice weekly drop in at a Southwark one stop shop. Support is also made available on a one to one basis on request and through referrals from schools and other agencies.

17. Southwark residents have also been supported directly by school admission officers during the application stage of the admissions process. Officers attended an all day surgery every Monday and Wednesday (term-time only) at a one stop shop which was aimed at families requiring additional one to one support. For families without access to a computer or internet at home, Southwark libraries and one stop shops also offered free internet usage with admissions staff on hand to help. The online application system enables a streamlined service to be delivered so officers are able to provide high quality direct assistance to families and advise on the admissions process in person, thus improving the service as a whole and in particular for those families who may have difficulty navigating the admissions system.

Legal implications

18. Please see concurrent from director of law and democracy.

Financial implications

19. All costs associated with the admissions process are chargeable to the Schools Budget and are therefore met from the Dedicated Schools Grant (DSG). There are no direct financial implications for the council's revenue budgets.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

20. Cabinet is advised that it is enabled to agree the recommendation under matters reserved to full cabinet in Part 3C of the council's constitution.
21. Cabinet is advised that the legal framework surrounding the admissions schemes is set out in the School Standards and Framework Act 1998, the School Admissions (Admission Arrangements and Coordination of Admission Arrangements) (England) Regulations 2012 (as amended) and the School Admissions Code 2014.
22. Cabinet is reminded of the public sector equality duty under section 149 Equality Act 2010 when making this decision. This requires that, when exercising any of the council's functions, due regard be given to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between people with protected characteristics and those with none. In particular cabinet will note the adjustments in place to enable full access to support and information for all communities in Southwark, outlined in the community impact statement.

Strategic Director of Finance and Governance (Ref CAS18/007)

23. This report seeks approval from cabinet to the Primary (Reception), Junior and Secondary (Year 7) coordinated admission schemes for 2020 admissions attached as Appendix 1, Appendix 2 and Appendix 3 of this report. Paragraph 19 confirms that the costs associated with the admissions process are met from the Dedicated Schools Grant, and that there is no direct financial implication on the council's revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The School Admissions Code 2014	160 Tooley Street London SE1 2QH	Glen Garcia 020 7525 2717
Link: https://www.gov.uk/government/publications/school-admissions-code--2		
The School Standards and Framework Act 1998	160 Tooley Street London SE1 2QH	Glen Garcia 020 7525 2717
Link: http://www.legislation.gov.uk/ukpga/1998/31/contents		
School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012	160 Tooley Street London SE1 2QH	Glen Garcia 020 7525 2717
Link: http://www.legislation.gov.uk/ukpga/1998/31/contents		

APPENDICES

No.	Title
Appendix 1	Southwark Council's Scheme for Co-ordination of Admissions to Primary (Reception) in maintained schools and academies in 2020-21 (circulated separately)
Appendix 2	Southwark Council's Scheme for Co-ordination of Admissions to Junior in maintained schools and academies in 2020/21 (circulated separately)
Appendix 3	Southwark Council's Scheme for Co-ordination of Admissions to Secondary (Year 7) in maintained schools and academies in 2020-21 (circulated separately)

AUDIT TRAIL

Cabinet Member	Councillor Jasmine Ali, Children, Schools and Adult Care		
Lead Officer	David Quirke-Thornton, Strategic Director of Children’s and Adults’ Services		
Report Author	Glenn Garcia, Assistant Director, Education Access and Statutory Services		
Version	Final		
Dated	10 January 2019		
Key Decision?	Yes		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title		Comments Sought	Comments Included
Director of Law and Democracy		Yes	Yes
Strategic Director of Finance and Governance		Yes	Yes
Cabinet Member		Yes	Yes
Date final report sent to Constitutional Team			10 January 2019

Item No. 11.	Classification: Open	Date: 22 January 2109	Meeting Name: Cabinet
Report title:		Libraries and Heritage Strategy 2019 – 2022	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Rebecca Lury, Culture, Leisure, Equalities and Communities	

FOREWORD – COUNCILLOR REBECCA LURY, CABINET MEMBER FOR CULTURE, LEISURE, EQUALITIES AND COMMUNITIES

Libraries are truly magical places. No other place allows you to come through its doors, without asking why you are there, what you are doing and what entitles you to be there. There is a great sense of freedom in being able to enter and explore your local library.

In their most traditional sense, our libraries are continuing to provide borrowing services. Through borrowing these books, there are endless opportunities to grow your imagination, explore new worlds and realities, delve into history, learn about new things and create new experiences.

But our libraries are now so much more than just about books. They also provide a vital resource for so many of our residents by allowing them access to the internet, to computers, and to quiet spaces to work and study.

We want libraries to be spaces for the whole community to use, whether that be through baby sensory sessions, community group activities, or accessing local council services.

RECOMMENDATION

1. That cabinet agree to the proposed Libraries and Heritage Strategy 2019 – 2022.

BACKGROUND INFORMATION

2. Libraries are one of the strongest visible symbols of community service provision. They are much valued by residents and they contribute to a number of Fairer Future promises, council plan targets and cross cutting strategic priorities. These include economic development, education and skills agenda, digital inclusion and literacy, health and wellbeing and cultural engagement. The library service is also ideally suited to work in partnership with others to deliver these priorities.
3. Southwark can be truly proud of its library and heritage services, it's a high performing service that is focused on delivering the best provision for people who live , work or study the borough.
4. There are 12 libraries spread across the borough and a home library

service for people who cannot come to a library. There is also a borough archive, local history library, heritage collections including the Cuming collections and the service is the custodian of the borough art collection.

5. An excellent range of services is provided including a broad book stock catering for the borough's diverse population, a full range of events and activities for children and adults, internet and Wi-Fi facilities in all libraries, an expanding e-books service and up to date digital services such as the boroughs heritage website.
6. There has been significant investment in Southwark's Libraries over the past five years, including:
 - A new library in East Dulwich to replace the existing Grove Vale Library, opened in December 2018
 - Refurbishment of East Street Library completed in 2018 to include a new community meeting room
 - A new state of the art library in Camberwell opened in 2015 which won The Bookseller Library of the Year award in 2017
 - A new library planned on the Aylesbury, co-located with a health centre, due to open in 2021.
7. Elsewhere on this cabinet's agenda is a paper recommending that Southwark purchase a 250 year lease for a new library and heritage centre on the Walworth Road. If approved this will meet one of the key targets ion the Council Plan to build a new library on the Walworth Road and will provide a state of art permanent home for the Newington Library and Cumming and other collections, displaced from the fire at Walworth Town Hall in March 2013. The Heritage service celebrates Southwark's distinctive and unique character, spaces, places and stories whilst recognising that the borough is part of a larger picture of local national and global society and history.
8. However Libraries have never stood still and this strategy following extensive community consultation and engagement is designed to ensure that the Southwark Public Library service continues to grow and adapt to changing needs and demands. The review and new strategy is intended to ensure the services are fit for purpose and demonstrate best value for money.
9. To deliver our ambitions we need to make sure that the investment and expenditure on the services is aligned with our strategic priorities and focused on maximising usage and reach.
10. In the light of decreasing budgets for local government there is a constant need reduce budgets, become more efficient and find new ways of delivering services. Elsewhere on this Cabinet's agenda are recommendations to reduce the Library and Heritage service budget by £250,000. This strategy is ambitious but can be delivered if this budget reduction is approved and all libraries will remain open. Savings will be achieved by a combination of reviewing opening hours when most people want to use them, reorganising the staff team and efficiencies aimed at minimizing the impact on the services to library users.

11. There will be a renewed focus on work with external partners to add value to services and provide additional services recognising that our buildings are community assets for the use of all within that neighbourhood. Also developing a strong volunteer Programme to support additional service areas such as heritage activities needs to be explored.
12. The Libraries and Heritage Strategy (see Appendix 1) aims to bring communities together by forging connections through the services provided. These connections can be described as;
 - Digital Connections
 - Health and Well being Connections
 - Reading and Learning Connections
 - Cultural Connections
 - Community Connections
 - Connecting by telling the story of Southwark.
13. It will do this by:
 - Becoming a leader in digital access and usage for residents
 - Supporting the health and well-being of residents
 - Supporting educational achievement of residents through engagement with reading, literacy and learning
 - Improving access to the cultural riches that Southwark has to offer
 - Delivering social inclusion, economic development & libraries as community spaces
 - Celebrating Southwark as a place through engagement with its local history and rich heritage.

Consultation

14. To ensure that the strategy delivers the priorities of residents and communities a consultation exercise was undertaken in the autumn of 2018. The consultation in the form of a survey engaged children, young people and adults and sought to identify their priorities for the services that libraries and heritage should deliver.
15. The full consultation report is available in Appendix 3

KEY ISSUES FOR CONSIDERATION

16. Public libraries hold a special place in the heart of the communities they serve. Uniquely they present a free, democratic open place where all are welcome and no-one turned away. They are inclusive and reflect the diversity of their communities and their services designed to meet those needs. Everyone is welcome and services are specially designed to help people engage with learning, study, leisure and entertainment.
17. They not only provide access to books and information but also help people to help themselves and improve their opportunities, bring people together, and provide practical support and guidance. They can help people to realise their potential and provide access to the world of learning for those marginalized and disadvantaged backgrounds.

18. Increasingly libraries operate as the face of the local authority offering an extended range of services designed around local needs.

Statutory framework

19. Under the Public Libraries and Museums Act 1964 local authorities have a statutory duty 'to provide a comprehensive and efficient library service for all persons' in the area that want to make use of it. In considering how best to deliver the statutory duty each library authority is responsible for determining, through consultation, the local needs and to deliver a modern and efficient library service that meets the requirements of their communities within available resources.
20. In providing this service, local authorities must, among other things:
 - have regard to encouraging both adults and children to make full use of the library service
 - lend books and other printed material free of charge for those who live, work or study in the area.
21. Additionally with regard to museums the 1964 act stipulates that:

"A local authority may provide and maintain museums and art galleries within its administrative area or elsewhere in England or Wales, and may do all such things as may be necessary or expedient for or in connection with the provision or maintenance thereof".

Delivering local priorities

22. The council plan 2018- 2022 identifies the following priorities for libraries and heritage. These include;
 - Build a new library on the Walworth Road
 - Open a new library at Grove Vale in East Dulwich
 - Keep libraries open, keep investing and ensure they are open when people need them
 - Ensure Kingswood House remains an asset for the local community and improve facilities on the Kingswood Estate
23. The services also have a key role to play in the following priorities:
 - Promote Southwark's diversity and cultural richness
 - Ensure all residents benefit from opportunities to take advantage of the digital revolution
 - Support a range of cultural celebrations across the borough;
 - Continue to make culture in Southwark accessible and work with cultural organisations in the borough to offer opportunities to Southwark residents
 - Secure the future of Walworth Town Hall and make it a publicly accessible

Library and Heritage Service in Southwark.

24. Southwark has 12 libraries spread across the borough and a Home Library Service which delivers to library services housebound residents. The libraries range from heritage buildings such as Kingswood House, Dulwich and Nunhead to modern purpose built buildings such as Canada Water and Camberwell. John Harvard Library was redeveloped in 2008 as part of the Big Lottery Community Libraries programme. A new library in Grove Vale opened in December 2018. The council is committed to replacing Newington Library and providing a new heritage facility in Walworth in 2018. A new library in Aylesbury is planned for the future. Full details on libraries and their opening hours can be found here <http://www.southwark.gov.uk/libraries/find-a-library>
25. All the libraries offer a range of services including, books and other items for loan, online resources, e-resources, ICT facilities, study facilities and activities for children and adults.
26. The heritage services comprise an archive and local studies centre at John Harvard Library, the Cuming collection and borough heritage collections. The service is also custodian for the borough (South London Gallery) art collection. The collections are primarily accessed digitally through the heritage website

How we compare with others

27. The Charter Institute of Public Finance and Accountancy (CIPFA) collect detailed statistics annually from all UK public library authorities. Their annual report is the standard benchmarking tool for key performance indicators, allowing library authorities to compare their performance to near neighbours as well as the whole of the UK. The last full CIPFA publication benchmarks data from financial year 2016/17, in which Southwark's performance was very good compared to other London library authorities.
28. The library service has some of the highest performance indicators across libraries in London including:
 - 309,000 books in stock
 - 2.1m annual visits
 - 1.5m annual book issues
 - Resident satisfaction with the service is 91%.
29. Key highlights for Southwark in 2016/17 were:
 - Total loans for Southwark overall was the highest in London
 - Canada Water Library achieved the highest number of loans of any individual library in London
 - Southwark was the 4th most visited library service in London.
30. Significantly more items were borrowed from Southwark libraries than from any other London library service in 2016/17 and Canada Water Library loaned 318,708 items in 2016/17, the highest number of loans of any London library. It was the 14th highest issuing library nationally.

31. In terms of value for money and investment

- Southwark is fifth in London for total revenue spend per 1,000 population
- Southwark is 7th in London for total materials spend per 1,000 population, which reflects a successful stock purchasing policy as we have already seen that Southwark had the most item loans.
- Southwark is 7th in London for employee costs per 1,000 population.

32. In addition to the CIPFA benchmarking data Southwark library service collects a range of performance management statistics including internet and wi-fi usage, book issues, visitor figures, attendance at library events, volunteer hours and demographic breakdowns of library use. This data has also been used to inform the strategy. See Appendix 2 for additional library service statistics that compares the current membership profile of library users against demographic data for the borough. This shows that broadly Southwark's Public Libraries provide services that are seen to be relevant for the boroughs population, however this is continually reviewed and the service offer refined to meet local needs.

CONSULTATION

33. In order to ensure that library and heritage services are relevant and provide what our communities want and need the 'Let's talk about libraries' consultation was launched in September 2018 and ran for eight weeks. The consultation was in the form of a survey which was made available online and in paper form. It was publicised widely through all of the council's communication channels, and offered to all visitors to Southwark libraries during the consultation period. A copy of the consultation report is available in Appendix 3.
34. The consultation responses inform this strategy. 1,782 responses to the consultation were received, which has meant that a large amount of useful data was received to shape the strategy.
35. A separate shorter consultation was carried out with children, to which 345 responses were received. We also carried out a number of focus groups with library staff. All of this was based around the key themes of the proposed library and heritage strategy relating to digital literacy, health and well-being, reading and learning, cultural and community use and telling the story of Southwark through heritage and archive services.
36. The consultation reached a wide range of residents which in part mirrored the existing range of library members- 59.5% of respondents were female (57% of existing members are female), and 61% of respondents were 18-55 (61% of existing members are 18-59).
37. Equalities data showed that the consultation survey was not as successful in reaching members of the African and Black communities either in line with the borough population or existing members of libraries. 8% Black British and 4% African responded (the existing library membership breakdown African 14% and Black British 14%). Despite this, the equalities data does indicate that the survey was completed by respondents from a

wide range of ethnic groups. As this strategy is considered and an action plan developed one of the areas for development will be ensuring full and representative engagement in developing services in libraries and heritage.

38. In order to reach more respondents, including more non-users and those within the protected characteristics, the online survey deadline was extended by two weeks and was promoted in mail outs to all Southwark Presents card holders and to everyone who attended the council's annual firework display. 658 additional responses to the consultation were received as a result of this.
39. There were 22 questions on the survey, a large number of which contained free text boxes for respondents to expand upon their replies or enter additional useful data. A full analysis of responses has been produced and is available in appendix 3. Some of the key findings are summarised below.
 - 89% of respondents used the library at least monthly, with only 1% not currently using our libraries. This indicates that the consultation has predominantly reached existing library users, and should give us a good indication what our existing users think of services, and what new services they require. The low number of non-users reached means the consultation results will be of limited use in determining what we need to do to attract more non-users to our services.
 - Borrowing books (90% of respondents) was the most popular activity
 - Using the library for study space (61%) was popular
 - Digital services such as internet use (58%),
 - using a computer, printer or scanner (61%)
 - and using the Wi-Fi (61%).
40. Many respondents used the free text box in this question to make positive comments about the library:

"The library is my refuge, my sanctuary, my retreat. When I feel overwhelmed by life or grief, I go to a library and immediately feel at peace. A library is not just a source of practical services for me; a library heals my soul"

"Community space to be warm, safe and enriched by books, for all ages, incomes and backgrounds"

41. A preference was expressed for most libraries to increase their evening opening hours. Respondents also made it clear that they valued library and heritage digital services and would like to see these expanded. Useful suggestions were made for additional services, and for existing services to be extended, for example coding clubs and IT assistance sessions. There were a number of positive comments made about digital services, including this one:

"While I don't use these services at the moment, I have used them -needed them- in the past. They are a CRUCIAL part off keeping life together if you need a bit of help at some stage. A lifeline when there are few others"

42. Services to promote health and wellbeing were shown to be popular, with many positive comments about the contribution of the library and heritage service to resident's wellbeing, including identifying the library space as a potentially key place for health and wellbeing work. Study space was also identified as one of the most important library services for respondents. Respondents would like to see more arts and cultural services provided from libraries, including talks, lectures and film screenings. Children's activities and events were important to respondents, with coding clubs being mentioned across responses to a number of different questions.
43. In response to a question about volunteering, 48 respondents left their details and said they would be interested in finding out more about opportunities for volunteering in the library and heritage service.
44. Heritage and archive services were flagged up as being particularly important to residents, with a lot of people requesting more digitisation of services, including online maps, photographs and local newspapers. A question why people are not currently using heritage or archive services highlighted a lack of awareness of these important services. 40% of respondents said they were not aware of the services provided, which indicates heritage and archives services could benefit from some increased promotion.
45. The number of responses to the survey means that we have generated some really useful data on the library and heritage service in Southwark, including comments on existing activities and services and suggestions for additional services. All of this will feed into the library and heritage strategy, as this was the primary aim of the consultation exercise. Some of the key conclusions that can be drawn from the consultation, including next steps are:
 - **Input into draft library and heritage strategy-** The consultation survey was organised around the key themes of the strategy, therefore incorporating the key messages from the survey responses into the strategy document should be straight forward.
 - **Promotion of existing services required-** awareness around some existing services was shown to be lacking in survey responses, so there is a clear need to more effectively promote existing services. A lot of the things respondents asked for are already in place and clearly need to be promoted better, particularly the services of the local studies library and archives as awareness of the services offered here was shown to be limited.
 - **Suggestions for new services-** the consultation responses highlighted some existing services that can be expanded in order to meet a clear demand, for example the programme of code clubs in libraries. There were also suggestions for new services that will be investigated and implemented if they are viable and if there is sufficient demand.
 - **'You said, we did...'** - a summary of consultation responses will be made available to the public so that they can see what other people have been suggesting and how this fits in with their own priorities. It is

also important to show that we are acting upon the comments and suggestions made. A 'you said, we did' campaign will achieve both of these objectives by showing residents and library users the key things that were identified as a result of the consultation and explaining what the library and heritage service is doing to address the comments and suggestions that have been made.

- **Staff consultation-** in recognition of the importance of staff in understanding the needs of the service and the priorities for library users staff feedback has been incorporated into the overall results of the consultation and direct feedback will be given to staff on their contributions

The Strategy

46. See Appendix 1 for the detailed breakdown of strategy commitments.
47. The strategy has six overarching themes and will be delivered through the commitments in the strategy which will be delivered through an annual action plan.

Theme 1: Digital Connections

We want all residents to have free access to the highest quality, modern and innovative digital and online services. We want to enable them to embrace digital delivery of many services making sure that they are well equipped to maximise their use, understanding and navigation of digital technology. The library is well placed to deliver digital literacy and provide access to the internet in a safe environment to those in need of developing their online skills thus enabling them to participate fully and confidently in the modern world. The library service will strive to achieve this through developing programmes of IT skills sessions, coding clubs, expanding range of e-resources and being at the front of innovation in the provision of IT services for residents.

Theme 2: Health and Well Being Connections

The Southwark Health and Wellbeing Strategy 2015 – 2020 highlights the level of health inequality in Southwark. We know that life expectancy is lower than the national average. Alcohol/substance misuse, smoking, unhealthy diet (e.g. Child obesity) and unprotected sex continue to be major risks to good health in our population. There are high numbers of undetected cases of diabetes, hypertension and heart disease in Southwark population. Socio-economic challenges such as unemployment and poor housing result in a relatively higher rate of child poverty and social exclusion which subsequently contribute to poor physical and mental health manifesting in health inequalities.

The library service is well placed to reach residents that may otherwise be difficult to engage with. Working with partners the service will contribute to tackling key health priorities through the provision of targeted activities and resources.

Theme 3: Reading & learning Connections

Reading and literacy are two of the most fundamental skills in life. Increasing literacy is vital to increase people's chances in the job market, reducing dependence on benefits and improving quality of life. Reading is also a great source of enjoyment and pleasure. It can be an individual passion or a shared experience. Learning equips people for life with the development of life and employment skills. Around 15 per cent, or 5.1 million adults in England, can be described as 'functionally illiterate,' with literacy levels at or below those expected of an 11-year-old. (From National Literacy Trust). Libraries are well placed to support adults with low literacy levels which helps to increase their self-esteem and persuade them of the benefits of improving their reading and writing. Libraries also have a key role to play in enhancing the literacy and reading skills of children and young people, supporting children's education and providing a rich variety of reading opportunities.

Theme 4: Cultural Connections

Cultural and creative opportunities enrich lives. They are important in developing local quality of life, sense of place and individual wellbeing. They also help to build skills and reduce social isolation by encouraging participation in shared activities. Libraries can offer spaces and opportunities for people to create and explore. They can introduce people to the world of arts and culture, provide access to arts experiences and help foster ideas and imagination.

Theme 5: Community Connections

It is estimated that there are around 3.9 million workless households and 120,000 families in the UK experiencing multiple problems related to social exclusion. (From Dept. for Work & Pensions). Research shows that children from poorer economic backgrounds and troubled families experience the very worst outcomes and make significant demands on a wide range of local services. Through its range of services libraries can do much to improve the life chances of young people, support adults in improving their skills and enabling them to find work. The library also acts as a place to meet others thus helping to tackle isolation and loneliness.

Theme 6: Connecting the story of Southwark

The heritage and local history service aims to value Southwark's distinct and unique spaces, places and stories whilst recognising that the borough is part of a larger picture of local, national and global society and history. The challenges ahead centre around how to preserve, protect and promote the heritage of the borough, how to maximise access to the collections and how best to tell the story of Southwark to develop a sense of belonging and engender community purpose and pride. There is an obvious need to find a new fit-for-purpose physical home for the heritage collection to enable displays and exhibitions, however, it is important also to utilise the latest in digital technologies to bring the past to life and inform new audiences

through new mediums so that it engages, informs and inspires the local community.

Community impact statement

48. As set out under the Equality Act 2010 and the Public Sector Equality duty (PSED) an equalities impact assessment was carried out during the initial development of the strategy. The aims of the strategy are broadly inclusive, and should foster good relations between people from different communities as well as advancing equality of opportunity.
49. The strategy has no clear detrimental impact to any group or protected characteristic as outlined in the Equalities Act or the PSED, and the broad aims and actions programmed are likely to increase participation, representation and accessibility to library and heritage provision within the borough. Consultation with the community is an integral part of delivering this strategy.

Resource implications

50. Staffing and any other costs connected with this recommendation to be contained within existing departmental revenue budgets.

Legal implications

51. Please refer to the concurrent report of the Director of Law and Democracy below.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

52. This report seeks approval of the new Libraries and Heritage Strategy the Strategy"). The decision to agree the Strategy is one that can be taken by the Cabinet collectively.

Strategic Director of Finance and Governance (FC16/042)

53. The report is requesting cabinet to approve the Libraries and Heritage Strategy 2019-2023 Full details are provided within the main body

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None		

APPENDICES

No.	Title
Appendix 1	Connection Communities: Southwark Libraries and Heritage Strategy 2019-2022 (circulated separately)
Appendix 2	Libraries Statistics Report (circulated separately)
Appendix 3	Libraries and Heritage Consultation Report (circulated separately)

AUDIT TRAIL

Cabinet Member	Councillor Rebecca Lury, Deputy Leader and Cabinet Member for Culture, Leisure, Equalities and Communities	
Lead Officer	Fiona Dean, Director of Leisure	
Report Author	Aileen Cahill, Head of Culture	
Dated	11 January 2019	
Key decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		11 January 2019

Item No. 12.	Classification: Open	Date: 22 January 2019	Meeting Name: Cabinet
Report title:		New Library and Heritage Centre for Walworth	
Ward:		North Walworth	
Cabinet Members:		Councillor Johnson Situ, Growth, Development and Planning and Councillor Rebecca Lury, Deputy Leader and Culture, Leisure, Equalities and Communities	

FOREWORD – COUNCILLOR JOHNSON SITU, CABINET MEMBER FOR GROWTH, DEVELOPMENT AND PLANNING AND COUNCILLOR REBECCA LURY, DEPUTY LEADER AND CABINET MEMBER FOR CULTURE, LEISURE, EQUALITIES AND COMMUNITIES

At a time of financial pressure on local government, we are delighted to recommend this report for delivery of a new library and heritage centre for Walworth.

As part of our commitment to a fairer future for all, the council has committed to delivering a library on the Walworth Road following the fire at Walworth Town Hall in March 2013, which also led to the closure of Newington library. At the same time, the Cuming Collection was damaged and the bulk put into storage, alongside a tour of items from the collection commencing around the borough.

Whilst there has been a temporary library provision in the recently closed Artworks development, our ambition was always to provide a new, permanent home for a library and heritage centre.

The new library and heritage centre, which will be situated in a prominent place on the Walworth Road, is the most recent addition to illustrate the council's commitment to ensuring growth and redevelopment works for all. The new library will also ensure that Walworth remains a destination, complementing the recently opened new Walworth Square, and sitting alongside the Walworth Town Hall, for which separate plans are being taken forward.

We have made a commitment to keeping all of our libraries open when our residents need them, and our libraries and heritage spaces play a hugely important role in our communities throughout Southwark. They provide reading opportunities, community group meeting facilities, computers and internet access and council services – all in one place. Southwark has a rich and long history, which we want to ensure is celebrated throughout the Borough. That is why we are not talking just about a new library for Walworth but about a heritage hub. We hope there will be the opportunity to showcase some of the Cuming Collection and to celebrate our great heritage in the Borough.

Work to fit out the new library and heritage centre will begin at pace, and we will be working closely with the community and local schools to ensure that we deliver the best space for the residents of Walworth and for the whole borough.

RECOMMENDATIONS

That Cabinet:

1. Confirms that pursuant to s120 Local Government Act 1972 and s7 Public Libraries and Museums Act 1964 and subject to planning matters set out in paragraphs 18 and 19 of this report being resolved, the council takes a lease of ground floor accommodation on the land shown edged red on the plan at Appendix A.
2. Confirms that the lease will be in accordance with the principal terms set out in full in paragraph 6 of the closed version of this report and substantially in paragraph 15 of this report.
3. Delegates to the director of regeneration authority to agree the details of the proposed lease.
4. Delegates to the director of leisure authority to agree and commission the fit out specification and works to deliver a new library and heritage centre.
5. Approves a capital budget set out in the closed version of this report to fund the acquisition of the lease of the premises and its subsequently fit out for library and heritage centre purposes.

BACKGROUND INFORMATION

6. The former Newington Library at Walworth was adversely affected by the major fire at Walworth Town Hall in March 2013 forcing it to close. As an interim measure, a temporary library was provided the following year within the meanwhile "Artworks" scheme at the corner of Walworth and Elephant Roads. The Artworks site is now required by Lend Lease for development so the temporary library ceased operation at the end of last year leaving a void in service provision for the locality.
7. The Cuming museum and borough heritage collections were similarly adversely affected. Fortunately, over 98% of objects on display at the time of the fire were recovered and the bulk of the collection is unaffected. A large scale conservation project to recover the affected collections was successfully completed in 2014. While the majority of the collections are in storage the heritage service has continued to use alternative venues across the borough for exhibitions and run an events and education programme. Since the beginning of 2016 much of the museum collection has been made available digitally through an improved heritage website <http://heritage.southwark.gov.uk>
8. On 28 November 2018 council assembly approved the current Council Plan. This sets a number of commitments to our community including A Vibrant Future; one of the undertakings to meet this commitment is to Build a new library on the Walworth Road.

KEY ISSUES FOR CONSIDERATION

9. The closure of the temporary library, due to the closure of Artworks, will inevitably result in a loss of continuity of service. To mitigate this, officers have

considered a number of options to secure the earliest provision of a new library. This includes looking at a number of sites on the Walworth Road. As cabinet will appreciate, Walworth Road is a densely developed historic area on which the council has very limited property ownership, and none of which is suitable for a new library. Officers considered acquiring one or more land ownerships either by agreement, or by compulsion to form a site that can be developed for a new library. However, it was deemed that this would be very time consuming and cause displacement to existing occupiers. Other sites are very limited but the subject site provides a potential opportunity of early delivery of the new library undertaking in the Council Plan.

10. As part of the Elephant Park regeneration, Lend Lease is currently completing building upon the subject land known as Block H3. This has planning consent for housing and retail on the ground floor. Lend Lease has been approached and is willing, in principle, to grant the council a lease of two adjacent units that are completed to a shell and core standard. If the council take the lease, the full partition wall between the units will be substantially removed by Lend Lease. Photographs of the proposed units is shown at Appendix B to the report. The main photograph shows the units from their front the other two show their position relative to Heygate and Wansey Streets.
11. Use of the two units as a library and heritage centre will require planning consent and if this is granted the lease can be completed and the units can then be fitted out to meet the council's standards. This process may take around a year but this is significantly quicker than would be the case if the council sought to purchase, assemble and build on another site.
12. The proposed accommodation to be leased provides a gross internal area of 576m². This is more than twice as large as the former temporary library. The proposed library and heritage space will be contained on a single (ground) floor that will maximise space usage and user experience. The fact that it is not rectangular will give the space interest to users and will be ideal for its dual function as a heritage centre and library.
13. The proposed space will have prominence to Walworth Road for users and benefit from excellent bus services as well as being within a short walk of the Elephant and Castle transport interchange. It is also closely situated to the former Newington Library and Town Hall. Being part of a retail parade will heighten its convenience for potential users. In addition, the proposed library and heritage centre will attract potential custom to the parade.
14. As previously mentioned, the area to be leased will not be fitted out. Should cabinet approve the proposed lease, the director of leisure will arrange for this following usual procurement protocol. In doing so, she will reflect the needs of the diverse users in relation to layout, partitioning, services, fittings and furnishings whilst having regard to budgetary constraints.

Principal proposed lease terms

15.
 - a) A lease of 250 years at a fixed rent of a peppercorn per annum.
 - b) The council to pay a premium for the lease the details of which are set out in the closed version of this report.

- c) The council to be responsible for the repair and maintenance of the internal parts of the leased area.
- d) The landlord to keep in good repair the exterior of the premises.
- e) The landlord to manage and keep in good repair the common parts of the overall block.
- f) The landlord to insure the premises against fire and other usual building risks.
- g) The council to pay an annual service charge to cover the landlord's reasonable costs in discharging its obligations under d), e) and f).
- h) The council to be responsible for business rates levied on the premises.
- i) The council will be permitted to under-let the premises at the market rent subject to the landlord's consent.
- j) The council will be permitted to transfer the lease subject to the landlord's consent.
- k) In the event of the council seeking to transfer the lease or underletting the premises the landlord will be able to purchase the council's lease at market value.
- l) The premises to be used as a library and heritage centre including ancillary uses thereto or any other use the landlord may consent to.

Commentary on principal proposed lease terms

- 16. a) This gives the council the right to occupy for a very long time without effectively paying an annual rent.
- b) This represents the capital value the landlord will forgo in not receiving a rent for 250 years and includes an allowance for fitting out works equal to two years rent.
- c) A standard lease obligation; the council will be in control of the interior of the property.
- d) – g) Standard lease provisions for premises in multiple occupation.
- h) Business rates are levied on the occupation of property so an occupier it is reasonable for the council to meet these.
- i) – j) Whilst there is no intention for the council not to require the premises for occupation 250 years is a very long time and these provisions preserve the council's ability to divest itself of the property should it choose to sometime in the future.
- k) If the landlord opts to exercise this option the council relieves itself of responsibility for the property and receives market value and avoids marketing expenses and void periods.

17. Cabinet will note that although no annual rent will be effectively payable the council will however still have occupational costs in the form of business rates, an annual service charge, utility charges and an obligation to maintain the interior of the premises.

Planning implications

18. Paragraph 10 advises that because the premises have consent for retail use a planning consent will be needed to change the use to library and heritage purposes. Should cabinet approve the proposed lease, the council will seek such consent but until it is obtained the council is unable to commit to the lease since it may not be able to put the premises to its intended use.
19. Likewise, Lend Lease may be required to seek a variation of its planning consent because the Elephant Park Masterplan requires a specified minimum provision of retail space. The conversion of two units to a library and heritage centre envisaged in this report may result in that minimum requirement being breached. Should this be the case, it will be necessary for Lend Lease to seek a variation to its overall consent in which case the grant of the lease cannot follow until that is obtained.

Rationale for recommendations

20.
 - a) To maximise the opportunity for library services in the Walworth area.
 - b) To deliver on a commitment within the new Council Plan.
 - c) To provide the machinery to complete the lease that will provide the premises for a new library and heritage centre in Walworth.
 - d) To transform the completed new premises from a shell finish to a modern, attractive library to meets the needs of the local population whilst not exceeding budgetary constraints.

Community impact statement

21. The new Council Plan was the subject of extensive community consultation. The recommendations herein directly deliver upon an undertaking to build a new library on the Walworth Road that forms part of the Vibrant Future commitment set out in the Plan.
22. The Equality Act 2010 requires the council in the exercise of its functions to have due regard to the need to:
 - a) eliminate discrimination:
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
23. Relevant protected characteristics for the purposes of the Equality Act are:
 - Age

- Civil partnership
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex and sexual orientation.

24. In considering the recommendations herein the cabinet must have due regard to the possible effects them on any groups sharing a protected characteristic in order to discharge its public sector equality duty. This is an ongoing obligation.
25. The break in library service resulting from the closure at the end of last year is considered to adversely all parts of the community including those with protected characteristics. The proposal in this report mitigates the length of loss of continuity of the service so is therefore beneficial to all the community including those with protected characteristics.

Financial implications

26. The acquisition of the proposed lease and subsequent fit out costs will incur substantial capital expenditure and is considered in detail in the closed version of the report.
27. When occupation of the premises commences, the council will, as set out in paragraph 16 incur ongoing annual revenue costs that will be met from existing budgets. These costs will be mitigated from revenue savings arising from last year's closure of the temporary library at Artworks.
28. Negotiating the lease, seeking consent for a change of use and specifying and the commissioning the fit out works will incur revenue but these can be met from existing budgetary provision.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director Environment and Leisure

29. This report seeks approval for Southwark Council to enter into a long term lease to provide a permanent library and heritage centre on the Walworth Road. The report summarises the history of a library in this area and the reason why the temporary Newington Library had to close in December 2018.
30. Officers have explored the limited local opportunities to provide a much needed permanent library in this area and in the opinion of the strategic director of environment and leisure this site is the only viable solution at this time. The new library will provide a children's reading area, wide range going book stock and

other materials, study space, access to free Wi-Fi and enable drop in sessions and activities to activate both the library and its immediate area.

31. The library will also contain an area for heritage and educational visits to once again enable the permanent display of artefacts from the Cuming Museum and other Southwark collections. Officers will programme changing displays and activities and displays to exemplify Southwark's rich and varied heritage.
32. The new heritage service will be fully integrated into the library but retain a dedicated space for displays. The Cuming Museum was able to display only a small percentage of the overall collection at any one time. The new Library and heritage centre will be designed to maximise display and educational opportunities, however again only a small percentage of the collection will be able to be displayed with the rest stored in a safe location. However, apart from the artefacts on display focus will be given to increasing the current level of loans to suitable bodies to ensure that as much of the collection as possible is on public display.

Director of Law and Democracy

33. Section 7 of the Public Libraries and Museums Act 1964 places a duty on library authorities to "provide a comprehensive and efficient library service for all persons desiring to make use thereof".
34. Section 120 of the Local Government Act 1972 provides that a principal council may acquire by agreement any land, whether situated inside or outside their area, for the purposes of any of their functions under the 1972 Act or any other enactment or for the benefit, improvement or development of their area.
35. The council has powers under the 1972 Act to acquire land by way of a long lease in order to carry out its functions under the 1964 Act to provide a library service.

Strategic Director of Finance and Governance [FC18/027]

36. Set out in closed version of the report.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council Cabinet report of 16 July 2013	160 Tooley Street London SE1 2QH	Paula Thornton 020 7525 4395
Link (please copy and paste into your browser): http://moderngov.southwark.gov.uk/documents/s39355/Report%20Walworth%20Town%20Hall%20A%20Strategic%20Vision%20for%20the%20Rebuilt%20Town%20Hall.pdf		
Council Cabinet report of 18 March 2014	160 Tooley Street London SE1 2QH	Paula Thornton 020 7525 4395
Link (please copy and paste into your browser): http://moderngov.southwark.gov.uk/documents/s45088/Report%20Walworth%20Town%20Hall%20-%20Agreeing%20the%20Way%20Forward.pdf		
Council Plan 2018/9 – 2021/22	160 Tooley Street London SE1 2QH	Paula Thornton 020 7525 4395
Link (please copy and paste into your browser): http://moderngov.southwark.gov.uk/documents/s78763/Report%20Council%20Plan.pdf		
21 August 2017 Planning Approval for Reserved matters Plot H3 Elephant Park	160 Tooley Street London SE1 2QH	Patrick McGreal 020 7525 5626
Link (please copy and paste into your browser): http://planbuild.southwark.gov.uk/documents/?casereference=16/AP/1705&system=DC		

APPENDICES

Appendix	Title
Appendix A	Plan of proposed new library location
Appendix B	Photographs of proposed new library

AUDIT TRAIL

Cabinet Members	Councillor Johnson Situ, Growth, Development and Planning and Councillor Rebecca Lury, Deputy Leader and Culture, Leisure, Equalities and Communities		
Lead Officer	Kevin Fenton, Strategic Director Place and Wellbeing		
Report Author	Patrick McGreal, Regeneration-North		
Version	Final		
Dated	10 January 2019		
Key Decision?	Yes		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES/CABINET MEMBER			
Officer Title	Comments Sought	Comments included	
Strategic Director Environment and Leisure	Yes	Yes	
Director of Law and Democracy	Yes	Yes	
Strategic Director of Finance and Governance	Yes	In closed version	
Cabinet Member	Yes	Yes	
Date final report sent to Constitutional Team		10 January 2019	



TITLE.

NEW LIBRARY and HERITAGE CENTRE
for WALWORTH.

DRAWING No.

LBS_3731

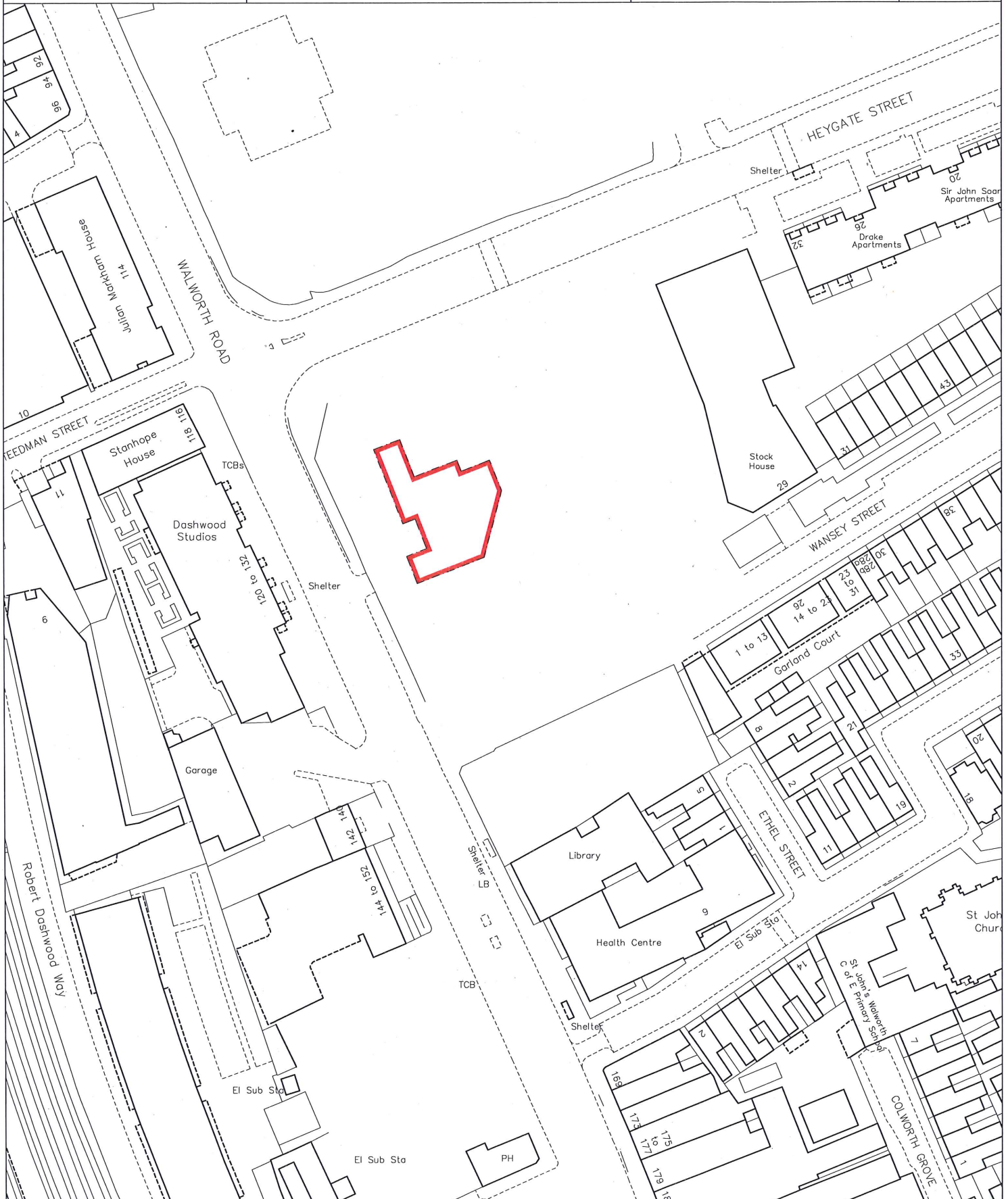
DRAWN BY.

MMANKTELOW
Property Division

DATE.

13/12/2018

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New Library for Walworth



Item No. 13.	Classification: Open	Date: 22 January 2019	Meeting Name: Cabinet
Report title:		Implementing Civil Penalties in the Private Rented Sector	
Ward(s) or groups affected:		All wards	
Cabinet Member:		Councillor Victoria Mills, Finance, Performance and Brexit	

FOREWORD - COUNCILLOR VICTORIA MILLS, CABINET MEMBER FOR FINANCE, PERFORMANCE & BREXIT

Southwark Council is firmly committed to driving up the quality of private sector housing in our borough as we know that PRS properties tend to be less satisfactory than any other occupancy type.

We have a clear responsibility to deal with poor quality housing that presents health and safety hazards to the occupiers. The introduction of civil penalties of up to £30,000 gives us another means of enforcing good conditions and good management as well as targeting rogue landlords and managing agents. This new power does not replace prosecution but is instead an alternative that provides another tool to assist the Council in improving standards.

Our use of enforcement is designed to be fair to responsible landlords. However, it should also be capable of dealing with uninformed or rogue landlords and it should ensure that we meet our commitment that every resident has warm, dry and safe place to call home.

RECOMMENDATIONS

1. That cabinet approve the adoption of the Private Sector Housing - Prosecution and Civil Penalties Enforcement Policy, in Appendix 1 of this report for use by the duly authorised officers.
2. That cabinet delegate authority to the strategic director of environment and leisure for enforcement of the Housing and Planning Act 2016 (HPA 2016).
3. That cabinet delegate authority to the strategic director of environment and leisure to make minor amendments to the civil penalty charge matrix to reflect any legal changes by way of Regulations and/or guidance.

BACKGROUND INFORMATION

4. Landlords who knowingly rent out accommodation that is unlicensed and substandard place tenants' health, safety and welfare at serious risk. The council pursues such landlords with actions available to them under the Housing Act 2004. Where landlords fail to comply with those actions they are committing a criminal offence and the council can prosecute them. In some circumstances the conditions in a property can be so poor and landlords have placed their tenant's

in immediate danger the conditions constitute an immediate criminal offence and action is taken to move straight to prosecution. This has been a very successful way to enforce against rogue landlords with significant fines being imposed and the landlord being deemed not to be a fit and proper person to hold a housing licence. They are also 'named and shamed' via the Greater London Authorities 'Rogue Landlord Checker'.

5. Southwark will continue to prosecute the very worst landlords but this will no longer be the only option. The new powers under the HPA 2016, have been introduced to give authorities a range of different tools to deal with criminal, rogue or irresponsible landlords. These include the ability to impose Civil Penalties for certain specified offences of up to £30,000 as an alternative to prosecution where the authority deems it to be appropriate.
6. The new powers came into force in April 2018 when statutory guidance under section 23(10) and Schedule 1 and 9 of the HPA 2016 was issued giving council officers direction of the complex penalty matrix needed to be devised by each individual Local Authority (LA). Southwark decided to wait whilst a number of other LA's devised and adopted their own penalty matrixes. This gave Southwark's officers the advantage of devising a matrix taking into account advice given to other LA's at appeal. In the mean time officers continued to prosecute landlords for offences under the HA 2004.

Civil Penalties

7. The new powers allow local authorities to impose a civil penalty notice (CPN) as an alternative to prosecution, for those landlords or letting agents who are in breach of one or more of the following specified housing offences under the HA 2004:
 - Failure to comply with an Improvement Notice (section 30 Housing Act 2004)
 - Failure to license or other licensing offences relating to Houses in Multiple Occupation (HMOs) (section 72 Housing Act 2004)
 - Failure to licence or other licensing offences under the Council's Selective Licensing Scheme (section 95 Housing Act 2004)
 - Failure to comply with an Overcrowding Notice (section 139 Housing Act 2004)
 - Failure to comply with a management regulation in respect of an HMO (section 234 Housing Act 2004)
 - Breaching a Banning Order (section 21 Housing and Planning Act 2016)
8. The maximum CPN that can be imposed is £30K per offence although it is for the Council to determine the appropriate level of the penalty (section 126 and Schedule 9 Housing and Planning Act 2016). The statutory guidance details the factors a local housing authority should take into account when deciding on the level of civil penalty.
9. The same criminal standard of proof is required for the imposition of CPN's as for a prosecution. This means that before taking any formal action, the Council must be able to demonstrate, beyond all reasonable doubt, that an offence has been committed and further satisfy itself that there would be a realistic prospect of conviction if the case was to be prosecuted in the Magistrates Court.
10. Fines resulting from successful prosecutions are recovered by the Court and not passed to the council. The only funding received by the council from a

prosecution is the award of costs for the proceedings. These costs rarely cover the actual cost incurred by the Council in pursuing the case.

11. Income received from a CPN can be retained by the Council, provided that it is used to further the local authority's statutory functions in relation to their enforcement activities within the private rented sector.
12. A financial penalty such as that imposed by a CPN is an immediate and direct penalty. Consequently CPNs served will be accompanied by an invoice with instructions on how to pay. Online payments will be set up to make it easier to pay the penalty.
13. Prosecutions will remain part of the enforcement process for repeat offenders or for cases where the health, safety and welfare of an occupier is in grave or immediate danger. Successful prosecutions mean the landlord receives a criminal record, and this is publicised on the Greater London Authority (GLA) 'Rogue Landlord & Agent Checker' for one year after conviction. A criminal record under the Housing Act will result in the landlord as being classed as not fit and proper person to be a licence holder. It may result in that landlord being subject to banning orders in the future. Whilst CPN's do not constitute a criminal conviction if a landlord receives two or more civil penalties over a 12 month period, local housing authorities may include that person's details in the 'Rogue Landlord & Agent Checker'.

KEY ISSUES FOR CONSIDERATION

14. Before a local authority can impose a civil penalty it must devise and publicise a policy setting out when and how the penalties will be applied. The policy must include a 'fee matrix' for calculating the level of penalty to be imposed in each case. Appendix 1 contains the proposed CPN enforcement policy and penalty matrix.
15. When determining the fee matrix the LA must have regard to the following factors:
 - severity of the offence
 - culpability and track record of the offender
 - the harm caused to the tenant
 - appropriate punishment of the offender
 - appropriate deterrent the offender from repeating the offence
 - appropriate deterrent to others from committing similar offences
 - any financial benefit the offender may have obtained as a result of committing the offence
 - Costs associated with investigating, determining and applying a civil penalty.

Identified Risks and how they will be managed

16. A consequence of changes in enforcement is a likely increase in complaints about the service and formal appeals against CPNs to FTT. This is to be expected and policy and procedures will be developed by the service to ensure all actions are taken in accordance with legislative requirements.
17. A further risk is the potential difficulty of recovering the financial penalties from some of the offenders as they may be limited liability companies and/or have no

financial assets from which to recover the monies. However, the council will use appropriate legal processes in order to recover as much debt as possible.

The Enforcement Policy

18. The CPN Enforcement Policy and fee matrix is set out in Appendix 1. It summarises the new measures introduced under the HPA 2016 and lists the actions the council will take in relation to civil penalties. It is designed to provide a legal framework and consistent approach when taking enforcement action in the Private Rented Sector.
19. The CPN Enforcement Policy confirms that decisions on an appropriate course of action will be made on a case-by-case basis. It explains the actions available to the council and describes the reasons why the council may take such action. It demonstrates that enforcement activity will be targeted, proportionate, consistent, transparent, fair and objective. It also provides an appropriate formal action response for the minority of landlords who:
 - Have been prosecuted repeatedly;
 - do not view a criminal record as a deterrent, and
 - view the small fines levied as a business cost that is easily written off.

For this type of landlord it is anticipated that the CPN fine of up to £30,000 per offence would prove more of an effective deterrent, and encourage compliance with the necessary standards or encourage them to leave the “market”

20. If the CPN Enforcement Policy is adopted, the Regulatory Services enforcement policy will be amended to reflect these changes, additionally the Council’s website will be updated with detailed information including:
 - the CPN Enforcement Policy and associated civil penalty fine matrix, and
 - hyper-links to all relevant information such as the original legislation and information regarding landlords’ responsibilities.

Policy implications

Southwark’s Housing Strategy to 2043

21. In January 2015 the long term housing strategy for the borough was agreed by cabinet. It contains a vision for the future of housing in the borough which consists of 4 principles:
 - Principle 1: We will use every tool at our disposal to increase the supply of all kinds of homes across Southwark;
 - Principle 2: We will demand the highest standards of quality, making Southwark a place where you will not know whether you are visiting homes in private, housing association or council ownership;
 - Principle 3: We will support and encourage all residents to take pride and responsibility in their homes and local area;
 - Principle 4: We will help vulnerable individuals and families to meet their housing needs and live as independently as possible.

22. Principle 2 of the strategy makes specific reference to improving conditions in the private rented sector. There is a commitment to 'crack down on rogue landlords and letting agencies' and 'taking a zero tolerance approach to landlords where the health and safety and welfare of tenants are put at serious risk'.
23. The Council Plan 2018/19- 2021/22 presents a set of commitments with an overarching aim of delivering Southwark's vision of a fairer future for all. The Civil Penalty Notice Enforcement Policy will support the Council Plan's theme of "a place to call home" by driving up standards through addressing poor housing conditions, bad management and targeting rogue and criminal landlords.

Community impact statement

24. The ability to issue fixed penalty notices would be another enforcement tool in addition to our existing policy to prosecute landlords who fail to ensure their properties are up to standard or fail to comply with the requirement to license their property. It will raise the profile of the commitment to improve standards in private rented properties and the council's robust approach to enforcement. This will have a positive impact on the wider community as it is recognised that an increase in decent home is linked to improved communities, reducing crime and improving educational achievement.

Equality Analysis

25. Poor housing has been identified as a health inequality, which adversely impacts on the health of vulnerable groups, and it is accepted that the ability to live in appropriate housing is key to other aspects of wellbeing. The private rented sector, and particularly houses let in multiple occupation, can house many lower income households, vulnerable adults and families with children. Traditionally, the most disenfranchised sectors of the community are accommodated within this sector. The proposals are part of a wider enforcement policy which seeks to improve the quality of accommodation for occupiers in the private rented sector, reduce the impact on the wider community and make our expectations and enforcement of the conditions clear and transparent.
26. The Equalities Impact Assessment is provided in Appendix 2.

Resource implications

27. The policy will be applied with existing staffing resources so there are no additional resources needed. Its adoption aims to target activity and create more efficient ways of working.
28. The HPA 2016 specifies that income received by a local authority following the implementation of a civil penalty can be retained by the local authority. The money received must however, be used on private sector housing enforcement and / or providing support to the private rented sector.

Legal implications

29. Landlords have the right to appeal against civil penalties. These appeals are heard and determined by the First-tier Tribunal FTT. There is a lack of certainty

around decisions that will be made by the FTT when they consider an appeal against the imposition of a civil penalty as this is a new piece of legislation. The FTT will have the power to quash, confirm, increase or reduce the civil penalty, however as the regime is new, the decision making has not been fully tried or tested. Despite this, the Government has made it clear that offenders must not derive any financial benefit from their offence and has briefed the tribunals on what is expected from them. To reduce this risk further, any cases deemed appropriate for CPN as opposed to prosecution will be carefully considered by Southwark's Private Sector Housing Enforcement team with support from legal services.

30. The First-tier Tribunal can dismiss an appeal if it is satisfied that the appeal is frivolous, vexatious or an abuse of process, or has no reasonable prospect of success. Grounds for appeal are restricted to:
 - the decision to impose the penalty, or
 - the amount of the penalty.

Financial implications

31. The Housing and Planning Act 2016 introduced a new financial penalty regime which enables the Council to impose a civil penalty up to £30,000. The proposed CPN enforcement policy and penalty matrix are set out in Appendix 1.
32. The overriding objective of the penalties is to act as an effective deterrent to landlords and encourage compliance with the necessary standards. The introduction of the new financial penalty regime will potentially result in additional income to the council. However, it is difficult to assess the financial impact arising from the adoption of the policy at this stage.
33. The financial impact of the adoption will be monitored on a regular basis as part of the departmental revenue monitoring process. Any additional income received from the issue of civil penalties will be used to support the council's statutory functions in relation to enforcement activities covering the private rented sector.

Consultation

34. No consultation is necessary.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Head of Procurement

35. N/a

Director of Law and Democracy

36. Section 126 of the Housing and Planning act 2016 allows financial penalties to be imposed as an alternative to prosecution for certain offences as set out in Schedule 9 of the Act. The Schedule in turn amends the Housing Act 2004 including a new Section 249A which includes the financial penalties as an alternative to prosecution.

37. When considering the recommendations of this report, due regard must be given to the public sector equality duty in section 149 of the Equality Act 2010. This requires the council to consider all individuals when carrying out its functions. Specifically, to have due regard to the need to eliminate discrimination, harassment, victimisation or other prohibited conduct; advance equality of opportunity and foster good relations between people with protected characteristics and those who do not. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The PSED also applies to marriage and civil partnership, but only in relation to the need to eliminate discrimination, harassment, victimisation or other prohibited conduct. Cabinet members are referred to the community impact statement in the report.
38. The decision being requested falls in accordance with part 3B of the Constitution.
39. The adoption of this new enforcement policy is an operational decision.

Strategic Director of Finance and Governance

40. The strategic director of finance and governance notes the recommendations in this report that the Cabinet approve the adoption of the Civil Penalty Policy for use by the Private Rented Sector Housing Enforcement Team and to delegate authority to the Chief Officer for enforcement of the Housing and Planning Act 2016.
41. The strategic director of finance and governance services notes the resource and financial implications contained within the report. The strategic director also notes the potential of additional income to the council from the adoption of the policy albeit difficult to assess at this stage.
42. Officer time to effect the recommendation will be contained within existing budgeted revenue resources.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None		

APPENDICES

No.	Title
Appendix 1	Private Sector Housing Enforcement Policy - Civil Penalties, Housing and Planning Act 2016 and Prosecutions Housing Act 2004
Appendix 2	Equality Analysis

AUDIT TRAIL

Cabinet Member	Councillor Victoria Mills, Cabinet Member for Finance, Performance & Brexit.	
Lead Officer	Ian Smith, Strategic Director Environment and Leisure	
Report Author	Emma Trott, Private Sector Housing Enforcement & Licensing Manager, Regulatory Services	
Version	Final	
Dated	9 January 2019	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		11 January 2019

Private Sector Housing - Prosecution and Civil Penalties Enforcement Policy

Civil Penalties Housing Act 2004, Housing and Planning Act 2016

This document is part of the Private Sector Housing Enforcement policy and will form part of the full Regulatory Services Enforcement Policy. All of these policies sit under the Council's General Enforcement Policy.

1. Once the Council has determined that formal action should be taken it will, on a case by case basis, decide whether the formal action should be to instigate prosecution proceedings or to serve a civil penalty in respect of any of the following offences:
 - (a) Failure to comply with an Improvement Notice
 - (b) Failure to license or other licensing offences relating to Houses in Multiple Occupation (HMOs)
 - (c) Failure to licence or other licensing offences under the Council's Selective Licensing Scheme
 - (d) Failure to comply with an Overcrowding Notice
 - (e) Failure to comply with a management regulation in respect of an HMO
 - (f) Breaching a Banning Order
2. The following factors will be taken into account:
 - (a) severity of the offence;
 - (b) culpability and track record of the offender;
 - (c) the harm caused to the tenant;
 - (d) punishment of the offender;
 - (e) deter the offender from repeating the offence;
 - (f) deter others from committing similar offences;
 - (g) remove any financial benefit the offender may have obtained as a result of committing the offence.
3. Any decision to prosecute will be taken in accordance with the Council's Enforcement Policy, the Regulators Compliance Code, the Council's Enforcement Protocol and the Code for Crown Prosecutors.
4. Where an offence is particularly serious or where the offender has committed similar offences in the past it may be more appropriate to prosecute. Any decision to prosecute will be made in line with the PSHE/Regulatory Services Enforcement Policy.
5. Where the Council has determined that it would be appropriate to issue a civil penalty as an alternative to prosecution, the level of the penalty would be calculated having regard to the matrix set out below.
6. Prosecutions and civil penalties can be imposed on landlords, or letting agents, or both.

Civil Penalty Calculation Matrix

Each offence receives its own civil penalty calculated on the matrixes below.

Penalties relating to housing conditions, management, licence conditions

A score for each of the five areas below is chosen depending on the seriousness of each area and reasons for each score must be accompanied by a full justification and production of relevant evidence.

Factors	Low Seriousness	Medium Seriousness	High Seriousness
1. Severity of offence	Score 5 Low level offence e.g. broken glazing (cat 2)	Score 15 Medium level offence e.g. defective boiler, no hot water (cat 1)	Score 25 Serious offence e.g. multiple management issues, inadequate/defective fire detection (imminent risk)
2. Deterrence & prevention	Score 5 High confidence a fine will deter repeat offending	Score 15 Medium confidence a fine will deter repeat offending	Score 25 Low confidence a fine will deter repeat offending
3. Harm to tenants	Score 5 Low level harm	Score 15 Moderate level harm	Score 25 High level harm
4. Size of business	Score 5 1 property	Score 15 2-5 properties	Score 25 6+ properties
5. History of offending	Score -5 First time offence	Score 5 Second time offence (previous FPN)	Score 10 Conviction in the Magistrates' Court (within previous 2 years)

Scores are added for each factor from the matrix above and the total score is then found on the chart below. The corresponding penalty on the chart below is the level of penalty to be incurred.

Score	Penalty to be incurred	Score	Penalty to be incurred
15-20	£250	66-70	£14000
21-25	£500	71-75	£16000
26-30	£750	76-80	£18000
31-35	£1000	81-85	£20000
36-40	£2000	86-90	£22000
41-45	£4000	91-95	£24000
46-50	£6000	96-100	£26000
51-55	£8000	101-105	£28000
56-60	£10000	106-110	£30000
61-65	£12000		

Penalties relating to failure to apply for a licence are calculated separately on the matrix below

Type of licensing scheme that applies	Penalty to be incurred
Mandatory 5+ tenants	£15000
Additional 4 or fewer tenants	£10000
Selective single family	£5000

Process for imposing a civil penalty and the right to make representations

7. Before imposing a financial penalty on a person or company, the Council will give the person or company notice of the authority's proposal to do so by service of a 'Notice of intent'.
8. A person or company who is given a notice of intent may make written representations to the Council about the proposal to impose a financial penalty. Any representations must be made within a 28 day period starting the day after the date on which the Notice of intent was given.
9. Representations should be addressed to the Private Sector Housing Enforcement Unit Manager either by email to resi@southwark.gov.uk or by post to Southwark Council, Regulatory Services, Private Sector Housing Enforcement, PO BOX 70063, London SE15 9EG
10. Representations will be reviewed by a panel consisting of the following council officers; a lawyer from the Litigation Division, two managers and one senior manager from within the Environment and Leisure Department. The senior manager will also act as chair of the panel. The final decision of the panel will be sent, in writing, to the person(s) making the representation in the same manner as the representation was received (i.e. by email or post).
11. In the event of two or more persons receiving separate 'Notices of Intent' for the same matter, it should be noted that acceptance/payment of a civil penalty by one person will not negate the Council's intention to impose a civil penalty on the second or further persons. Each person served with the Notice of Intent is considered individually liable to pay the civil penalty notified to them. It is therefore important that any recipient of a Notice of Intent takes the opportunity to make representations should they consider for any reason a civil penalty should not be individually imposed upon them.
12. After the end of the period for representations the Council will:
 - a. Decide whether to impose a financial penalty on the person, and
 - b. If it decides to impose a financial penalty, decide the amount of the penalty
13. In the event that the Council has given Notice of Intent to impose a financial penalty to two or more persons for the same offence, the Council's decision as regards the imposition of any final penalty will be based upon the circumstances of each individual case and upon any received representations. In this regard, the payment or intended payment of a penalty by one recipient will not, in itself, be reason for the Council to determine that it should not impose a penalty on a second or further person.
14. If the Council decides to impose a financial penalty on the person or company, it will give the person or company a final notice imposing that penalty.
 - a. The final notice will set out:
 - b. The amount of the financial penalty,
 - c. The reasons for imposing the penalty,
 - d. Information about how to pay the penalty,
 - e. The period for payment of the penalty,
 - f. Information about rights of appeal, and
 - g. The consequences of failure to comply with the notice

Right of Appeal

15. Following service of a final notice, a landlord may appeal to the First-tier Tribunal. Appeals should be made within 28 days from the date the response to the representation is served. Where a landlord appeals to the First-tier Tribunal, the operation of the penalty charge notice is suspended until the appeal is finally determined or withdrawn.

Reduction in Penalty

16. If the offender complies with the identified offence within the representation period following service of the 'Notice of Intent' (28 days), the Council will consider a reduction of 20% of the intended civil penalty, to be applied in the 'Final Notice'.
17. If the offender pays the penalty, following the 'Final Notice' a discount of 20% will be applied.
18. Both discounts above can be applied where appropriate.

Definition of Category 1 and 2 hazards

The legislation places a duty on a Local Authority to take action on category 1 hazards but only places a power to take action on category 2 hazards, leaving it to the discretion of the LA. This reflects the severity of possible harm, to a person, from the level of hazard. All category 1 hazards will have the high likelihood of a definite and severe "harm outcome". (The occupiers' health, safety and welfare is therefore at risk). For example extensive dampness and mould growth in a bedroom is very likely to be a category 1 hazard. Breathing mould spores at night for 7 to 8 hours a night will have a huge impact of the occupier's health.. Whereas, a damp patch in the hallway is likely to be a significant category 2 hazard due to a reduced level of exposure to the tenant, who only passes through the hallway, (and no presence of mould spores to affect their health). The legislation recognises that a LA would very likely still want this hazard remedied but it will not be affecting the occupier's health to the same degree.

Some category 2 hazards could be deemed to be insignificant and as such the LA can choose not to take action in that case. For example, dampness to an attached garage that is only used for storing tools and for parking.

A lack of fire safety measures can be described as a category 1 hazard or a significant category 2 hazard depending on the layout and occupation of the building



Implementing Civil Penalties in the Private Rented Sector –

Equality analysis

December 2018

Appendix 2

Section 1: Equality analysis details

Proposed policy/decision/business plan to which this equality analysis relates		Implementing Civil Penalty Notices in the Private Rented Sector	
Equality analysis author	Emma Trott, Private Sector Housing Enforcement Unit Manager		
Strategic Director:	Ian Smith		
Department	Environment & Social Regeneration	Division	Regulatory Services
Period analysis undertaken	November 2018		

Section 2: Brief description of policy/decision/business plan

1.1 Brief description of policy/decision/business plan
The council seeks to implement an enforcement policy for Civil Penalties under the Housing and Planning Act 2016 and prosecution for offences under the Housing Act 2004. The decision maker is the Cabinet Member for Finance, Performance and Brexit.

Section 3: Overview of service users and key stakeholders to be consulted

2. Service users and stakeholders	
Key users of the department or service	The PRS provides accommodation for roughly one quarter of the residents of Southwark. Over 30,000 residents live in privately rented dwellings. The types of tenants who occupy properties in the private rented sector can range from the poorest and most vulnerable in our society to students, young professionals and families. It is estimated that there are over 5,000 private sector landlords operating in Southwark. These are important recipients of our services. There is a willingness on the parts of most landlords to comply with basic health and safety requirements. A number of landlords do not comply with these requirements for a number of reasons; lack of incentive, knowledge and so many resources to refer to often means that they are unaware of their responsibilities. These landlords usually comply once they have been made aware of their responsibilities either informally or by the service of a formal notice. There are, however a number of landlords operating in the borough who refuse to comply with informal and formal requests and a higher level of enforcement action is required. Currently this formal action is prosecution however the Housing and Planning Act 2016 has brought in a number of different measures including Civil Penalties for non-compliance. Monitoring data collated indicates there are a number of key characteristics of clients using the services. Clients comprise of the tenants occupying properties within the private rented sector and benefitting from enforcement action taken by the service to improve the condition and management of the properties. Approximately 72 per cent are from black and minority ethnic (BME) communities. This is significantly higher than the proportion of Southwark residents from these communities, which is closer to 50 per cent according to 2011 Census data. This level of take-up by BME communities is clearly a key factor when considering how best to commission services able to meet their needs. In terms of service users 3,569 out of a total of 27,696 within a one year period reported having a disability. This indicates a significant level of need relating to ill-health and disability.
Key stakeholders were/are involved in this policy/decision/business plan	

Section 4: Pre-implementation equality analysis

Age - Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).
Potential impacts (positive and negative) of proposed policy/decision/business plan
The private sector houses the full range of age groups. Families with small children and older people who reside in private rented accommodation can have very low incomes and other disadvantages, for example education and language barriers so their ability to mitigate problems is more limited. The conditions in this market in Southwark stretch from the exclusive accommodation provided in the north of the borough to the very lowest end of the rental market.
Equality information on which above analysis is based
Census data, DCLG Reports, British Housing Condition Survey Data, Housing Act 2004 HHSRS data
Mitigating actions to be taken
None
Disability - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.
Possible impacts (positive and negative) of proposed policy/decision/business plan
Tenants with disabilities or medical conditions are usually more vulnerable to certain hazards. For example facilities such as adequate hot water and heating are essential and can cause serious issues if not available for just a short period of time. Effective enforcement of standards helps to ensure these tenants homes are suitable for them to occupy without affecting their health safety and welfare.

Equality information on which above analysis is based
Census data, DCLG Reports, British Housing Condition Survey Data, Housing Act 2004 HHSRS data (vulnerable groups), Decent Homes Standard 2006
Mitigating actions to be taken
none

Gender reassignment - The process of transitioning from one gender to another.
Possible impacts (positive and negative) of proposed policy/decision/business plan
No specific impacts have been identified or raised in relation to this.
Equality information on which above analysis is based.
N/a
Mitigating actions to be taken
None

Marriage and Civil Partnership - In England and Wales marriage is no longer restricted to a union between a man and a woman but now includes a marriage between a same-sex couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples and must be treated the same as married couples on a wide range of legal matters. (Only to be considered in respect to the need to eliminate discrimination) .
Possible impacts (positive and negative) of proposed policy/decision/business plan
No specific impacts have been identified or raised in relation to this.

Equality information on which above analysis is based
N/a
Mitigating actions to be taken
None

Pregnancy and maternity - Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Possible impacts (positive and negative) of proposed policy/decision/business plan

In general more people are raising their families in the PRS as the supply of social housing is restricted and property ownership becomes less affordable. Therefore more children are being affected by PRS issues. Pregnant women, new mothers and their babies are more vulnerable to certain hazards and require a higher level of self care and cleanliness in the home. Effective enforcement of standards helps to ensure these tenants homes are suitable for them to occupy without affecting their health safety and welfare.

Equality information on which above analysis is based

Census Data, DCLG data, Anecdotal evidence

Mitigating actions to be taken

None

Race - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Possible impacts (positive and negative) of proposed policy/decision/business plan

There are reported problems with ethnicity and access to PRS lettings. It is also the case that new communities form in Southwark over time. These communities are often exposed to the poorest accommodation as they seek to gain a foothold in the wider community. Effective enforcement of standards helps to ensure all tenants homes are suitable for them to occupy without affecting their health safety and welfare.

Equality information on which above analysis is based

Census Data, DCLG data, Anecdotal evidence

Mitigating actions to be taken

none

Religion and belief - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Possible impacts (positive and negative) of proposed policy/decision/business plan

There is no available evidence of disadvantage arising from religion and belief in HMO's in the PRS.

Equality information on which above analysis is based

N/a

Mitigating actions to be taken

None

Sex - A man or a woman.
Possible impacts (positive and negative) of proposed policy/decision/business plan
There is no available evidence of disadvantage arising from a persons sex in HMO's in the PRS.
Equality information on which above analysis is based
Organisations' equality & diversity policies Monitoring data collected Monitoring information from other programmes e.g. Community Capacity programme Feedback from stakeholders Analysis of impacts of Welfare Reform (Southwark Council, Corporate Strategy unit)
Mitigating actions to be taken
None

Sexual orientation - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes
Possible impacts (positive and negative) of proposed policy/decision/business plan
There is no available evidence of disadvantage arising from sexual orientation in HMO's in the PRS.
Equality information on which above analysis is based
N/a
Mitigating actions to be taken
None

Human Rights There are 16 rights in the Human Rights Act. Each one is called an Article. They are all taken from the European Convention on Human Rights. The Articles are The right to life, Freedom from torture, inhuman and degrading treatment, Freedom from forced labour , Right to Liberty, Fair trial, Retrospective penalties, Privacy, Freedom of conscience, Freedom of expression, Freedom of assembly, Marriage and family, Freedom from discrimination and the First Protocol
--

Possible impacts (positive and negative) of proposed policy/decision/business plan
Effective enforcement of standards helps to ensure all tenants homes are suitable for them to occupy without affecting their health safety and welfare, an improved private rented sector and in particular the right to life.
Information on which above analysis is based
The Human Rights Act, Housing Act 2004 HHSRS
Mitigating actions to be taken
None

Section 5: Further actions and objectives

5. Further actions			
Based on the initial analysis above, please detail the key mitigating actions or the areas identified as requiring more detailed analysis.			
Number	Description of issue	Action	Timeframe
1	.N/A	.N/A	.N/A

5. Equality objectives (for business plans)				
Based on the initial analysis above, please detail any equality objectives that you will set for your division/department/service. Under the objective and measure column please state whether this objective is an existing objective or a suggested addition to the Council Plan.				
Objective and measure	Lead officer	Current performance (baseline)	Targets	
			2019/20	2020/21
.N/A	N/A	N/A	N/A	N/A

Item No. 14.	Classification: Open	Date: 22 January 2019	Meeting Name: Cabinet
Report title:		New Southwark Plan: Proposed Submission version: Amended policies	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Johnson Situ, Growth, Development and Planning	

FOREWORD – COUNCILLOR JOHNSON SITU, CABINET MEMBER FOR GROWTH, DEVELOPMENT AND PLANNING

This New Southwark Plan sets out the policies and plans that will help us deliver wider improvements for our great borough in the years to come. We have welcomed development to our borough, providing much needed affordable homes for our residents, along with jobs – in construction and in the completed schemes.

At the same time as welcoming new developments we are being clear that they must integrate with existing communities and improve places for existing residents and businesses particularly in the areas around where the new development is being built. In achieving this we have a strong commitment to further improving all of Southwark whilst preserving and enhancing the historic nature and identity of our borough.

Looking to the future we must answer the pressing need for housing – of all tenure types – for our residents, we need more affordable homes and in particular new council homes. To meet this need, Southwark has an ambitious target to deliver 11,000 new council homes by 2043 with the first 2,500 to be built by 2022.

This New Southwark Plan sets out that we expect to deliver a significant proportion of these homes through new developments, as well as through estate infill and regeneration. By working with our communities and local residents we will identify opportunities to deliver an increase in social housing.

We have set out in our Council Plan a Fairer Future promise to make Southwark an age-friendly borough and this. New Southwark Plan will help to promote a wider range of different types of homes that help to meet the needs of an aging population.

This plan also details an affordable workspace policy, supporting our council plan commitment to deliver 500 affordable workspaces for businesses by 2022.

To enable further investment in new homes we have adopted the amended the adopted Aylesbury Area Action Plan, Peckham and Nunhead Area Action Plan and the Revised Canada Water Area Action Plan and we continue to consult on the Old Kent Road Area Action Plan. All of these plans will help realise the potential of these distinct areas and deliver the much needed new social homes, jobs, and social infrastructure our residents so desperately need.

This new plan also contributes to our borough's new responsibilities for public health and helping our residents lead healthy and active lives, and tackling poor air quality. This plan complements our Cycling Strategy which will unlock the cycling network and help us get many more residents of all ages cycling.

Most importantly this New Southwark Plan places delivering real benefits for our communities at the heart of our plan for the borough with the introduction of Strategic Policy that ensures 'Regeneration works for all' I look forward to continue to work with residents, businesses and community groups from across our borough to implement the policies set out in the New Southwark Plan. By working together we can continue delivering the homes, jobs and public spaces our borough needs.

RECOMMENDATIONS

That Cabinet:

1. Agree the New Southwark Plan Proposed Submission version: Amended policies January 2019 (Appendix A) for consultation.
2. Note the Consultation Plan (Appendix B), Consultation Report (Appendix C), Integrated Impact Assessment (Appendix D), Equalities Impact Assessment (Appendix E) and Habitats Regulations Assessment (Appendix F).

BACKGROUND INFORMATION

Background to the New Southwark Plan

3. The New Southwark Plan will form part of Southwark's development plan along with the London Plan and area action plans. It is a regeneration strategy for Southwark and will be used to make decisions on planning applications. While the New Southwark Plan must be in general conformity with the London Plan and the National Planning Policy Framework, it can adapt some of these policies to reflect specific issues in Southwark. It will replace the Core Strategy (2011) and saved Southwark Plan (2007) policies. Where there are policies that conflict or update those in the Area Action Plans, the New Southwark Plan policies will be the most up to date policies and therefore they will be the ones that we use. The Area Action Plans will be reviewed and updated following the Inspector's report on the New Southwark Plan.
4. There have been several stages of consultation between 2013 and 2018. The first stage was the *issues* consultation from October 2013 to February 2014. This consultation was a community conversation on the 'Health of the High Streets'. The Options Version set out a detailed strategy for regeneration in Southwark and the council's approach to planning to deliver the Fairer Future promises. Consultation took place from October 2014 to February 2015.
5. Following the Options Version consultation the document was divided into two sections for the 'Preferred Option Version' consultation. *Part One: Strategic Policies and Development Management Policies* was consulted on from November 2015 to March 2016. *Part Two: Area Visions and Site Allocations* was consulted on from February to May 2017. From June 2017 the Council reconsulted on a selection of policies also at the 'Preferred Option' stage.

6. The Proposed Submission version of the plan was prepared in light of the comments received through previous stages of consultation. It was consulted on between December 2017 and February 2018. The Proposed Submission Version is the version of the Plan the Council intends to adopt. The council received 334 detailed consultation responses on the Proposed Submission version. In response to the consultation, some policies are proposed to be amended with substantial amendments prior to the plan being submitted to the Secretary of State. Due to the changes proposed to these policies, a further round of consultation on the Proposed Submission version amended policies will take place. Any policies which have not been amended will be staying as they are and submitted to the Secretary of State with these amended policies following consultation. The Consultation Report (Appendix C) includes the consultation responses to each of the amended policies. All other consultation responses will be published, and a full consultation report will be published at submission stage.
7. The council will then submit the Submission Version to the Secretary of State in preparation for an independent examination. The council will make any minor editorial amendments to the submission version prior to submission, along with revised policies considered as part of this consultation. The updating will continue throughout the Examination in Public and following this until the Inspector publishes his/her report. The final version is likely to require a further consultation before consideration by Cabinet and Council Assembly prior to adoption.
8. Following adoption, the plan will be reviewed and updated on an ongoing basis to take into account any changing circumstances affecting Southwark or any changes in national policy.

KEY ISSUES FOR CONSIDERATION

9. The New Southwark Plan contains the following sections. Where new policies are proposed to be amended, this is included in the relevant section.

Strategic Policies

10. Strategic policies are borough-wide policies which set out the council's strategy to work with local people to improve neighbourhoods and create new opportunities for the future. The New Southwark Plan contains six strategic policies to deliver the Fairer Future Policies spatially ('Quality affordable homes', 'Revitalised neighbourhoods to achieve social regeneration', 'Best start in life', 'Strong local economy', 'Healthy active lives' and 'Cleaner, greener, safer').
11. **Policy SP2:** 'Revitalised neighbourhoods to achieve social regeneration' is proposed to be amended to 'Regeneration that works for all'. Further detail has been added to ensure that changes to the understanding and delivery of social regeneration are included.

Development Management Policies

12. Development management policies are detailed planning policies which are used to assess planning applications. The following policies are proposed to be amended:

Policy P1: Affordable homes <u>Social rented and intermediate housing</u>	A fast track process has been introduced for developments that provide 40% tenure compliant affordable housing and therefore will not require a viability appraisal.
Policy P4: Private rented homes	The requirement in table 3 for Affordable Rent for incomes between £60,000 and £90,000 per year has been removed. The requirement is now social rent equivalent – a minimum of 15% and London Living Rent equivalent – a minimum of 20%. This is to assist in meeting the Council Plan commitment of delivering 1,000 London Living Rent homes by 2022.
Policy P9: Optimising delivery of new homes	The density matrix has been removed in line with the draft London Plan and the density of planning applications will be assessed giving consideration to the site context, impact on neighbouring amenity and quality of accommodation. This policy replaces policy P9 and includes the requirements in Policy P13 (Residential Design). The policy requires all developments to meet the standards that were previously only required when schemes were higher density than the policy. This means that all schemes need to meet the design requirements and therefore this is a strengthening of the policy.
Policy P14: Tall buildings	The requirement to provide a new publically accessible space at the top of tall buildings which exceed 60m was removed as we do not require viewing points on all tall buildings. The London Plan policy requires free publically accessible space on top of tall buildings which can be used to require public space when needed. Usually this will be for landmark buildings. Area Action Cores were added to the list of areas where tall buildings will typically be located to ensure the New Southwark Plan, Area Action Plans and Visions are all aligned.
P28: Small and independent businesses <u>Affordable workspace</u>	Policy is amended to specify 10% affordable workspace in major development schemes delivering employment space. The affordability thresholds are set out to suit the

	different workspace demands in different parts of the borough.
P36: Hotels and other visitor accommodation	Policy is amended to require ancillary facilities in hotel developments that incorporate a range of daytime uses and offer employment opportunities instead of it being optional.
New policy P70: Local list	Policy is reintroduced to add strength to protection of buildings on a local list. There will be an SPD prepared as set out in the Local Development Scheme to list out the buildings. This is reintroduction of a policy and therefore adequate consultation has taken place.
New policy P71: Homes for Travellers and Gypsies	This policy is being included to ensure that we have an up to date policy in the Local Plan. This policy was consulted on in an earlier draft of the New Southwark Plan therefore it has been subject to adequate consultation and in response has been included back into the final version. The council also intends to produce a Gypsy and Travellers Development Plan Document (DPD) which is included in the Local Development Scheme.
Annex 4 - Borough views	Amendment to Annex 4. The geometry of the view from One Tree Hill and Nunhead Cemetery to St Paul's Cathedral (Views 1 and 2) will be amended to lower the target heights in line with the St Paul's height grid and safeguard the Cathedral's visibility. There is also a minor amendment to Camberwell Road view geometry.

Area Visions and Proposals Map amendments

13. Area Visions provide the strategic vision for the future of Southwark's distinct places. They set out key infrastructure enhancements, opportunities for public realm and transport improvements and growth opportunities. Area Visions also identify the character of different places to be renewed, retained or enhanced. Development proposals should be within the context of the relevant Area Vision and should demonstrate how they contribute towards the strategic vision for that area.
14. An updated area vision is proposed for **Aylesbury**. This is to reflect the AAP taking into account the area vision and the evolving context for Aylesbury since the adoption of the Aylesbury Area Action Plan in 2010.
15. An amended town centre boundary is proposed for Camberwell to reflect the new development sites to the west and south-west. Old Jamaica Road Industrial Estate is now proposed as Strategic Protected Industrial Land (SPIL). There is a minor amendment to the SPIL boundary at the gasworks site on Old Kent Road. This land is

no longer required for the gasworks site and the Old Kent Road AAP masterplan will be updated to show the area to the north of the largest gasholder included as a park.

Site Allocations

16. Site Allocations are planning policies which apply to potential development sites of strategic importance. Site Allocations are needed to ensure that when strategic sites come forward for redevelopment they integrate into their surroundings and contribute towards meeting the local area's spatial needs. Site allocations are also needed to demonstrate the New Southwark Plan has been developed in conformity with the London Plan, which requires boroughs to identify strategic development sites which can meet housing targets and future infrastructure and land use needs.
17. Site Allocations set out land use requirements that must be provided as part of any redevelopment alongside other acceptable land uses. Site Allocations may specify development provides new public open space, public access routes or social infrastructure, such as health or education facilities. Site Allocations are not required for sites which are likely to be redeveloped acceptably under the development management policies of the New Southwark Plan.
18. The following site allocations are proposed to be amended. These will also form part of amendments to the planning proposals maps.

NSP 13: Old Jamaica Road Industrial Estate	Delete site allocation. The site will become a strategic protected industrial site (SPIL).
NSP 46: Skipton House	Delete site allocation. It is unlikely the approved scheme will be delivered and the site is in two separate land ownerships. It is anticipated development will come forward as separate parcels and will be subject to general development management policies.
NSP 57: Mandela Way	Site allocation to include reference to designation as Locally Significant Industrial Site (LSIS)
NSP 65: Land bounded by Glengall Road, Latona Road and Old Kent Road	Site allocation to include reference to designation of part of the site (west of Ossory Road) as Locally Significant Industrial Site (LSIS)
NSP 69 and 70: Hatcham and Ilderton Road	Site allocation (merged sites to reflect draft Old Kent Road AAP) to include reference to designation of part of the site as Locally Significant Industrial Site (LSIS)
NSP 80: St Olav's Business Park, Lower Road	Site allocation amended to provide further design guidance. NB. This site allocation is set out in a new template to clearly set out the constraints of tall buildings.
NSP 86: Croft Street Depot	This site was previously deleted due to it being considered undeliverable. However the landowner has confirmed this site is not used for telecommunications and can therefore be included as a site allocation and will be reintroduced to the NSP.

CONSULTATION

19. The Planning and Compulsory Purchase Act 2004 (amended 2008); the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) ("the 2012 Regulations"), and the council's statement of community involvement (2008) set out the statutory consultation requirements for the New Southwark Plan.
20. The council will consult on this document in accordance with national legislation as shown in the consultation strategy and plan.
21. The Proposed Submission Version has been prepared for consultation from **15 January 2019 until 17 May 2019**. This includes an informal period from the 15 January 2019 to 27 March 2019. The scope of the consultation of the Proposed Submission version: Amended policies January 2019 is to ask whether the aims of the policies are achievable and whether they are based on a robust evidence base. These questions are commonly known as the 'Tests of Soundness.' These are the same questions the independent Planning Inspector will be asking as part of the examination.
22. We welcome comments on the New Southwark Plan: Proposed Submission Version: Amended policies. As with the previous consultation we are asking two questions:
 - Is the New Southwark Plan legal?
 - Is the New Southwark Plan 'sound'?
23. Further details about the consultation are provided in the draft plan (Appendix A) and the consultation Plan (Appendix B)
24. Comments can be provided online through Southwark's Consultation Hub: <https://consultations.southwark.gov.uk/>

Community Impact Statement/Equalities Impact Statement

25. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities (including the Council to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act
 - a) The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
 - b) The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
 - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
 - c) The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
26. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
27. The purpose of the New Southwark Plan is to facilitate regeneration and deliver the vision of the Fairer Future promises, ensuring that community impacts are taken into account. An Integrated Impact Assessment that includes an equalities analysis to make sure that the New Southwark Plan is having a positive impact on different groups and is delivering the most sustainable option is attached as Appendix D. A separate Equalities Impact Assessment is attached as Appendix E.

Financial Implications

28. There are no immediate resource implications arising from this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

29. As the New Southwark Plan has progressed through the statutory stages of preparation, it has been the subject of a number of previous reports to Cabinet. These include a report on 31 October 2017 following which the Proposed Submission Version of the New Southwark Plan was approved for consultation. Part 3A of the Council's Constitution reserves the agreement of the policy framework, including development plan documents, to Council Assembly and at their meeting on the 29 November 2017. Council Assembly approved the New Southwark Plan Proposed Submission Version for consultation.
30. Paragraph 18 of this report sets out the statutory framework which governs the preparation and submission of development plan documents such as the New Southwark Plan. The revised National Planning Policy Framework ("NPPF") was published in July 2018 and together with amendments introduced last year to the 2012 regulations, underlines the emphasis that is increasingly being placed on the existing statutory duty to keep local plans up to date and under review.
31. Paragraph 16 of the revised NPPF states that plans should

'be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees'

The amended policies which are outlined in this report have resulted from the consideration of detailed consultation responses as explained in paragraph 6 of the report. In keeping with the statutory duty imposed by regulation 18 of the 2012

regulations, the Council must take all representations into account in preparing the local plan. As substantial amendments are proposed in some cases, then a further period of consultation is required to ensure that the New Southwark Plan is shaped in the way proposed by the NPPF.

32. Equalities considerations and the statutory duty imposed the Equality Act 2010 are addressed in paragraphs 24 to 26 of the report. The Equalities Impact Assessment appears as a separate document at Appendix E.
33. The Integrated Impact Assessment at Appendix D contains a Sustainability Appraisal and Strategic Environmental Assessment pursuant to Section 39 (2) of the Planning and Compulsory Purchase Act 2004 which requires local plans to be prepared with the objective of contributing to the achievement of sustainable development. The Integrated Impact Assessment also contains Equalities Analysis and a Health Impact Assessment.
34. The decision to adopt the New Southwark Plan 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 New Southwark Plan, a number of rights may be engaged, for example: -
35. The right to a fair hearing (Article 6) – giving rise to the need to ensure proper consultation and effective engagement of the public in the process;
36. The right to respect for private and family life (Article 8) – for instance the impacts on amenities or the quality of life of individuals
37. It is therefore essential that throughout the process of preparing the New Southwark Plan there is robust public participation coupled with sustainability and equalities assessments. By undertaking the process as outlined in the report, the Council will be able to maintain the appropriate balance between making strategic policies for its communities against possible interference with individual rights.

Strategic Director of Finance and Governance (FC18/030)

38. This report requests cabinet to agree the New Southwark Plan Proposed Submission version: Amended policies Jan 2019 (Appendix A) for consultation and to note the Consultation Plan (Appendix B), Consultation Report (Appendix C), Integrated Impact Assessment (Appendix D), Equalities Impact Assessment (Appendix E) and Habitats Regulations Assessment (Appendix F).
39. The strategic director of finance and governance notes that there are no new immediate financial implications arising from this report.
40. Staffing and any other costs connected with this report are to be contained within existing departmental revenue budgets
41. The strategic director of finance and governance expects that financial appraisals will be carried out as any new plans are developed and will be subject to future reports, including identifying the revenue or capital resources for any new commitments.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
London Plan 2016	http://www.london.gov.uk/priorities/planning/londonplan	planningpolicy@southwark.gov.uk
Southwark Statement of Community Involvement 2008	http://www.southwark.gov.uk/info/856/planning_policy/1238/statement_of_community_involvement_sci	planningpolicy@southwark.gov.uk
Saved Southwark Plan 2010	http://www.southwark.gov.uk/info/856/planning_policy/1241/the_southwark_plan	planningpolicy@southwark.gov.uk
The Core Strategy 2011	http://www.southwark.gov.uk/info/200210/core_strategy	planningpolicy@southwark.gov.uk
National Planning Policy Framework	https://www.gov.uk/government/publications/national-planning-policy-framework--2	planningpolicy@southwark.gov.uk
New Southwark Plan: Proposed Submission version	http://www.southwark.gov.uk/newsouthwarkplan	planningpolicy@southwark.gov.uk

APPENDICES

No.	Title
Appendix A	New Southwark Plan Proposed Submission version: Amended Policies 2019 (circulated separately)
Appendices B – F below will be available to view on the following link: http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MIId=6108&Ver=4	
Appendix B	Consultation Plan
Appendix C	Consultation Report
Appendix D	Integrated Impact Assessment
Appendix E	Equalities Impact Assessment
Appendix F	Habitats Regulations Assessment

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Juliet Seymour, Planning Policy Manager	
Version	Final	
Dated	11 January 2018	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
	Comments Sought	Comments included
Director of Law and Democracy	Yes	Yes
Departmental Finance Manager	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		11 January 2019

Item No. 15.	Classification: Open	Date: 22 January 2019	Meeting Name: Cabinet
Report title:		Livesey Exchange	
Ward(s) or groups affected:		Old Kent Road	
Cabinet Member:		Councillor Johnson Situ, Growth, Development and Planning	

FOREWORD – COUNCILLOR JOHNSON SITU, CABINET MEMBER FOR GROWTH, DEVELOPMENT AND PLANNING

The vision for the Old Kent Road has always been one that builds on its strengths, a plan to deliver more social homes, jobs and improved community facilities but also one that ensures the local community is at the heart of and benefit from those new opportunities. So I am delighted to bring forward this report which delivers on a key part of that vision, a hub for the local community and the delivery of affordable workspace. The Livesey Exchange will be a key part of the delivery of social regeneration at the outset of plans for the Old Kent Road.

Over the last two years the Livesey Exchange has both worked with the local community along the Old Kent Road and empowered many other local groups to deliver projects themselves. As a sign of its success it has received funding from a range of organisations including the GLA's Good Growth fund and also received the support of the local community through a crowd funding campaign.

The report recommends the approval of the Lease Heads of Terms and grant arrangements set out in this report for the Livesey Exchange to construct and operate a new, temporary community building on the Old Kent Road.

I believe the leadership shown by the Council and the success of this project will provide a model and solid foundation for the large amount of affordable workspace and community spaces being developed as part of the plans for the Old Kent Road.

RECOMMENDATIONS

That the cabinet

1. Approves the Lease Heads of Terms and grant arrangements set out in this report for the Livesey Exchange to construct and operate a new, temporary community building on the Old Kent Road.
2. Delegates to the Director of Regeneration powers to negotiate and agree terms relating to the delivery arrangements, including the lease and grant agreements.

BACKGROUND INFORMATION

3. Livesey Exchange (LE) is a project lead by Nicholas Okwulu, also Director of social enterprise, PemPeople (People Empowering People). The project and

Livesey Exchange's purpose is to work primarily with young, local residents and community organisations from Southwark's grassroots community to empower and build capacity for residents through training, employment, resource access and networks.

4. The Livesey Exchange project seeks to build a temporary use structure, lasting 15 years, to act as a flexible and multi-purpose community hub. The hub will provide retail and affordable workspace to support local businesses, event and meeting space for cultural programmes and activities, encouraging formal and informal collaboration and network building, as well as a kitchen and workshops to provide training and skills for the community.
5. The project is a key opportunity for the council to support a local social enterprise, Livesey Exchange, maximise their impact in the Borough to build capacity of the existing community, particularly local young people.
6. Livesey Exchange initially approached the council for the project proposing the site as the Ledbury Estate garages. Design, consultation and feasibility work was undertaken, however after investigation in to the structural integrity of the building, it was decided that the garages would not be suitable. Council officers were proactive in identifying a new site for the project; Council freehold, vacant land on corner of the Old Kent Road and St James Road.
7. The site is allocated for future development as part of the Old Kent Road Area Action plan, due to come forward in Phase 2, in the late 2020's. In the interim the Livesey Exchange aims to bring to life currently vacant land and be at the forefront of the delivery on the Old Kent Road, providing a key community offer for existing residents. After the lease expires, the council will endeavor to reprovide Livesey Exchange's activities into the new or existing spaces on the Old Kent Road.
8. In context of the Old Kent Road Area Action Plan, the building will also act as an independent community space to hold engagement, consultation and other events in relation to the development proposals. It aims to empower residents to benefit from the employment and business opportunities that will be created, through the variety of opportunities to access training, networks, local employment and business support in the new space. The project will compliment activities that are undertaken in the council led Old Kent Road consultation shop located in the northern area of Old Kent Road.
9. The project budget is £599,161 and is made up from various funding sources set out in paragraph 12 below.
10. As well as funding for capital costs of the building, the council has also committed to support Livesey Exchange through:
 - £6,000 from the Local Economy team to support Livesey Exchange's business planning, particularly to establish a sustainable operational mix that meet Livesey Exchange's purpose and well as create a self-sustaining income stream.
 - £6,150 from the Digital Inclusion team in providing computer equipment, digital training and mentoring support and Wi-Fi installation and fees.

11. The council has undertaken cost and design testing of the site to gain an understanding of feasibility. Carl Turner Architects completed a site analysis and a high level design options appraisal and Rex Procter Quantity Surveyors have completed a cost analysis, providing an understanding of £/m² against various construction methodologies. From these studies the council is comfortable that a simple, flexible structure can be built using the current budget, with potential for the structure to be extended in a phased manner if further funding is gained over time.

KEY ISSUES FOR CONSIDERATION

Funding arrangements

12. The below table illustrates the different funding sources forming the project budget of £599,161 and indicative timescales for expenditure.

	Approval Status	Amount	Y1 18/19	Y2 19/20	Y2 20/21
GLA Good Growth Fund	Approved May 2018	£267,300	£20,000	£247,000	
Southwark Council		£313,861			
• <i>S106 funding</i>	Not approved	£140,561			£140,561
• <i>LBS New Homes Bonus</i>	Approved January 2017	£130,000		£130,000	
• <i>Southwark Tenant Management Fund</i>	Approved September 2016	£43,300		£43,300	
Sub-Total		£581,161			
Livesey Exchange Crowdfunded	Approved August 2016	£18,000		£10,000	£8,000
Total		£599,161			

13. The council has also identified a potential of circa £250,000 of additional funding from the Strategic Investment Pot as part of the South London Innovation Corridor bid.
14. The s106 funding allocation to this project is in the process of being added to the capital programme list and approved. All other funding from the council has been approved.

Delivery arrangements

Governance

15. Livesey Exchange are established, separate from Pempeople, as a Private Company Limited by Guarantee and the Board of Directors currently includes Founder and Director of an arts and events company and the Founder of a performance dance group.

16. The Board will be developed to bring in; a Ward Councillor, wider community representation as well as specific external expertise to advise Livesey Exchange on financial and legal elements.
17. A Steering Group, which meet monthly, with representatives from the GLA and LBS has been established to input on the business plan and the physical building project. The Group also ensure that processes are being adhered to such as ensuring value for money through procurement processes.
18. The Steering Group will agree joint publicity and communications with Livesey Exchange. All communications will be approved by the Board of Directors.

Finance

19. The council will grant Livesey Exchange £581,161, which includes £267,300 of the GLA Good Growth Funding, to pay for the capital cost of the building project. Grant payments will be made against an agreed cashflow based on certified expenditure incurred. The Council will appoint a Monitoring Surveyor to certify progress against programme and spend prior to releasing funds.
20. The conditions of the council grant agreement will pass on all GLA grant obligations to Livesey Exchange.
21. In the event that design develops significantly or the project receives planning approval, but not then proceed with the delivery of the approved plans within 12 months of receiving planning permission, Livesey Exchange will hand all intellectual property, including consultant appointments, contracts and other agreements to the council, to enable the delivery of the project.

Lease

22. The council will grant a 15 year lease for the building and associated land to Livesey Exchange on successful competition of the works, subject to conditions highlighted in the Heads of Terms (Appendix 1).
23. The lease to Livesey Exchange excludes the land held under the titles currently leased to an advertising agency for 3 electronic hoarding boards located on the site frontages. As part of the conditions associated with the lease, Livesey Exchange will be required to demonstrate how they will ensure the advertising boards are incorporated into the design and how it will be ensured that the advertising agency have access to the hoarding boards as per their lease agreement with the council.
24. It is intended that the building will act as security on the funding.
25. Negotiations are underway with Livesey Exchange over the rental level which will reflect the external funding that Livesey Exchange has brought into this project. Rent will be reviewed after 5 and 10 years from the date the lease is executed.
26. The lease includes a mutual break after 5 and 10 years from the date the lease is executed. The council is also entitled to a redevelopment break after 8 years.

27. The Management Agreement sets out principles of; diversity and inclusion, capacity building and local economy in relation to the activities that Livesey Exchange undertake in the building.
28. The Management Agreement also sets out provisions that the Livesey Exchange should meet in regards to balanced uses and site activity to include event space, workspace, training spaces and retail spaces providing opportunities that are inclusive and where possible, are accessible to all and specifically focused on benefitting the residents and organisations of Southwark.
29. Provisions are made in the Management Agreement in relation to the selection process for sublettings, setting criteria to assess prospective tenants on locality to the area, quality of product/service offering, quality of business plan and alignment with Livesey Exchange values.
30. The Management Agreement sets out the requirement for Livesey Exchange to establish a Board of Directors.
31. The Management Agreement sets out the requirement for Livesey Exchange to establish a Steering Group to oversee and advise on the project. Livesey Exchange are to monitor and report to the Steering Group on equalities, diversity and inclusion, training, employment, businesses supported and member and tenant satisfaction.
32. The Management Agreement sets out that Livesey Exchange will appoint a dedicated site security and management team.
33. Livesey Exchange will be responsible for fitting out the space to a Category B level, including furniture, equipment and final finishes, in line with the agreed planning consent and the lease secured. These will be funded by Livesey Exchange.

Business Plan

34. With funding from the Local Economy team, consultancy firm, Counterculture, are supporting Livesey Exchange produce a viable business plan.
35. Both the Grant Agreement and Lease conditions specify that the Council is to undertake due diligence on and approve the business plan.

Identified risks

36. The risks associated with the arrangements above are set out in the table below:

Ref	Risk	Mitigation	Status
1	Financial: Risk of escalating build costs and building not being completed	- The council will appoint a surveyor to monitor the works on site and associated expenditure during the project. - The council has appointed a surveyor to undertake a high level cost review to establish construction methodology against £/Sqm for shell and core and fit out costs, which has been issued to Livesey Exchange's architects as guidance. - A detailed cost plan will be produced ahead of planning submission and appointment of a contractor.	Med
2	Capacity: Livesey Exchange are unable to deliver the building	- Close monitoring of progress, and Council assistance provided when required. - Steering Group established, including representatives from the GLA and LBS. - Mechanisms set out in the lease and grant arrangements for the Council to take intellectual property of Livesey Exchange and /or possession of the site, and deliver the project, if required.	Med - Low
3	Business Plan: There is risk Livesey Exchange's business plan is not sustainable.	- Specialised consultancy firm, Counterculture, are supporting Livesey Exchange prepare the business plan. - Both lease and grant conditions stipulate that the Council will undertake due diligence on and approve the business plan. - Board of Directors to be developed to include legal and finance expertise to monitor the sustainability of the business plan on a long term basis.	Med

Ref	Risk	Mitigation	Status
4	Programme: There is a risk the project doesn't complete within desired timeframes.	• Close monitoring of progress. • Close engagement with Planners. • Council attendance on Steering Group	Low

Timetable

Planning permission submission:	April 2019
Procurement for Contractor:	Summer 2019
Start on Site	Autumn 2019
Practical completion target date:	Summer 2020

Policy implications

37. The project directly delivers a number of themes and objectives set out in the Councils' fairer future plan. The space will be a key community asset creating a sense of belonging by providing new opportunities for education, employment and training, allowing existing residents to harness the opportunities which will be created through development of the Old Kent Road. Is it intended the space will provide affordable workspace, aiming to support local businesses and entrepreneurs. The project will also be a new vibrant space, for cultural and community events bringing together the array of diverse local residents in the area.
38. The project will directly deliver objectives and policies set out in national planning guidance, the London Plan, New Southwark Plan and Old Kent Road Area Action Plan. The project will support the Council's wider objectives for the Old Kent Road, allowing for the testing and development of projects and businesses that may be able to take advantage of the new spaces and industries that will be created on the Old Kent Road over the forthcoming years.

Community impact statement

39. The council is supporting a community-led proposal generated by a local social enterprise aiming to build capacity for existing residents, particularly young people, through training, business space, business support, resource access and networks.
40. The aim of the project is to be at the forefront of the delivery on the Old Kent Road. The project aligns with the draft Old Kent Road Social Regeneration Charter vision, in particular, meeting:
- Commitment 3 Employment, Training and Business – It is intended that the Livesey Exchange will provide affordable workspace for small businesses as well as providing business support, mentoring and a variety of training opportunities in areas such as cooking, art and DIY.
 - Commitment 4 Places to Talk, Meet and Share Culture – The Livesey Exchange will provide a valuable, inclusive new community facility for

cultural and community events and meetings on the Old Kent Road. It is intended Livesey Exchange will curate and host events, but the space will also be available for hire by the local community. The founder of the Livesey Exchange project is a local community member who has numerous links with important cultural organisations across the Borough and London, such as the Tate. The space will provide an opportunity to grow cultural activity in the area and engage a wider demographic of residents along the Old Kent Road.

41. The project will compliment activities that are undertaken in the Council led Old Kent Road consultation shop located in the northern area of Old Kent Road.

Financial implications

42. The proposed scheme (funding) does not lead to any cost implication for the council. Costs are being funded by of approved GLA Good Growth Funds, S106 funding (to be approved) and approved New Home Bonus funding.
43. The break down of the various funding sources totaling £599,161, as mentioned in the table above, are noted as well as the additional £250,000 expected from the Strategic Investment Pot.
44. S106 funding of £140,561 is not yet approved but it is assumed that it will be available to this project in due course.
45. There is an additional £18,000 Crowdfunded approved and funds are with Livesey Exchange.
46. It is assumed that none of these monies have been committed to other schemes and are available for these identified projects.
47. Lease rent is being negotiated at the moment and will be paid by the Livesey Exchange.
48. The use of the funds will be supported and monitored as part of the council's financial monitoring process.
49. The council will protect its financial interests through the risk mitigations described in paragraph 31 above.
50. Council officers will monitor the project and support Livesey Exchange when required. A qualified surveyor will be monitoring progress and Livesey Exchange's expenditure.
51. Staffing and any other costs connected with the contract monitoring will be contained within existing Regeneration Division revenue budgets

Consultation

52. Consultation, through various events and workshops, was undertaken with communities when the site for the project was the Ledbury Estate garages. The Livesey Exchange team will undertake further consultation and engagement for the new site ahead of planning submission.

53. 192 crowdfunding pledges were made towards the project from local businesses, residents, Airbnb, as well as Southwark Tenant Fund and the GLA.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance and Governance (FC18/031)

54. This report seeks the cabinet to approve the Lease Heads of Terms and grant arrangements set out in this report for the Livesey Exchange to construct and operate a new, temporary community building on the Old Kent Road and to delegate to the director of regeneration powers to negotiate and agree terms relating to the delivery arrangements, including the lease and grant agreements.
55. The strategic director of finance and governance notes that the costs associated with this report will be fully contained within the allocated funds and there are no cost implications to the council, as mentioned in financial implications.
56. The strategic director of finance and governance notes that S106 funding is not yet approved but will be available to the projects when needed.
57. The strategic director of finance and governance notes that Lease rent is being negotiated at the moment and will be paid by the Livesey Exchange.
58. Staffing and any other contract monitoring costs connected with this contract will need to be contained within existing departmental revenue budgets.

Director of Law and Democracy

59. This report seeks approval for the proposed terms of a lease and grant for the new Livesey Exchange which is proposed on vacant land on the corner of the Old Kent Road and St James Road.
60. Whilst the precise figure has not as yet been agreed, the Heads of Terms provide that the rental payable for the 15 year lease will be at a market rental. This rental will be reviewed after 5 and 10 years. The lease will also be excluded from the security and compensation provisions contained within the Landlord and Tenant Act 1954 and together with the break clauses for the council after 5 and 10 years of the term together with the unilateral right to determine after 8 years, the Council has the appropriate ability to recover possession of the premises at the relevant time.
61. It is noted that there will be a surety to the lease since the Livesey exchange is a private company limited by guarantee. This will provide additional protection to the council. This is appropriate since the Council and the GLA together with funding from other sources need to have their grants safeguarded. It should be noted that the necessary authority to allocate the funds from specific section 106 Agreements will need to be confirmed by Planning Committee.
62. As the report explains, this building will provide a key community offer for residents and it is therefore an important project in fulfilling the Council's Fairer Future Commitments. It also is in accordance with the Council's Public Sector Equality Duty as it is a positive step in meeting the obligation imposed by section 149, Equality Act 2010.

63. Section 1 of the Localism Act 2011 grants councils a general power of competence whereby a local authority has power to do anything that individuals generally do. Whilst that power does not enable a local authority to do anything which it is unable to do by virtue of a pre-commencement limitation, no such constraint applies in this instance and the Cabinet has the power to make the decisions sought in paragraphs 1 and 2 of this report.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None		

APPENDICES

No.	Title
Appendix 1	Lease Heads of Terms (draft)
Appendix 2	Grant Funding Agreement (draft)

AUDIT TRAIL

Cabinet Member	Councillor Johnson Situ, Growth, Development and Planning		
Lead Officer	Neil Kirby, Head of Regeneration South		
Report Author	Kavita Tailor, Project Manager		
Version	Final		
Dated	11 January 2019		
Key Decision?	Yes		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title	Comments Sought	Comments included	
Director of Law and Democracy	Yes	Yes	
Strategic Director of Fiance and Governance	Yes	Yes	
Head of Regeneration & Development Team (Legal Services)	Yes	Yes	
Cabinet Member	Yes	Yes	
Date final report sent to Constitutional Team		11 January 2019	

APPENDIX 1

HEADS OF TERMS for an Agreement for Lease

**Livesey Exchange, Land Bounded by St James Road and Old Kent
Road, SE1 5JX**

**WITHOUT PREJUDICE, SUBJECT TO CONTRACT & THE COUNCIL
FORMAL APPROVALS**

[XX] [XXXXXX] 2018

Parties:

1. The Mayor and Burgesses of the London Borough of Southwark, 160 Tooley Street, London SE1 2QH (hereafter "The Council")
2. The Livesey Exchange, registered as Company Number 10505872 whose registered address is situated at Flat 6, Lewes House, Friary Estate, London, United Kingdom, SE15 1RP. ("Livesey Exchange")

Preamble:

- The Council is the freehold owner of land bounded by St James Road and Old Kent Road.
- The Council currently has a lease agreement with an advertising agency for the land held under Title Number: [XXXX], for 3 electronic hoarding boards located on the site frontages. This will be excluded from the Lease with Livesey Exchange.
- Livesey Exchange is an enterprise established for this project.
- The Council and the GLA are granting funds to the Livesey Exchange to build a temporary use structure, lasting 15 years, to act as a flexible and multi-purpose community hub.
- It is intended that a planning application will be submitted in April 2019 and a construction contract for the construction of the building will be let in Autumn 2019.
- The building will comprise community facilities intended to be occupied by Livesey Exchange or an approved management organisation, who will host a range of events and programmes, and sub-let to organisations subject to the below terms.
- It is intended that the parties confirm agreement to these Heads of Terms by [XXXXX]

Agreement for Lease

It is intended that the parties will enter into the following leasehold arrangement:

- The Council will grant to Livesey Exchange the lease of the Building and the Land on the terms set at Schedule 1.

The Agreement of Lease will be subject to the following conditions:

Tenant:

- Tenant to comply with all terms of the Grant Agreement.
- [Tenant to identify and appoint a guarantor or surety.]
- Planning consent and all necessary stopping up orders obtained by Livesey Exchange under the Town and Country Planning Act 1990.
- Tenant to ensure the project and business plan is viable.
- Tenant to ensure a cost plan is completed by a qualified Quantity Surveyor undertaken prior to planning submission and a pre-tender estimate completed prior to the procurement process to appoint a Contractor.
- Tenant to procure a Contractor based on a competitive tender process, demonstrating capability and value for money.
- Tenant to ensure that works carried out comply with building regulations, fire regulations, the Equality Act 2010 and any other relevant regulations.
- Tenant to ensure that electronic hoarding boards remain on the site and associated access requirements are incorporated into the design, as per the Council's approval.
- Tenant to ensure that access is provided to the hoardings by the advertising agency as per the Council's Lease Agreement to the advertising agency.

Council:

- As part of land assembly the Council is to ensure all land within the lease boundary is registered.
- The Council is to grant a licence to Livesey Exchange for construction of the building and associated landscaping works.
- The Council to review and undertake due diligence on the business plan.
- The Council to review and undertake due diligence on the cost plan and pre-tender estimate.

Schedule 1 – Lease (Council to Livesey Exchange)

Landlord	The Mayor and Burgesses of the London Borough of Southwark PO Box 65429, London, SE1P 5LX
Landlord's agent	Marcus Mayne, Regeneration South 160 Tooley Street, London SE1 2QH Tel: 020 7525 5651 Email: Marcus.Mayne@southwark.gov.uk
Landlord's lawyer	To be appointed
Tenant	Livesey Exchange, registered as Company Number 10505872, whose registered address is situated at Flat 6, Lewes House, Friary Estate, London, United Kingdom, SE15 1RP.

Tenant's agent	Nicholas Okwulu, Founder and Director, Livesey Exchange Mob: 07859821918 Email: Nicholas@pempeople.com
Tenant's lawyer	To be appointed
Surety	[To be appointed]
Demise	Land Bounded by St James Road and Old Kent Road, SE1 5JX [vehicular access to be confirmed] as shown in Plan A.
Term	15 years from commencement
Rental value	[An estimated total rental value of £[XX] (payable on usual English quarter dates).] Calculated on the bass of the estimated market rent to be a rate of £[XX]psf for a total of [XX]sqm. All floor areas within these Heads of Terms are to be measured, in accordance with the requirements of the RICS Code of Measuring Practice (6th Edition) guidance note 60 (2nd edition), with reference to drawing nos: [XXXXXX] [XXXXXX] [XXXXXX]
Rent Review	Rent is reviewed upward to market value prevailing at the effective date of review. Rent reviews to take place 5 yearly at 5 and 10 years from commencement.
Break Clause	Mutual obligation for either party to determine the lease after 5 and 10 years. The Council is entitled to a redevelopment break after 8 years with 6 months notice.
VAT	[The Council has no intention to register the building as VAT chargeable.]
Permitted uses	Provision of mix of uses including workspaces, workshops, event spaces and café/restaurant uses in line with the Planning Permission granted by the Council. Tenant to obtain and comply with all relevant statutory consents in relation to the use of the building and land, including all required licences and approvals. Change of use is not permitted without the prior agreement of the Council.

Hours of Operation	Building operation hours are between 8.00am – 11.00pm. Operation outside of these hours is not permitted without the prior agreement of the Council.
LTA54	Lease contracted outside the security and compensation provisions of ss24-28 of the L&T Act 1954 (part II)
Alienation	Sub-letting or assignment of the building subject to landlord's absolute discretion. Sub-letting of part the building, permitted with landlord's consent not to be unreasonably withheld, subject to no security of tenure being made.
Building Insurance	Tenant required to insure the building and associated land.
Health & Safety	Tenant to comply with all statutory and regulatory requirements for operational purposes.
Repairs	The Tenant is to put and keep the Premises in good and safe repair and condition.
Business Rates and Outgoings	The Tenant is responsible for business rates which are to be paid to the Council. The Tenant is responsible for any other outgoings, including utilities.
Yielding Up ("reinstatement")	Tenant to deliver the premises back to the Council at the end of the lease term in a good condition.
Alterations	Structural works prohibited but internal non-structural alterations permitted subject to landlord's consent, not to be unreasonably withheld or delayed.
Costs	Each party to bear its own costs
Management Agreement	Will include (but will not be limited to) such things as follows: • Livesey Exchange is to be guided by the principles of capacity building, local impact, diversity and inclusion. • Requirement for a balance of uses (event/exhibition space, work and maker spaces and retail and/or food space) in line with the Planning Permission. • The agreed selection process for sublettings. The Council expects tenants will be selected on the following criteria: locality, quality of product/service offering, quality of business plan, and commitment to the Livesey Exchange community ethos. • Requirement for Livesey Exchange to establish a Steering Group to oversee and advise on the project. • Requirement for Livesey Exchange to establish a Board with, in particular, legal and financial expertise. • Requirement for Livesey Exchange to monitor and report to the Steering Group on; equalities,

	diversity and inclusion, training, employment, businesses supported and member and tenant satisfaction. • Livesey Exchange to appoint a dedicated site security and management team. • [XX] of jobs created • [XX] of training programmes completed per annum. • [XX] of community events held. • [XX] of businesses supported.
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APPENDIX 2

Conditions of Grant Funding

Commissioning Officer	Neil Kirby, 160 Tooley Street, London, SE1 2QH, who is your primary contact in the Council for discussing all matters relating to the Funding, dealing with any problems relating to these Conditions of Grant Funding, monitoring the use of the Funding and reporting to the Council on any future funding applications by the Funding Recipient – any change will be notified to you as soon as possible.
Council	THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF SOUTHWARK of 160 Tooley Street, London, SE1 2QH (also referred to as “We” or “we”).
Council Rules	Means all relevant Council policies, rules, codes, procedures, orders and codes of practice
Funded Activities	Funding is provided to The Livesey Exchange to develop a planning submission and subsequent practical delivery of a scheme to enable temporary community uses to be delivered at 563-573 Old Kent Road.
Funding	£581,161 (to be disbursed in accordance with Schedule 4)
Funding Recipient	THE LIVESEY EXCHANGE (Company No. 10505872) whose registered office is at Flat 6, Lewes House, Friary Estate, London, United Kingdom, SE15 1RP (“The Livesey Exchange”) (also referred to as “You” or “you” and includes, where appropriate, anyone engaged by you to provide the Funded Activities including any sub-contractor, volunteer, licensee or employee.)
Legislation	Means all relevant Acts of Parliament, statutory regulations, order, guidance and codes of practice including any subsequent amendments or comparable legislation
Funding Recipient Representative	Nicholas Okwulu, Flat 6, Lewes House, Friary Estate, London, SE15 1RP (nicholas@pempeople.com), who shall be responsible for the Funded Activities and who has the authority to speak on behalf of the Funding Recipient on a day-to-day basis.

Please sign below to confirm that you have read, understood and accept on behalf of the Funding Recipient, these Conditions of Grant Funding.

Name:

Position: CHAIR / DIRECTOR

Signature:

FOR AND ON BEHALF OF
THE FUNDING RECIPIENT

Date:

Name:

Position: DIRECTOR

Signature:

FOR AND ON BEHALF OF
THE FUNDING RECIPIENT

Date:

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1 Overall Aim

- 1.1 The Council and the Funding Recipient are both committed to supporting the aims and outcomes identified in the grant application form. The Council has a responsibility to ensure that organisations which receive funding continue to achieve certain levels of effective management and financial practices and use the funding they receive for the purposes it was granted. The Conditions of Grant Funding set out these requirements and what may happen if they are not met. This document does not constitute a contract and there is no intention to create a legal relationship between us.

2 Funding Recipients' Core Obligations

- 2.1 The Funding Recipients' Core Obligations to the Council in relation to the Funding are to:-

- (a) Use the Funding effectively and as set out in your Business Plan, in line with relevant planning applications and as agreed by the Council for the Funded Activities;
- (b) Comply with these Conditions of Grant Funding;
- (c) Comply with any Legislation or Council Rules which are relevant to the management, provision and delivery of the Funded Activities. In particular, you will support and assist the Council in compliance with our obligations under Best Value and the Human Rights Act 1998;
- (d) Ensure that you have and keep in place effective governance and management practices as set out in Schedule One;
- (e) Ensure that you have and keep in place sufficient resources and effective financial practices as set out in Schedule Two;
- (f) Ensure that you are properly managed, staffed, operated and/or equipped to provide the Funded Activities as set out in Schedule Three;
- (g) Ensure that you have and keep in place effective monitoring and information systems as set out in Schedule Four;
- (h) Primarily base your Funded Activities within the boundaries of the Ledbury estate and environs within the London Borough of Southwark and to directly or indirectly benefit the people who live or work in Southwark and to take positive steps, where appropriate, to involve local people in managing or otherwise participating in the Funded Activities;
- (i) Comply with all of the Special Conditions as set out in Schedule Five.

3 Council's Obligations

- 3.1 Subject to your compliance with these Conditions of Grant Funding, the Council will:

- (a) act reasonably in all matters;
- (b) ensure reasonably prompt payment (and, in any event, not to be later than 10 Business Days of you providing the documents specified in 4.1(a) and (b) below) of the Funding subject to compliance by you with the terms of these Conditions of Grant Funding;
- (c) endeavour to maintain clear communication;
- (d) give you reasonable notice of any matter which affects or may affect the provision of the Funding; and
- (e) provide you, wherever reasonably possible, with appropriate additional non-financial support.

4 Funding

- 4.1 The funding made available to grant fund The Livesey Exchange is from three sources and the management and monitoring of these, where different from the Council's standard terms and conditions is set out in the Schedule Five of this agreement. These sources are set out below:
- (a) Good Growth Fund (GLA to Southwark Council): £267,300
 - (b) Southwark Council, New Homes Bonus funds (Southwark with monitoring returns to GLA): £130,000
 - (c) S106 funding: £140,561
 - (d) Southwark Council Tenant Fund: £43,300

- 4.2 Not later than the 10 Business Days before the proposed Funding (or a relevant portion of the Funding) is to be dispersed, The Livesey Exchange may request Funding (or the relevant portion of the Funding) by providing to the Council:-
- (a) (i) an invoice (receipted if the relevant portion of the Funding is to refinance the relevant amount) submitted by a contractor or (ii) any other evidence of the cost or expense (receipted if the relevant portion of the Funding is to refinance the relevant amount) where the relevant portion of the Funding is to finance or refinance a cost or expense not incurred to a contractor; and
 - (b) a certificate from the Council's monitoring surveyor confirming that the cost or expense to be financed or refinanced by the relevant portion of the Funding (i) are for Funded Activities and (ii) has not been the subject of a previous request for Funding, each in form and substance satisfactory to the Council.
- 4.3 Funding payments depend on your continued satisfactory management and operation, the Funded Activities continuing on an on-going basis and compliance with these Conditions of Grant Funding.
- 4.4 You must only use the Funding in accordance with the Funded Activities. You must keep the Commissioning Officer informed at all times about how you use the Funding. In particular, if you wish to use part of the Funding for any other purpose, this must be agreed in writing in advance by your Commissioning Officer.
- 4.5 The Council does not permit Funding to be used to fund your deficit under any circumstances.
- 4.6 You must not use the Funding to pay for publicity which is for or against any political party.
- 4.7 The Council reserves the right to withhold Funding, or demand repayment of any Funding already paid, if the Funding is not used for the Funded Activities or in breach of these Conditions of Grant Funding as set out in Condition 7.

5 Premises

- 5.1 You shall ensure that the premises from or in connection with which the Funded Activities are provided are appropriate and offer a safe environment. So far as is required by law, you shall make those premises fully accessible to people with disabilities.
- 5.2 Where you are in occupation of Council owned premises, you will enter into a lease or licence for those premises in the terms provided by your Commissioning Officer and where the Funding includes a sum to cover the rent the Council may take this amount from the Funding payments.
- 5.3 Works will be carried on the site under licence, with a lease granted on successful completion of works.

6 Dispute Resolution

- 6.1 The Council will endeavour to work with you to address any problems identified through the monitoring process, or to address any concerns raised with the Council in another way. All initial queries or concerns should be raised with your Commissioning Officer.
- 6.2 If an issue or dispute relating to the Funding cannot be resolved between the Funding Recipient Representative and the Commissioning Officer, it will be referred to a more senior representative of the Council and the Funding Recipient for resolution.
- 6.3 Both parties acknowledge that it is generally in both of their interests for issues or disputes between them to be practicably resolved amicably by negotiation wherever possible.

7 Suspension, Termination and Recovery of Funding.

- 7.1 Subject to Condition 4.2, you must not in any circumstances assume that the Council will provide future Funding.

- 7.2 Subject to Condition 7.6, Funding may be temporarily or permanently reduced, withheld, recovered and/or discontinued by the Council in the Council's sole discretion at any time on the occurrence of any one or more of the following events:
- (a) you or any person acting on your behalf are in material or repeated breach of any one or more of your Core Obligations;
 - (b) you are or are likely to become subject to an insolvency or bankruptcy event or to cease to operate or to provide the Funded Activities;
 - (c) you are in breach of any of the covenants or conditions of any lease, licence or permit with the Council;
 - (d) the Council decides for financial or other reasons not to continue the Funding;
 - (e) if The Livesey Exchange fail to enter relevant contracts to deliver the Funded Activities by 31 March 2021 (or such other date as the parties may agree, acting reasonably),
- 7.3 Where the Council intends to exercise its right to reduce, withhold, recover or discontinue Funding, we will give you as much prior written notice as reasonable in the circumstances setting out a summary of the reasons for the proposed action. You may then, if appropriate, be given the opportunity to make representations to the relevant Council decision-maker as to why the Council should not take the proposed action and to present any information which you consider relevant.
- 7.4 However, you should be aware that if you create or allow the occurrence of a nuisance, commit or allow the occurrence of a fraud or a fraudulent activity or in any way act unlawfully you are liable to have your funding immediately suspended, pending a full investigation by the relevant Council decision-maker.
- 7.5 If the Council withdraws the Funding, it will consider giving you winding down costs. However, the Council shall not in any circumstances be responsible for any of your outstanding liabilities.
- 7.6 In the event that The Livesey Exchange should progress the project to planning, but not then proceed with the delivery of the approved plans within 12 months of receiving planning permission, it will hand to the Council all specifications, bills of quantities, drawings, calculations and plans it has in its possession relevant to the Funded Activities and assign to the Council the copyright or such other interest as it has relating thereto. In this scenario, The Livesey Exchange shall assign, transfer and/or novate to the Council, in so far as it is able, the benefit and burden of all of the following in respect of the Funded Activities which have been or are to be carried out:
- (a) any consultants appointments;
 - (b) any other contracts or agreements entered into by you (or any of your group members) in relation thereto including the building contract;
 - (c) all of your rights against any principal sub-contractors and consultants in respect thereof; and
 - (d) all warranties whether as to design, materials or otherwise in relation thereto and any other guarantees and warranties given by any consultants and suppliers and manufacturers in respect of all plant, machinery and apparatus installed as part of the development carried out.

8 Dissolution

- 8.1 Where the dissolution of the Funding Recipient has been approved, your governing body shall notify the Council of the amount of any unspent Funding that is held by you and shall provide the Council with a final set of accounts up to the date of dissolution.
- 8.2 Any amount of unspent or otherwise uncommitted Funding shall be refunded to the Council and any assets purchased by you with the Funding, shall be returned to the Council unless the Council agrees otherwise in writing.

9 Variations

- 9.1 The Council may, from time to time, change any or some of these Conditions of Grant Funding. Where this occurs, the Council will write and tell you about the changes and subject to your written consent, the changes will be deemed to be incorporated into these Conditions of Grant Funding with effect from the date of any such notice. You shall use your reasonable endeavours to accommodate any changes to the needs and requirements of the Council.

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Schedule One - Governance and Management

The Funding Recipient must have and keep in place effective governance and management practices. Minimum requirements and assistance in meeting this Core Obligation are set out in this Schedule.

1. Politics

- 1.1. You must be seen to be politically neutral and not engage in party political activity. Activities which show a party political bias or involve party political propaganda will not therefore be approved for financial assistance.

2. Constitutional Documents

- 2.1. As part of the application process, you will have provided the Council with copies of your constitutional or other governing documents. These will demonstrate your independence, openness to participation by members of the community and your adherence to policies and procedures that are appropriate to a publicly accountable Funding Recipient.
- 2.2. Whilst you are in receipt of Funding you will maintain and comply with your constitutional documents at all times and notify and provide copies of any changes to your Commissioning Officer within 7 working days, including changes to your governing body or Funding Recipient Representative.
- 2.3. You are advised to discuss any proposed changes to your constitutional documents with your Commissioning Officer in advance to ensure that you continue to meet your effective management and governance obligations. If the Council considers that any such changes to the constitutional documents are of an adverse nature, this may lead to the Funding being withheld or withdrawn.
- 2.4. You must promptly advise your Commissioning Officer of any significant change in the circumstances within your organisation or in the circumstances on which the Council based our decision to provide or to continue to provide your Funding.

3. Governing Body and Meetings

- 3.1. You must have a democratically elected body (the Governing Body) which should comprise a management committee, a board of directors, a number of trustees or a satisfactory similar arrangement, and specific rules for your membership should be set out in your constitutional documents. All your annual and other general meetings must be open to all of your members. You will provide the Council with the names, addresses, and telephone numbers and, where applicable, e-mail addresses, of the chair, secretary, treasurer and/or other members of your Governing Body.
- 3.2. You will hold regular meetings of your Governing Body and/or any relevant management committee in accordance with your constitutional documents and shall give the Commissioning Officer reasonable advanced written notice of all such meetings and any additional meetings that are scheduled (which notice shall include an agenda that briefly sets out the matters that are to be discussed). You shall invite and permit the Commissioning Officer to attend these meetings and the Commissioning Officer shall be able to discuss or raise any matters relating to the Funded Activities at any such meetings. You shall keep copies of the agenda and minutes of every meeting of your Governing Body and/or of any relevant management committee, access to which must be provided to the Commissioning Officer on request. However, part or all of confidential client and staff information need not be provided.

4. Conflict of Interests

- 4.1. You will conduct your operations in a manner that guards against the possibility of any conflict of interest arising. In particular, no decision shall be made which may compromise the good standing or reputation of the Funding Recipient or the Council. Your Governing Body and/or persons working on your behalf must not use their positions or influence within the organisation to gain undue advantage for themselves or others in a private capacity. In the event of any such

circumstances arising, alternative arrangements must be discussed and agreed with the Commissioning Officer.

- 4.2. The scenarios set out below are examples of situations in which conflicts of interest may arise. The list is not exhaustive. It is your responsibility to guard against conflicts of interest and abuse of position or influence.

- 4.2.1. a member of your Governing Body shall not also be employed by you as a member of staff, or receive payment for any services provided;
- 4.2.2. your paid employees shall only attend meetings of your Governing Body in a non-voting capacity and at the discretion of the members of the Governing Body;
- 4.2.3. any member of your Governing Body who has a pecuniary or other interest in a contract for goods or services being considered by you shall declare the nature of such interest in advance of any decision relating to that contract and shall abstain from voting on the award of that contract. Such declarations are to be recorded in the formal minutes of that meeting;
- 4.2.4. you shall promptly inform the Council of any employee of the Council or currently elected member of the Council who is serving on your Governing Body. You shall also procure (to the extent you are able) that the employee or member of the Council concerned shall also make such declaration to the Council as is required by the Council's internal rules and regulations. The member or employee in question should abstain from voting on issues relating to your relationship with the Council.

5. Internal Disputes

- 5.1. The Council considers that internal disputes within your organisation are the responsibility of your Governing Body and you must have agreed procedures in place for dealing with and/or resolving any such disputes. As any such disputes may have an impact on the provision of the Funded Activities, you should inform the Commissioning Officer of any such dispute at an early stage.

6. Dissolution

- 6.1. Any dissolution of the Funding Recipient shall be done in accordance with your constitutional documents and/or other relevant rules and the Council shall be given proper notice of the meeting(s) at which the your dissolution is considered and/or approved. You shall also promptly provide the Council with the minutes of any such meeting.

Schedule Two – Finance

The Funding Recipient must have and keep in place sufficient resources and effective financial practices. Minimum requirements and assistance in meeting this Core Obligation are set out in this Schedule.

1. Insurance

- 1.1. You must be adequately insured to cover all relevant risks. Such insurance cover shall include without limitation buildings and contents cover, employers and public liability insurance and professional indemnity cover. The Council will require you to provide satisfactory documentary evidence that adequate insurance cover is maintained.

2. Bank Account

- 2.1. You must have a bank account in your name. The signatures of at least two (2) members of your Governing Body or the relevant management committee members shall be required to carry out any transactions in relation to such bank account. One of these members must be your treasurer. The signatories shall not be direct or indirect relatives or business associates of one another.

3. Budget Statement

- 3.1. You must submit an estimated budget statement to the Council at least four (4) weeks prior to the commencement of the financial year to which it relates.

4. Accounts

- 4.1. You must (unless otherwise agreed by the Council in writing) provide the Council with audited accounts for every financial year or part of a financial year during which you receive the Funding. The accounts will show all of your income and expenditure and shall be independently audited by a fully qualified accountant or independent financial examiner and must conform to all relevant law and accounting standards and practice, and must include specific itemised information on how you used the Funding.
- 4.2. You must send your accounts to the Council by 31 October of the following financial year. If you do not use the same financial year as the Council, you must send the accounts to the Council by no later than six (6) months after the end of your financial year. Usually, the Council will hold back the next and/or final instalment of the Funding until the Council has received all relevant accounts or written statement of financial transactions (as applicable), which are in a form that is satisfactory to the Council.
- 4.3. Where the Council has concerns relating to your submitted audited accounts, the Council may require you to submit further financial details and evidence of expenditure.

5. Financial management

- 5.1. You are responsible for ensuring you comply with all relevant legal requirements in respect of your operations, including the way you conduct your business with third parties. You must establish and maintain proper financial management and accounting systems and practices, including proper arrangements for the payment of tax, national insurance and VAT, where appropriate.
- 5.2. You must, upon request, be able to demonstrate to the Council that you have proper financial accounting systems and practices in place, including proper arrangements for paying all relevant taxes and national insurance contributions.
- 5.3. You shall keep proper records and accounts that show how the Funding has been used. Your Governing Body shall ensure that there are adequate and effective internal financial controls to protect your income and assets from misuse, abuse, waste, fraud or potential fraud. It is your duty to be aware of the Council's policies and codes of conduct to combat fraud and corruption. You can seek advice from your Commissioning Officer regarding this.

6. Fund Raising

- 6.1. Monies generated through fund raising and the Funded Activities may be retained by you to be invested in the Funded Activities, as appropriate.

7. Contingency Fund

- 7.1. It is recommended that you set up a contingency fund to meet any redundancy payments and other potential financial liabilities (e.g., to provide any additional equipment that is required, or to fund any unexpected major premises costs).

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Schedule Three - Employment Practices

The Funding Recipient must be properly managed, staffed, operated and/or equipped to provide the Funded Activities. Minimum requirements and assistance in meeting this Core Obligation are set out in this Schedule.

1. Employees

1.1. You must provide all of your employees with:

- a contract of employment;
- a job description;
- a copy of your equal opportunities policy and code of practice;
- a copy your disciplinary and grievance procedure;
- regular support and supervision;
- appropriate training opportunities; and
- consultation about organisational or service changes that are likely to affect them.

1.2. You will, upon request, provide the Commissioning Officer with copies of these documents.

2. Equality and Diversity

2.1. The Council is committed to the implementation of equal opportunities policies and you must promote and implement equal opportunities. In particular you must have a written equal opportunities policy and you must be able to demonstrate to the Council that you are implementing this policy and show that:

- you have taken positive and practical steps to ensure that people from all groups and backgrounds are encouraged to participate in your organisation and are able to use your services and participate in your activities;
- you have taken positive steps to welcome people from all groups on to your Governing Body and any other of your committees;
- your employment practices are fair and you do not discriminate in relation to pay and conditions of employment, recruitment, promotion, career opportunities; and victimisation and harassment disciplinary procedures; and
- you are actively monitoring the effectiveness with which you put your equal opportunities policy into practice.

2.2. You shall ensure that you (and anyone acting on your behalf) comply with the law (as amended) in the United Kingdom and in particular do not commit any act of discrimination rendered unlawful by the Equality Act 2010. There are nine protected characteristics under this Act. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

3. Safeguarding and Vetting

3.1. All Council funded organisations have a duty to safeguard and promote the welfare of children and vulnerable adults. Whatever service you provide, you may identify a child (under 18 years) or a vulnerable adult who is being harmed or neglected. You must therefore have and comply with a Safeguarding Policy and Procedure on referring a child/person at risk to social care.

3.2. You shall follow the guidance of the Southwark Safeguarding Children Board (SSCB) and the Southwark Safeguarding Adults Partnership (SAPB) to ensure that all persons who are engaged are fit and suitable.

3.3. Where an employee, volunteer or other person acting on behalf of the Funding Recipient will have contact with children or vulnerable adults in any 'regulated' activity you must carry out appropriate checks with the Criminal Records Bureau and/or the Independent Safeguarding Authority. From October 2009 it has become a criminal offence for an employer to allow a 'barred' person to work

in such an activity. It will be a criminal offence for an employer to take on a person in a regulated activity if they fail to check that person's status.

- 3.4. If having carried out such checks you are unsure as to the suitability of a particular person, you shall promptly discuss the matter with your Commissioning Officer to agree the course of action to be taken.
- 3.5. Any allegation of harm to a child or vulnerable adult by a member of staff or volunteer must be immediately referred by you to the relevant officer in children's social care or adult social care in the Council.

4. Volunteers

- 4.1. You are expected, where appropriate, to develop and operate a volunteer policy that sets out the respective rights and responsibilities of the Funding Recipient and the volunteers.
- 4.2. Volunteers must not be paid by you for the tasks they undertake. However, they should be reimbursed for any reasonable expenses that they have incurred in connection with their voluntary service.

5. Health and Safety

- 5.1. You shall comply and procure compliance with all relevant provisions of the Health and Safety at Work Act 1974 and develop and implement a health and safety policy for the protection of your employees, volunteers and service users.
- 5.2. Security: The Funding Recipient is responsible for safeguarding the site, the Works, products, materials, etc. and shall take all precautions to prevent unauthorised access to the site.
- 5.3. Stability: The Funding Recipient shall be responsible for maintaining the stability and structural integrity of the Works and adjacent structures during the works.
- 5.4. Dangerous or Hazardous Substances: The Contractor shall report any suspected dangerous or hazardous substances discovered during the works and inform the relevant authorities to agree a method for safe removal or remediation.
- 5.5. Fire Prevention: The Funding Recipient shall prevent personal injury or death, and damage to the works or other property from fire.
- 5.6. Smoking on Site: Smoking on site is not permitted.
- 5.7. Burning on Site: Burning on site is not permitted.
- 5.8. Avoidance of Nuisance: The Funding Recipient is not to do or permit anything which shall cause any unlawful nuisance or disturbance to the Landlord(s), occupiers of any shared or adjacent demise/premises or the public and shall save and indemnify the Council from and against all claims from damage or nuisance or disturbance during the course of the works. The Funding Recipient must ensure that he does not commit any nuisance by reasons of excessive noise, smoke or smell and in particular he shall take the best practicable means of preventing or reducing noise including the use of effective silencers on all plant and equipment and the use of a purpose made muffler on any pneumatic or other breaker or drill.
- 5.9. The Funding Recipient must be able to demonstrate how they meet their employer's duties under all Statutory Requirements.
- 5.10. CDM Requirements: The Funding Recipient shall provide proposals on how he will discharge his obligations as the Principal Contractor required by the Construction (Design & Management) Regulations 2015, with particular reference the satisfying the Council that it is both competent and will allocate sufficient resources to manage all health and safety matters.

Schedule Four – Monitoring and Information

The Funding Recipient must ensure that you have and keep in place effective monitoring and information systems. Minimum requirements and assistance in meeting this Core Obligation are set out in this Schedule.

1 Annual Report

- 1.1 You must provide the Commissioning Officer with a written report in respect of every financial year or part of a financial year. These reports shall be provided by the time(s) specified by the Commissioning Officer and should include:
- a summary description of the Funded Activities provided by you;
 - summary information regarding the numbers and types of users;
 - summary information regarding the full costs of providing the Funded Activities;
 - evidence of the benefits users gain from the Funded Activities; and
 - a summary of any problems or issues that you have come across in delivering the Funded Activities.

2 Monitoring

- 2.1 The Council is accountable to the GLA, its taxpayers and ratepayers for the money that it awards in funding. Monitoring is therefore an integral requirement of the Conditions of Grant Funding. You shall comply with all monitoring and evaluation procedures that are required by the Commissioning Officer.
- 2.2 The Council has to ensure its services meet the needs of local people, and are continually improving. The Council expects you to share this responsibility. You shall therefore provide upon request evidence of sustained improvement against agreed performance indicators. You must be able to demonstrate to the Council that you are meeting your aims and purposes effectively and that you provide high quality Funded Activities that offer good value for money.
- 2.3 You must give the Commissioning Officer reasonable opportunities to observe how you deliver the Funded Activities and how users participate or respond to them.

3 Confidential Information

- 3.1 Neither the Council nor the Funding Recipient will disclose or allow to be disclosed to any person (except on a confidential basis to professional advisers) any confidential information acquired in the course of carrying out the Funded Activities, except as may be required or permitted by law.

4 Inspection

- 4.1 You will give to the Commissioning Officer, the Council, the Council's auditors, the District Auditor and the Local Government Ombudsman such information, explanations and access to and copies of any documents as may reasonably be required to satisfy themselves as to your compliance with these Conditions of Grant Funding. Direct reasonable costs of any inspection will be met by the Council except where the information is requested as a result of complaints of poor performance or non-compliance.

5 Co-operation

- 5.1 You will, in performing your obligations under these Conditions of Grant Funding, liaise with and co-operate with the Commissioning Officer and all officers of the Council and other organisations undertaking duties on behalf of the Council. You shall comply with all reasonable instructions issued by the Commissioning Officer.

6 Complaints handling

- 6.1 You will deal with any complaints promptly, courteously and efficiently and will notify the Council in writing of all complaints received and the steps you have taken in response to them.

7 Publicity

- 7.1 You must acknowledge the Council's help in all literature (including your annual reports), publicity, events and advertisements for the activities the Council has funded, unless otherwise agreed with the Commissioning Officer.

8 Copyright

- 8.1 All copyright or other intellectual property rights in all work created or produced by you in relation to the Funded Activities shall be your property. You hereby grant the Council, and/or any third party which performs services on behalf of the Council, a non-exclusive, perpetual, transferable, royalty free licence to use such work for Council business that is reasonably related to the Funded Activities. You also warrant that any document or design produced by you is your original work which does not infringe the copyright, design right, moral right or any other rights of any third party, and that no claims of such infringement have been made or are the subject of litigation actual or threatened.

9 Data Protection

- 9.1 The Council and the Funding Recipient will comply with our respective obligations, whether as data controller, data processor or otherwise under the Data Protection Acts as and when the same are applicable to the Funded Activities and that we will comply with the additional obligations of confidentiality applying to any personal data controlled and/or processed by either of us under these Conditions of Grant Funding.

10 Information Requests

- 10.1 You accept that the Council is obliged to comply with information legislation including the Freedom of Information Act 2000 and Code of Practice, Environmental Information Regulations 2004, Aarhus Convention and Audit Commission Act 1998. You will assist the Council to comply with our obligations under this information legislation. This includes helping the Council comply with its obligation to respond to requests for information within statutory deadlines and providing information to the Council where the Council requests.
- 10.2 The Council is entitled to disclose information unless we believe that the information is exempt or excluded under the legislation or the legislation does not apply. For example where information is provided in confidence, the information is a trade secret or where release is likely to prejudice commercial interests. The Council will decide, acting reasonably, whether information requested is to be disclosed or not. The Council will where reasonably practicable, consult you and will consider any representations made by you. The Council shall not be liable for any loss or other detriment caused by the disclosure of any information.

Schedule Five – Special Conditions

1 GLA funding

- 1.1 As set out at 4.1 of the agreement, a proportion of the Council's funding of the project will come from funding received from the GLA through a grant agreement in place between the Council and the GLA. The Grant agreement in place between the Council and the GLA is attached at Appendix 1. By grant funding the Funding Recipient, the Council is passing all obligations set out within the funding agreement to the Funding Recipient. The Funding Recipient must therefore ensure that they comply with all conditions set as within Appendix 1 and report accordingly to the Council.

2 Ineligible Expenditure

- 2.1 Without prejudice to the fact that the Funding Recipient must only use the Grant Funding for the purpose of delivering the Funded Activities, the Funding Recipient must not use monies paid to it by the Council under this Agreement for:
- a) activities or objectives not agreed by the Council;
 - b) recoverable input VAT incurred;
 - c) any liability arising out of the Recipient's negligence or breach of contract;
 - d) payments for unfair dismissal, constructive dismissal or redundancy to staff employed on fixed term contracts signed after June 1996, where this arises in respect of the expiry of that term without it being renewed; and/or
 - e) the payment of any Ombudsman's award or recommendation as regards compensation for maladministration.

3 Governance

- 3.1 The Funding Recipient is expected to establish a Board of Directors, to include members with legal and financial expertise.
- 3.2 The Funding Recipient is expected to arrange and chair all Project Steering Group Meetings.
- 3.3 Steering Group meetings should take place monthly.
- 3.4 The Council and the GLA are required to have representatives as members of the Steering Group

4 Planning consultation

- 4.1 The Funding Recipient is expected to manage a planning consultation exercise as part of the development of the plans for the site. This will involve consulting with local residents and local businesses and be able to be included with any planning application submitted to the Planning Authority.

5 Procurement of works

- 5.1 All contracts let for consultancy, construction or other works on site, must demonstrate best value and an element of competitive tendering. This must be provided to the Council and the GLA by the Funding Recipient in advance of any contracts being let.
- 5.2 The Funding Recipient shall provide details of all consultants and sub-consultants and their scope of services prior to appointment. If the Council makes reasonable objections to any of the listed consultants, the Funding Recipient shall submit alternative names to the Council for their

consideration. The Funding Recipient must inform the Council of any proposed change in consultants or sub-consultants during the project and seek their approval.

5.3 The Council and the GLA must have input into production of the Invitation to Tender for Main Contractors. The GLA and the Council should be part of the evaluation process for the Contractor, including having a role in scoring and being part of interview panel. Each Contractor employed must be able to demonstrate their suitability for the role selected, including relevant qualifications and experience and the Funding Recipient must provide this to the Council.

5.4 The Funding Recipient shall provide details of all sub-contractors and the works for which they will be responsible to the Council for his comments prior to instructing on the particular package of work on site. If the Council makes reasonable objections to any of the listed Sub-Contractors, the Funding Recipient shall submit alternative names to the Council for their consideration. The Funding Recipient must inform the Council of any proposed change in sub-contractors working during the course of the works and seek their approval.

6 Business Plan

6.1 The Fund Recipient shall ensure the project and the business plan is viable. The Funding Recipient shall allow the Council to undertake due diligence and approve the business plan.

7 Cost Plan

7.1 The Funding Recipient is to ensure a cost plan is completed by a qualified Quantity Surveyor undertaken prior to planning submission and a pre-tender estimate completed prior to the procurement process to appoint a Contractor. The Funding Recipient shall allow the Council to undertake due diligence and approve the cost plan and pre-tender estimate ahead of funds being released.

8 London Living Wage

8.1 The Fund Recipient is required to pay all its staff the London Living Wage and is to ensure that this extends to all sub-contractors on the works. The Funding Recipient will:

- Ensure that all relevant staff employed or engaged by the Funding Recipient are paid an equivalent hourly wage which is equal to or exceeds the London Living Wage.
- Ensure that all relevant staff employed or engaged by its sub-contractors (if any) pay an equivalent hourly wage which is equal to or exceeds the London Living.
- Provide to the Council such information concerning the London Living Wage and the performance of its obligations under this clause as the Employer may reasonably require and within the deadlines it reasonably imposes; and
- Co-operate and provide all reasonable assistance to the Council in monitoring the effects of the London Living Wage including without limitation assisting us in conducting surveys and assembling data in respect of the effect of payment of London Living Wage to relevant staff.

8.2 For the avoidance of doubt, any breach by the funding Recipient of this may be a material breach in relation to which the Council is entitled to rely on its termination rights under the Conditions of Grant Funding.

9 Warranties

9.1 Where the Funding Recipient or a sub-contractor or a designer or consultant has not provided a signed Warranty for works or the Funding Recipient has not provided a certified copy of Appointments or Sub-Contracts for the subcontractor's or designer's or consultant's works, the Council shall be entitled to withhold payment of grant funding until the required signed Contract Warranty and/or certified appointment/sub-contract has been provided.

10 Professional Indemnity

10.1 The Funding Recipient should provide the Council with evidence of Professional Indemnity Insurances from all relevant consultants. The level of Professional Indemnity should be a

minimum of £2,000,000. The Council shall be entitled to withhold payment of grant funding until the required signed insurance and/or certified appointment/sub-contract has been provided.

11 Public (and Products) Liability (PPL)

- 11.1 The Funding Recipient should provide the Council with evidence of PPL from the appointed Contractor. The level of PPL should be a minimum of £10,000,000. The Council shall be entitled to withhold payment of grant funding until the required signed insurance and/or certified appointment/sub-contract has been provided.

12 Employers Liability

- 12.1 The Funding Recipient should provide the Council with evidence of Employers Liability insurance from the appointed Contractor. The level should be a minimum of £10,000,000. The Council shall be entitled to withhold payment of grant funding until the required signed insurance and/or certified appointment/sub-contract has been provided.

13 Consents and approvals

- 13.1 The Funding Recipient is required to gain all necessary consents and approvals throughout the project lifecycle. This includes but is not limited to planning consent, building regulations approval, all Health and Safety and CDM approvals, any notices or orders associated with the Party Wall Act, all environmental approvals, and certifications for any M&E pieces of equipment.
- 13.2 The Funding Recipient should also obtain and comply with all statutory consents in relation to the use of the building and land, including all required licences and approvals.

14 Intellectual Property

- 14.1 In the event that design develops significantly or the project receives planning approval, but not then proceed with the delivery of the approved plans within 12 months of receiving planning permission, Livesey Exchange will hand all intellectual property, including consultant appointments, contracts and other agreements to the Council.

15 Payment Mechanisms

- 15.1 Livesey Exchange will invoice the Council for works completed. This figure will be certified by the Council's Monitoring Surveyor before funding is released.

Appendix 1 – Good Growth Fund Grant Agreement

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Item No. 16.	Classification: Open	Date: 22 January 2019	Meeting Name: Cabinet
Report title:		Southwark Brexit Panel - Recommendations to Cabinet	
Ward(s) or groups affected:		All	
From:		Councillor Victoria Mills, Finance, Performance and Brexit	

FOREWORD - COUNCILLOR VICTORIA MILLS, CABINET MEMBER FOR FINANCE, PERFORMANCE AND BREXIT

As this report is published we are just 75 days from 29 March 2019 and the UK's exit from the EU. We have no greater certainty about what that exit will look like than we did following the EU Referendum in 2016 and there is every chance this report will appear out of date by the time of our Cabinet Meeting on 22 January. This is no way for our communities, economy, public services and our EU residents to plan for the future and the negative impact we now know Brexit will have.

In this context, I want to thank the work of the council's Brexit Panel and the all those stakeholders – local businesses, local residents, local health and education providers and council staff – for the contribution they have made to the Panel report which we are receiving today. I also want to welcome the recommendations made by the panel and give assurance that the Cabinet will act upon these. This includes a clear commitment to pay for council staff who are EU residents to get their settled status and of course to ensure any child in our care is not only funded to gain settled status but supported in this process.

The council will do all it can in the coming weeks and years to ensure that EU residents know Southwark is their home – they are not only welcome here, they are essential to the strength of our community and our economy. We will also continue to prepare for the impact of Brexit – both the potential challenges in the weeks and months after 29 March 2019 but also the longer-term impacts to our local businesses and public services. It is therefore prudent and welcome that our 2019/20 draft Policy and Resources Strategy creates both a £300,000 fund to respond to the recommendations made by the panel and cover immediate cost pressures arising from Brexit, as well as a £2million 'Brexit Risk Reserve'.

Of course, whilst the council should be doing all it can to minimise the impact of Brexit, it's clear that there has been a huge failure by central government to negotiate a timely, well-prepared and well-resourced exit from the EU. Local government concerns have been ignored and we appear to be left to face the many challenges of Brexit without proper guidance or financial support from government. The council will continue to do all it can to ensure the government takes responsibility for supporting local and regional government, and public services, and acknowledges it cannot simply expect even more from services stretched to breaking point as a result of austerity.

Finally, the Panel's report also acknowledges that the evidence it heard overwhelmingly supported the UK and Southwark remaining in the EU. Whilst there is currently nothing we as a council can do to change the outcome of the 2016 EU Referendum we will continue to make the case that the best place for Southwark is at the heart of an open-looking and opportunity-embracing European and global city.

RECOMMENDATIONS

That cabinet:

1. Welcomes the work of the Southwark Brexit Panel (SBP) noting the report at Appendix 1.
2. Accepts the recommendations from the Southwark Brexit Panel.
3. In accepting the recommendations, notes that further work will be undertaken by officers in particular relation to:
 - a. Collating information and resources being provided by other organisations about support for EU citizens, the settled status application process and other relevant information, and signpost to voluntary and community sector organisations offering support;
 - b. Identifying vulnerable individuals and groups who may struggle with the settled status application process or be unaware of what they need to do, including older people (including in care homes or supported housing) and some people with disabilities, and work with voluntary and community groups to ensure those people are communicated with effectively;
 - c. Use the outcomes of the work from 3(a) and (b), to help establish the process for the one-off fund that will make grants to voluntary and community groups to support vulnerable people through Brexit;
 - d. Work with London First and other relevant pan-London groups to develop a plan for, protect and enhance our local tourist offer including undertaking work that seeks to promote the strong cultural offer in Southwark balanced against the potential pressures tourism can place on our residential communities.
4. Bring a progress report back in March 2019.

BACKGROUND INFORMATION

5. On 23 June 2016 the UK voted in the EU referendum on whether the UK should 'remain' in the EU or 'leave'. 52% of those that took part in the referendum voted to leave the EU. The Government triggered Article 50 of the Lisbon Treaty on 29 March 2017, initiating the start of EU and UK negotiations. The timeline for negotiations was two years as stated in the Treaty meaning the deadline to leave the EU is 29 March 2019.
6. In Southwark over 72% of the residents who took part in the referendum voted to remain in the EU. Southwark is home to 41,000 non-Irish EU citizens, whose status in the UK following the departure from the EU is unclear. Providing certainty to those citizens and ensuring their rights are protected is a priority for the council.
7. Southwark Council has taken a number of steps to prepare for the impact of the UK leaving the EU on the borough and our residents. The council appointed a Brexit Officer to look at how leaving the EU would impact the local economy and the legal status of Southwark's 41,000 non- Irish EU nationals. Following the local elections in May 2018, the Leader of the Council created a cabinet member portfolio with responsibility for Brexit (cabinet member for finance, performance and Brexit). The Cabinet Member for Finance, Performance and Brexit, Cllr Victoria Mills, established the Southwark Brexit Panel on 9 July 2018 to enable a cross party group of councillors to examine the impact of Brexit in Southwark.

KEY ISSUES FOR CONSIDERATION

8. The Southwark Brexit Panel was established on 9 July 2018 by the cabinet member for finance, performance and brexit with the following terms of reference:
 1. To lead and co-ordinate research on the likely impact on council services and residents as a result of the United Kingdom (U.K.) leaving the European Union (EU).
 2. To gather evidence from local stakeholders to build a picture of the impact of Brexit in Southwark and use this evidence to inform the council's response to Brexit.
 3. To make recommendations to Cabinet about actions the Council should consider taking to mitigate any possible impacts on its services and residents and share evidence gathered with relevant stakeholders.
9. The Southwark Brexit Panel is a time limited, task focused and cross-party group, established to gather evidence and carry out a review of the impacts of the UK exiting the EU, to inform the council's response to Brexit. The panel is not a decision making body but was tasked with reporting back to cabinet on its findings, making recommendations for decisions where relevant and appropriate.
10. The panel has held meetings since July 2018, taking evidence from a range of stakeholders, local service providers and community organisations. The range of issues considered by the panel includes education, health, business and employment, local public services and EU citizens' rights.
11. In addition, in October 2018 a regional Brexit Sounding Board took place, organised by Southwark Council and the LGA in partnership with Lambeth and Lewisham Boroughs. The format and agenda for this event was shaped by the evidence gathered by the Southwark Brexit Panel. It offered an opportunity for panel members and other stakeholders to raise issues and concerns directly with central government, with representatives from the Ministry of Housing, Communities and Local Government EU Exit Team in attendance.
12. The report at Appendix 1 sets out the findings of the Southwark Brexit Panel, including a summary of the evidence sessions, panel discussions and the LGA Brexit Sounding Board. The report also sets out eighteen recommendations which have been proposed by the Southwark Brexit Panel for cabinet consideration. The table below takes each recommendation and the corresponding response.

No.	Southwark Brexit Panel Recommendation	Response
1	Publish the Council's Brexit contingency planning, financial planning and risk register in January 2019 with a further update in February 2019 and again in March 2019. This should include making sure contractors also have continuity plans in place and that the council is working closely with the GLA and other London Boroughs to ensure we have robust emergency planning in place especially in the event of no deal.	Agreed.
2	Continue to develop our understanding of the impact of Brexit on the council, our workforce, our services, our partners and our residents, and the council's role in helping them to	Agreed.

No.	Southwark Brexit Panel Recommendation	Response
	prepare for Brexit.	
3	Identify and assess the risks to public order associated with a no-deal Brexit and develop contingency plans accordingly to respond to and mitigate against those risks.	Agreed.
4	Publish and review the work already undertaken about the potential impact on Southwark Council's workforce.	Agreed.
5	Cover the cost of applying for settled status for Southwark Council employees.	Agreed.
6	Request information from contractors on their workforce impact assessments.	Agreed.
7	The Council should cover the cost of applying for settled status for all children in its care.	The Home Office have agreed to waive the fee for children in care.
8	Southwark Council should create a one-off fund that will make grants to voluntary and community groups to support vulnerable people through Brexit. This would ensure difficult to reach groups are supported to apply for settled status and any other difficulties emerging for EU citizens as a result of Brexit.	Agreed; to be informed by the outcomes of work from (9) and (10) below. In order to support residents and staff: • Southwark is one of only two London Boroughs piloting a document scanning service • Local libraries will be providing an Assisted Digital Service.
9	Collate information and resources being provided by other organisations about support for EU citizens, the settled status application process and other relevant information, and signpost to voluntary and community sector organisations offering support.	Officers to undertake necessary work and report back on progress.
10	Identify vulnerable individuals and groups who may struggle with the settled status application process or be unaware of what they need to do, including older people (including in care homes or supported housing) and some people with disabilities, and work with voluntary and community groups to ensure those people are communicated with effectively.	Officers to undertake necessary work and report back on progress.
11	Request clear guidance from central government about process for EU citizens during the transition period and in the event of no-deal.	Agreed.

No.	Southwark Brexit Panel Recommendation	Response
12	Engage with partners and local businesses to encourage them to support their EU workers to apply for settled status – this could be through schools and health partners but also working through the Southwark Business Forum.	Agreed.
13	Prepare a comprehensive communications plan looking at all avenues we have to engage with residents, including: • Sharing information through direct mailings, council website, council publications, social media etc.; • Signposting to support and information available; • Clearly communicate the message that the council wants EU citizens living in Southwark to stay in the borough; • Identify organisations and partners who could communicate with residents about settled status process (e.g. NHS, GP surgeries, Job Centres) and encourage them to make information available.	Agreed.
14	Review the information available on the council website for businesses (including new businesses starting up in the borough) to make it as easy as possible for businesses to understand their obligations and changes to regulations etc. This is important and helpful whether there are changes following Brexit or not.	Agreed.
15	Note the potential impact of Brexit on the local economy and job market, particularly in key sectors identified in the Brexit Panel evidence sessions – construction, hospitality, social care, and digital and creative. Consider how this could be linked-in to the current work being done on Labour Market Intelligence and vacancies by the Council.	Noted.
16	Look to fast track work streams in the Council's Skills Strategy to help support local residents to be upskilled and fill potential gaps in the hospitality, health and social care and construction workforces.	Agreed as part of skills strategy delivery plan.
17	The Council should publish a Tourism Strategy and Action Plan by autumn 2019 to ensure a sector that could remain strong during Brexit contributes to the local economy and job creation. This does not need to be limited to the direct link with Brexit but rather be a wider piece of work that seeks to promote the strong cultural offer in Southwark and whilst balancing the potential pressures tourism can place on our residential communities.	In taking this forward and given the importance of a pan-London response on tourism, work with relevant organisations such as London First in response.
18	The evidence gathered by the Brexit Panel overwhelmingly made the case that remaining in the EU would be beneficial for Southwark. The panel calls on cabinet to continue to press for the best outcome for Southwark and to strongly make the case, on behalf of the 72% of residents who voted to Remain and based on the clear evidence gathered by the panel, that Southwark would be better off if the UK were to	Cabinet note the findings of the panel.

No.	Southwark Brexit Panel Recommendation	Response
	remain in the EU.	

Policy implications

13. The Southwark Brexit Panel is not a decision making body, however the Panel has set out recommendations to cabinet which if adopted may impact on future policy.

Community impact statement

14. The UK's exit from the EU is an issue of national importance and the impact of Brexit locally will be significant. As a result, the Southwark Brexit Panel was established to support the council in effectively scoping the potential impact of Brexit for Southwark's residents, businesses and local services. Assessing the potential consequences of Brexit will help the council to anticipate and prepare its case in advance to government.
15. The Public Sector Equality Duty will be taken into account when implementing the individual recommendations.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

16. This report notes the outcomes of the Southwark Brexit Panel (SBP), including the recommendations from that Panel set out within the report at Appendix 1 (recognising that the SBP is not a decision making body) and asks Cabinet to agree to these recommendations.
17. It is noted that the Brexit Panel has no decision making powers but was set up to make recommendations back to the Cabinet.
18. Local authorities in England have a "general power of competence" in accordance with section 1 Localism Act 2011 meaning that they have power to do any thing that individuals generally may do. Councils also have the power under section 111 Local Government Act 1972 to do anything calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions. The recommendations here relate to actions that the Council should take in the light of the referendum decision for the UK to leave the EU, and as such are executive decisions covering a range of functions including the general power of competence.
19. The public sector equality duty in section 149 Equality Act 2010 is relevant to this decision. This requires the council, and the decision, in the exercise of all its functions, to have due regard to the need to:
 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it

Consideration of the community impact statement above is relevant to meeting this duty.

Strategic Director of Finance and Governance (FC18/032)

20. This report is requesting cabinet to note and accept the recommendations of the Southwark Brexit Panel as set out in the report. The report also notes that further work will be undertaken by Officers in order to implement the recommendations by the Brexit Panel and report back to cabinet on progress in March 2019.
21. The strategic director of finance and governance notes that the Policy and Resources Strategy 2019-20 report to cabinet, amongst other recommendations, includes a proposal to set aside a sum of £2m from the London Devolution Reserve to act as a special risk reserve to protect the council against the negative effects of Brexit. This resource will be available for one-off initiatives in accordance with council priorities and is expected to fund the various initiatives arising from this report.
22. It is also noted that the Policy and Resources Strategy 2019-20 report also includes a commitment of £300k to cover some of the operational cost pressures arising from Brexit outcome which is expected to fund the costs outlined in this report.
23. It should be noted that confirmation of this funding is subject to cabinet approval and subsequent council assembly approval as part of the 2019/20 council budget setting meeting in February 2019.
24. The strategic director of finance and governance notes that an update on this position will be provided in the next cabinet report in March 2019.
25. Staffing and any other costs connected with this report to be contained within existing departmental revenue budgets.

APPENDICES

No.	Title
Appendix 1	Southwark Brexit Panel: Report
Appendix 2	Equality Analysis: Initial Screen on Southwark Council's Response to Brexit

AUDIT TRAIL

Lead Officer	Eleanor Kelly, Chief Executive		
Report Author	Stephen Gaskell, Head of Chief Executive’s Office Aine Gallagher, Principal Policy and Public Affairs Officer		
Version	Final		
Dated	10 January 2019		
Key Decision?	Yes		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title		Comments Sought	Comments Included
Director of Law and Democracy		Yes	Yes
Strategic Director of Finance and Governance		Yes	Yes
Cabinet Member		Yes	Yes
Date final report sent to Constitutional Team			10 January 2019

Southwark Brexit Panel Report

Introduction

On 23rd June 2016 the UK voted in the EU referendum on whether the UK should 'remain' in the EU or 'leave'. 52% of those that took part in the referendum voted to leave the EU. The Government triggered Article 50 of the Lisbon Treaty on 29 March 2017, initiating the start of EU and UK negotiations. The timeline for negotiations was two years as stated in the Treaty meaning the deadline to leave the EU is 29 March 2019.

In Southwark over 72% of the residents who took part in the referendum voted to remain in the EU. Southwark is home to 41,000 non-Irish EU citizens, whose status in the UK following the departure from the EU is unclear. Providing certainty to those citizens and ensuring their rights are protected is a priority for the council. As it stands, there is not yet an agreement on the terms by which the UK will leave the EU, the nature of the future trading agreement or any transition period to those new trade arrangements. This creates significant uncertainty for Southwark residents, businesses, voluntary and community organisations and public services.

The Local Government Association (LGA) has been leading the way in representing the voice for local government and some local authorities are taking a range of actions to assess the impact of Brexit on their communities. While the responsibility for negotiating and preparing for the UK's exit from the EU sits with central government, local authorities also have a responsibility to prepare for the change locally, working with residents, businesses and other partners, to mitigate against any negative and potentially far reaching impacts of Brexit. Many local authorities fear a huge funding gap following the loss of current EU funding streams to local government. However the LGA has expressed concern that local government's voice has been noticeably absent in national discussions about the impact of Brexit.

Southwark Council has taken a number of steps to prepare for the impact of the UK leaving the EU on the borough and our residents. The council appointed a Brexit Officer to look at how leaving the EU would impact the local economy and the legal status of Southwark's 41,000 non- Irish EU nationals. Following the local elections in May 2018, the Leader of the Council created a cabinet member portfolio with responsibility for Brexit. The Cabinet Member for Finance, Performance and Brexit, Cllr Victoria Mills, established the Southwark Brexit Panel on 9 July 2018 to enable a cross party group of councillors to examine the impact of Brexit in Southwark.

Southwark Brexit Panel remit

The panel was set up as a time limited, task focused group to assess the impacts of the UK leaving the EU on Southwark, including identifying risks and challenges as well as any opportunities emerging from Brexit that Southwark can mitigate and maximise respectively.

The group was tasked with carrying out a review of the impacts of the UK exiting the EU by looking at a number of areas and variables. The panel agreed to hold evidence gathering sessions with a range of stakeholders, community groups and public service representatives to consider how the council can meet its Council Plan commitment to protect all local residents from the effects of Brexit and promote Southwark's diversity and cultural richness in the heart of London. The panel is not a decision making body, but agreed to report back to Cabinet and make recommendations for decisions where relevant and appropriate.

The Southwark Brexit Panel was established with the following terms of reference:

1. To lead and co-ordinate research on the likely impact on council services and residents as a result of the United Kingdom (UK) leaving the European Union (EU).
2. To gather evidence from local stakeholders to build a picture of the impact of Brexit in Southwark and use this evidence to inform the council's response to Brexit.
3. To make recommendations to Cabinet about actions the council should consider taking to mitigate any possible impacts on its services and residents and share evidence gathered with relevant stakeholders.

The membership of the Southwark Brexit panel is:

- Councillor Victoria Mills (Chair)
- Councillor James Coldwell
- Councillor Maria Linforth-Hall
- Councillor Margy Newens
- Councillor David Noakes
- Councillor Kieron Williams

Southwark Brexit Panel Meetings

The Southwark Brexit Panel held three meetings between July and October 2018 to gather evidence from a range of stakeholders in the borough to assess the potential impact of Brexit on residents, businesses, public services, community groups and others. A list of the evidence sessions is detailed below.

Tuesday 17th July – Business and Employment

The Southwark Brexit Panel was keen to hear evidence from local businesses and employers, who are understandably concerned about the potential impact Brexit could have on the local economy. As a central London borough, Southwark is likely to experience significant effects of the UK's departure from the EU. London's economy is three times more reliant on EU citizens than the rest of the UK and key sectors of our local economy, such as hospitality, social care, and creative and digital industries, have a significant EU workforce. EU citizens also make up a significant proportion of the local public sector workforce.

The national economic context is also important. The UK is currently experiencing a prolonged period of low economic growth, with low levels of productivity, GDP and wage

growth over the last ten years. While London's economy has performed well compared to other areas and employment levels have remained high, the overall effect of poor economic performance has been to limit the ability of government to invest in public services, to increase the costs of living for some households, and to limit business investment.

The uncertainty created by Brexit is already having an impact on the economy and affecting business confidence, leading to delays in recruitment and investment. The UK has seen increased Pound volatility and a 14% fall in the value of the Pound Sterling against the Euro since May 2016, leading to increasing prices for consumers. Significantly for London's economy, migration from the rest of the EU has fallen, exacerbating pre-existing skills gaps. Medium-term risks of Brexit include continuation in the slow rate of growth for the UK economy, increased trade costs, reduced Foreign Direct Investment (FDI) and increased skills gaps.

Southwark is committed to building a strong local economy in the borough; supporting and growing local businesses, creating jobs and providing opportunities for local residents to fulfil their potential. This evidence session provided an opportunity to explore the potential risks (or opportunities) arising from Brexit for the local economy, including staff recruitment and retention, tariffs and barriers to trade, and changes to population. The evidence gathered in this session consistently demonstrated the damage inflicted by the prospect of leaving the European Union that is already being felt, and highlighted the multiple risks going forward in all areas discussed; the evidence failed to identify any known benefits of leaving the European Union, leading the panel to conclude that Southwark and London's economy would be stronger if the UK were to remain in the EU.

Evidence session: Business and Employment

The Southwark Brexit panel took evidence from the following individuals:

Nadia Broccardo – Team London Bridge

Nic Durston & Laura Griffiths – South Bank Employers' Group and South Bank Business Improvement District

Richard Kalmar – Chamber of Commerce

Richard Brown – Centre for London

A further evidence session on business and employment took place on Wednesday 3rd October:

Lorna Gavin – Chair of Southwark Business Forum

A summary of the issues raised in the evidence session is provided below:

- There is a high representation of EU workforce in London, which means Brexit is likely to impact business and employment in the capital more than other areas.
- There is a lack of direction from central government which is causing challenges for businesses because uncertainty makes it difficult for them to plan ahead.
- Particular sectors that were highlighted included hospitality, construction, social care tech and IT. Concerns were raised around the shortage of labour in the property and

development sector. There may be challenges in recruiting local people to take up these positions leaving employment gaps.

- While larger businesses may be putting contingency plans in place, SMEs in particular may need additional support, as they feel powerless to plan.
- Businesses highlighted difficulties in recruiting staff in some sectors that will be exacerbated by Brexit, nursing, hospitality, construction and social care.
- Employers highlighted concerns around the potential impact of Brexit on employment and skills for local residents, as well as information sharing and police resourcing.
- The importance of promoting tourism in London was raised, as other issues such as lack of affordable housing and the high cost of living, alongside Brexit, could act as a deterrent for employees staying in or moving to London.
- A strong theme coming out of the Southwark Business Forum was the importance of championing inclusion and diversity as a rebuttal to hate crimes and hostility.
- Businesses generally are in agreement that they are unable to predict what will happen and are hoping to minimise any surprises.
- An additional consideration in Southwark is the impact of Brexit on Latin American businesses – the Latin Quarter has almost 200 small businesses and Brexit has created insecurity for many of those businesses and their employees, many of whom have EU passports.
- There was a strong emphasis on the role the migrant workforce in Southwark plays in contributing to the local economy and the need to provide certainty for EU citizens working in the borough.

Wednesday 19th September – Education and Healthcare

Health and education are two sectors that are likely to be significantly affected by Brexit, in terms of workforce, demand, funding and direct and indirect impacts on services. This evidence session provided an opportunity for the panel to hear evidence from experts in higher education and health, including the NHS and public health. All expert witnesses highlighted real risks that they see arising from Brexit and suggested that preparations for the UK's departure from the EU are primarily, if not exclusively, about managing and mitigating the impacts of the negative effects of Brexit. The evidence from health experts was particularly stark in relation to the potential of a 'no deal' Brexit, which would pose significant risks to the NHS and wider health services, including social care. Health experts also suggested that the uncertainty of the current situation, in the absence of an agreed withdrawal deal, will make it difficult for the NHS to adequately prepare for Brexit in time for the UK's impending departure.

Evidence session: Education

The Southwark Brexit panel took evidence from:

Professor Patrick Bailey – Deputy Vice Chancellor, London South Bank University

A summary of the issues raised in the evidence session is provided below:

- Professor Bailey raised significant concerns that LSBU has around the impact of Brexit on EU students in higher education, in terms of attracting new students and uncertainty for existing students who are unsure about their future.
- Students and staff in the EU felt unwelcome after the referendum vote, the university needed to provide emotional support to offset this indirect impact.
- There are concerns that Brexit will make it more difficult to attract and retain staff, as well as concerns of EU funding, which funds research that is crucial for universities.
- Universities are concerned that it will be harder to take part in international research bids if the UK is not part of the EU. This is particularly difficult for universities which are already facing financial challenges.
- Concerns were also raised about the direct and indirect consequences on student fees, and the potential impact of an economic downturn following Brexit which would negatively affect local businesses and therefore workforce and employment opportunities.
- Universities in the UK value the richness of diversity from the EU, including staff and students, as well as programmes such as Erasmus, and are concerned about losing that.
- UK and EU students are currently recorded in the same way and no distinction is made between the two, therefore universities are unlikely to have accurate figures on how many EU students they have.
- All of the work that LSBU has done has been around mitigated the negative impacts of Brexit; they do not see any positive opportunities from the UK leaving the EU.

Evidence session: Healthcare

The Southwark Brexit panel took evidence from the following individuals:

Caroline Gilmartin – Director of Integrated Commissioning, NHS Southwark Clinical Commissioning Group (CCG)

Ross Graves – Managing Director, NHS Southwark Clinical Commissioning Group

Professor Kevin Fenton – Strategic Director of Place and Wellbeing

Mark Dayan – Policy and Public Affairs Analyst Nuffield Trust

The Panel also received written evidence from Dr Matthew Patrick, CEO South London and Maudsley (SLAM) NHS Foundation Trust

A summary of the issues raised in the evidence session is provided below:

- A wide range of concerns were raised about the potential impact of Brexit on health services, including the NHS, public health and social care.
- Health services are a key consideration for Southwark and Brexit, as the borough has world class health institutions. Expert witnesses highlighted that it was impossible to know the full extent of the impact of Brexit on those services.
- For the NHS, emergency preparedness is a priority along with resilience. Health professionals raised concerns that there is not enough time for the NHS to properly plan, which could have an impact on patient safety particularly in the case of a no deal Brexit.

- Particular concerns were raised about the prospect of the UK leaving the EU with no deal, which could have significant consequences for the supply of medicines and regulation.
- The UK health service has a significant proportion of EU workforce, particularly in London, which has led to concerns about vacancies being unfilled, especially in the social care sector. Attracting more people into social care would require improved pay and working conditions, which seems unlikely in the context of the current financial constraints on local authority budgets.
- The emotional impact of Brexit on health staff was significant and the NHS ran a campaign about the importance of EU staff to help mitigate that impact.
- Health professionals emphasised that the impact of Brexit on health in the UK must be seen in the context of austerity, and an already strained NHS service dealing with more complex conditions and an ageing population.
- The UK currently benefits from professional networks and collaborative EU organisations for their research, information sharing and expertise. There is a risk that public health legislation in the UK will fail to keep up with EU legislation following Brexit.
- A potential indirect consequence of Brexit if there is an economic downturn would be an increase in economic inequalities which lead to health inequalities, which would drive up demand on services. Reciprocal healthcare for UK citizens living in the EU in the event of a 'no deal Brexit' is also unclear.
- Witnesses emphasised the need for health to be prioritised in the EU negotiations to protect those who are most vulnerable in society, but warned that it will not be possible to mitigate effectively against the impacts of Brexit with ongoing cuts to local government and public health grants.

Wednesday 3rd October – EU citizens and local public services

This evidence session offered an opportunity for the panel to take evidence on the potential impact of Brexit on EU citizens living in the borough, as well as local public services and community and voluntary organisations. The government has made a number of commitments to EU citizens living in the UK about their future rights to live and work here. The Home Office are developing an EU settlement scheme to embed these rights. As a borough with a large number of EU citizens, this is significant for our residents and their communities. The panel is clear that protecting the rights of EU citizens should be a priority for central government and should form a key component of the withdrawal agreement. There are risks associated with EU citizens, particularly vulnerable citizens, failing or being unable to access the settlement scheme. This could lead to residents being left without clear citizenship status, with considerable costs to the individual and local services.

The degree to which public services will be exposed to Brexit risks will vary depending on their reliance on EU citizens in their workforce, procurement and contracts, any increases in service costs and increases in demand. Analysis undertaken by local hospital trust Guys and St. Thomas's Trust found that there had been a 63% fall in net recruitment from the EU in the financial year 2016/17, which suggests that Brexit is already having an impact on staffing for local services. Alongside the potential impact on workforce, there are risks for public services associated with access to funding and capital and risks faced by those delivering contracts. As local government moves to a funding model whereby more of our income is

raised locally through taxation and economic growth, there are also risks to the council's income, and consequently viability, if the economy deteriorates.

Evidence session: Southwark Council's Response To Brexit

The Southwark Brexit panel took evidence from the following individuals:

Stephen Douglass – Director of Communities and Southwark Council Brexit Officer
Julie Foy – Head of Human Resources, Southwark Council

The Panel also received a written briefing from Jay Stickland, Director of Adult Social Care at Southwark Council, on the implications Brexit may have on adult social care

Evidence session: Communities and EU Citizens Rights

The Southwark Brexit panel took evidence from the following individuals:

Patria Roman – Latin Elephant
Carlos Naranjo – Director of the Latin American Chamber of Commerce
Gordon McCullough – CEO of Community Southwark
Sally Causer – Southwark Law Centre
Ruth Budge – Southwark Law Centre

A summary of the issues raised in the evidence sessions is provided below:

- Southwark has a significant Latin American population and many Latin American residents in the borough have EU passports and therefore will be directly affected by Brexit in terms of their status to live and work in the UK. Elephant and Castle is a particular hub for Latin American businesses.
- According to expert witnesses, many Latin American residents work in cleaning services with 11% earning less than the National Living Wage and 70% earning less than the London Living Wage.
- Witnesses raised concerns about the vulnerability of some Latin American residents, particularly those who are unable to speak English, working in precarious conditions or with uncertain immigration status.
- EU citizens still face significant uncertainty about their rights and status following Brexit, particularly in the event of leaving the EU without a deal, and the process for the government's settled status scheme is still unclear.
- Like many areas, Southwark saw an increase in hate crime following the EU referendum result and witnesses highlighted the importance of continuing to monitor this.
- As well as EU citizens' rights, there is significant uncertainty about funding for the voluntary and community sector following Brexit. Some projects supporting vulnerable people are EU funded and the future of that funding beyond March 2019 is unclear. A high proportion of people working in the charitable sector in London are from the EE area.
- There are significant concerns around vulnerable groups whose rights will be affected by Brexit but who may not be aware of the steps they will need to take, including some

elderly and disabled people, those who do not speak English and children in care. Some people may struggle to navigate the process, including through digital and financial barriers, and legal aid will not usually be available to support those individuals.

- Southwark Council does not record the nationality of employees, but like most London local authorities the council workforce is likely to be significantly impacted by Brexit and the council has been taking steps to raise awareness amongst staff and working closely with trade unions.
- Community groups highlighted the importance of having the right information easily available for residents to inform and reassure people in this time of uncertainty.

Southwark and LGA London Brexit Sounding Board

On 29 October 2018 Southwark hosted a London Brexit Sounding Board, in partnership with the Local Government Association (LGA) and Lewisham and Lambeth Councils. The Sounding Board offered an opportunity for the three local authorities, local businesses, public services and community representatives, to raise their concerns about Brexit directly with central government.

The focus of the Sounding Board was based around the key themes that were explored through the work of the Southwark Brexit Panel, including:

- Business and skills
- How we can up-skill our residents and continue to encourage growth
- Education and health - we have heard about huge negative impacts of Brexit - what can we do as local authorities to support our anchor institutions?
- How we can challenge our employers to make social care sector more attractive and continue to encourage growth
- How can local government and civil society protect our vulnerable residents, tackle hate crime and link up immigration and housing support

Political representatives from each of the three boroughs spoke at the event about the approach the local authorities have taken in responding to Brexit and the main issues that are likely to have a significant impact on the boroughs' residents, businesses and community groups.

Alongside the three local authorities, the Sounding Board included presentations from:

- Ministry of Housing, Communities and Local Government (Local Government EU Exit Team)
- Local Government Association (Eamon Lally, Principal Advisor)
- Greater London Authority (Alex Conway, Assistant Director for Brexit and European Programmes)

The Sounding Board also included three panel discussions on three key themes – details of the panellists are included below.

EU workforce, employment and skills

- Neil Coyle MP for Bermondsey and Old Southwark (Chair)
- Cllr Kieron Williams – Southwark Council Cabinet Member for Jobs, Skills and Innovation
- Richard Brown – Centre for London

- Lorna Gavin – Chair Southwark Business Forum
- Nadia Broccardo – Team London Bridge
- Carlos Naranjo – Director of the Latin American Chamber of Commerce

Local public services

- Cllr Victoria Mills (Chair)
- Florence Eshalomi AM – London Assembly Member for Southwark and Lambeth
- Mark Dayan – Nuffield Trust
- Allison Roche – Unison

EU residents' rights and communities

- Helen Hayes MP for Dulwich and West Norwood (Chair)
- Ruth Budge – Immigration Lawyer Southwark Law Centre
- Aysha Anderson – Citizens Advice Lewisham
- Lucila Granada – Director of Latin American Women's Rights Service
- Stephen Douglass – Southwark Council Director of Communities and Brexit
- Cllr Kevin Bonavia – Lewisham Council Cabinet Member for Refugees, Democracy and Accountability

Key issues raised by the three local authorities, the LGA and the GLA included:

- Concerns around whether the government acknowledges the financial strain on local authorities and the impact this will have on their ability to adequately prepare for Brexit.
- Local government requires more practical advice on contingency planning, particularly in the case of a 'no deal' Brexit.
- Lack of clarity around future funding including the Shared Prosperity Fund and how this will be properly devolved to local government.
- Need for immediate clarity on settled status and the rights of EU citizens in the event of a Brexit deal or no deal, including confirmation about whether EU citizens will be able to vote and stand in elections in May 2019 in the case of no deal.
- The tone of central government's engagement with local authorities has changed in light of the prospect of a no deal Brexit – MHCLG appears to be concerned about whether councils are ready but in the current uncertainty the question is 'ready for what?'
- Concern that local authorities will have the burden of mitigating the impact of Brexit without any additional resource, at a time of already stretched budgets and increasing demand on services.

Key issues raised in the panel sessions are summarised below.

EU workforce, business and employment

- Warnings that uncertainty is causing huge issues for businesses and it is unlikely to end in March 2018.
- Concerns that Brexit is slowing investment in construction and other sectors.

- London has significantly higher representation of EU workforce than the rest of the country – Brexit will have a huge impact on this.
- Suggestion that if Brexit goes ahead, local authorities should focus on investment in skills and further education provision, focusing on key sectors.
- Businesses require clarity from government about what they are being asked to prepare for – uncertainty makes it impossible to plan ahead.

Local public services

- Brexit will have a significant impact on policing – the Met is already overstretched and there is no future plan for addressing the changing nature of crime and ensuring the police are adequately resourced. Security issues are also a concern.
- Panellists emphasised the sharp difference between a deal of some kind and leaving the EU without a deal, with much more serious consequences in the latter case.
- Headline issues in the case of no deal Brexit include a sharp economic shock, impact on supply and costs and additional pressures on the NHS, including through the uncertainty around reciprocal healthcare.
- There is significant concern around EU funding and the impact loss of funding could have on public services.
- Social care was particularly highlighted as a sector which cannot cope without EU migration.

EU rights and communities

- Lack of clarity from central government has created huge uncertainty for EU citizens, which will particularly affect the most vulnerable people who may not be aware of their rights or the processes they will need to follow to apply for settled status.
- Groups particularly at risk of failing to secure settled status include elderly, victims of abuse, children in care, and people who will not have the documentation to be able to prove their right to remain.
- Voluntary and community groups are concerned about their capacity to support vulnerable people who will be impacted by Brexit, particularly in the context of potential loss of EU funding.
- Access to information is a complex area and there will be a need for targeted community work. For example many Latin American residents in Southwark who have EU passports may need support, particularly vulnerable individuals such as victims of trafficking or domestic abuse, where migration status could be used as a means of exploitation.
- Concerns about the impact of Brexit on social cohesion and the need to ensure that Southwark – and London – remains an open place.

Recommendations to cabinet

Southwark Council contingency planning and impact assessment

1. Publish the Council's Brexit contingency planning, financial planning and risk register in January 2019 with a further update in February 2019 and again in March 2019. This

should include making sure contractors also have continuity plans in place and that the council is working closely with the GLA and other London Boroughs to ensure we have robust emergency planning in place especially in the event of no deal.

2. Continue to develop our understanding of the impact of Brexit on the council, our workforce, our services, our partners and our residents, and the council's role in helping them to prepare for Brexit.
3. Identify and assess the risks to public order associated with a no-deal Brexit and develop contingency plans accordingly to respond to and mitigate against those risks.

Southwark Council workforce

4. Publish and review the work already undertaken about the potential impact on Southwark Council's workforce.
5. Cover the cost of applying for settled status for Southwark Council employees.
6. Request information from contractors on their workforce impact assessments.

Support for EU citizens

7. The Council should cover the cost of applying for settled status for all children in its care.
8. Southwark Council should create a one-off fund that will make grants to voluntary and community groups to support vulnerable people through Brexit. This would ensure difficult to reach groups are supported to apply for settled status and any other difficulties emerging for EU citizens as a result of Brexit.
9. Collate information and resources being provided by other organisations about support for EU citizens, the settled status application process and other relevant information, and signpost to voluntary and community sector organisations offering support.
10. Identify vulnerable individuals and groups who may struggle with the settled status application process or be unaware of what they need to do, including older people (including in care homes or supported housing) and some people with disabilities, and work with voluntary and community groups to ensure those people are communicated with effectively.
11. Request clear guidance from central government about process for EU citizens during the transition period and in the event of no-deal.
12. Engage with partners and local businesses to encourage them to support their EU workers to apply for settled status – this could be through schools and health partners but also working through the Southwark Business Forum.

Communication

13. Prepare a comprehensive communications plan looking at all avenues we have to engage with residents, including:
 - Sharing information through direct mailings, council website, council publications, social media etc.;
 - Signposting to support and information available;
 - Clearly communicate the message that the council wants EU citizens living in Southwark to stay in the borough;
 - Identify organisations and partners who could communicate with residents about settled status process (e.g. NHS, GP surgeries, Job Centres) and encourage them to make information available.

Business, skills & local economy

14. Review the information available on the council website for businesses (including new businesses starting up in the borough) to make it as easy as possible for businesses to understand their obligations and changes to regulations etc. This is important and helpful whether there are changes following Brexit or not.
15. Note the potential impact of Brexit on the local economy and job market, particularly in key sectors identified in the Brexit Panel evidence sessions – construction, hospitality, social care, and digital and creative. Consider how this could be linked-in to the current work being done on Labour Market Intelligence and vacancies by the Council.
16. Look to fast track work streams in the Council's Skills Strategy to help support local residents to be upskilled and fill potential gaps in the hospitality, health and social care and construction workforces.
17. The Council should publish a Tourism Strategy and Action Plan by autumn 2019 to ensure a sector that could remain strong during Brexit contributes to the local economy and job creation. This does not need to be limited to the direct link with Brexit but rather be a wider piece of work that seeks to promote the strong cultural offer in Southwark and whilst balancing the potential pressures tourism can place on our residential communities.

Making the case for Southwark

18. The evidence gathered by the Brexit Panel overwhelmingly made the case that remaining in the EU would be beneficial for Southwark. The panel calls on cabinet to continue to press for the best outcome for Southwark and to strongly make the case, on behalf of the 72% of residents who voted to Remain and based on the clear evidence gathered by the panel, that Southwark would be better off if the UK were to remain in the EU.



APPENDIX 2

Equality Analysis - Initial Screening on Southwark Council's Response to Brexit

Section 1: Equality analysis details

Proposed policy/decision/business plan to which this equality analysis relates		Southwark Brexit Panel and the councils response			
Equality analysis author		Stephen Douglass, Director of Communities			
Strategic Director:		Eleanor Kelly, Chief Executive			
Department		Chief Executive's	Division		
Period analysis undertaken		January 2019			
Date of review (if applicable)		March 2019			
Sign-off		Position		Date	

Section 2: Brief description of policy/decision/business plan

1.1 Brief description of policy/decision/business plan

In Southwark over 72% of the residents who took part in the EU referendum voted to remain in the EU. Southwark is home to 41,000 non-Irish EU citizens, whose status in the UK following the departure from the EU is unclear. Providing certainty to those citizens and ensuring their rights are protected is a priority for the council.

Under the Equality Act 2010 the Council along with other public bodies has a statutory duty to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Southwark Council has taken a number of steps to prepare for the impact of the UK leaving the EU on the borough and our residents. The council appointed a Brexit Officer to look at how leaving the EU would impact the local community, economy and the legal status of Southwark's 41,000 non- Irish EU nationals. Following the local elections in May 2018, the Leader of the Council created a cabinet member portfolio with responsibility for Brexit (cabinet member for finance, performance and Brexit). The Cabinet Member for Finance, Performance and Brexit, Cllr Victoria Mills, established the Southwark Brexit Panel on 9 July 2018 to enable a cross party group of councillors to examine the impact of Brexit in Southwark.

The main negative impacts identified in this initial analysis are as follows:

- Depending on the perception of the Brexit deal agreed in terms of the freedom of movement, there may be an increase in community tension and a potential further rise in hate crime.
- Unless EU citizens gain settled or pre-settled status through the EU Settlement Scheme by 1 July 2021, they will lose their rights of residency, employment and recourse to public funds. There is a high representation of the EU workforce in London and in Southwark which means Brexit has the potential to impact businesses and employment in the capital more than other areas. The Government's EU Settlement Scheme will be fully operational by March 2019 but its online application system has implications for EU citizens who are digitally excluded. Those who are ill, isolated or hard to reach, have a learning disability or a physical disability such as impaired sight, or lack language skills may find it difficult to apply through the online system and are likely to require support.
- Poverty could be exacerbated, particularly among low income families and people of working age, irrespective of nationality, due to rising interest rates, inflation and unemployment, increasing vulnerability to debt and homelessness.

The main actions identified to mitigate these impacts include the following:

- Identify and assess the risks to public order associated with a no-deal Brexit and

develop contingency plans accordingly to respond and mitigate against those risks.

- Provide a clear and comprehensive communication plan looking at avenues we have to engage with residents and businesses. This will include sharing information through a range of channels, clearly communicating the message that the council wants EU citizens living in Southwark to stay in the borough
- Encouraging organisations that communicate with residents to make information available.
- Link in the work assessing economic impacts of Brexit to the council's existing work on Labour Market Intelligence and vacancies.
- Continue to develop our understanding of the impact of Brexit on the workforce and our residents and the council's role in helping them prepare for Brexit.
- Cover the costs of applying for settled status for council employees.
- Request information from contractors on their workforce impact assessments
- Cover the cost of applying for settled status for all children in local authority care.
- Create a one-off fund that will make grants to voluntary and community groups to support vulnerable people through Brexit. This would ensure difficult to reach groups are supported in applying for settled status as a result of Brexit. Southwark is one of only two London boroughs piloting a document scanning service and local libraries will be providing an Assisted Digital Service.

More detailed assessment will be undertaken as the position becomes clearer and implementation commences.

Section 4: Pre-implementation equality analysis

This section considers the potential impacts (positive and negative) on groups with 'protected characteristics', the equality information on which this analysis is based and any mitigating actions to be taken.

Age - Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).
Potential impacts (positive and negative) of proposed policy/decision/business plan
Potential negative impact on younger people who are in care and are non-UK EU citizens regarding EU Settled Status. Potential negative impact on more vulnerable older residents who may be less able to work through the requirements for EU settled status.
Mitigating actions to be taken
Support and pay the costs of applying for settled status for all children in the council's care. Create a one-off fund that will make grants available to voluntary and community groups to support vulnerable people through Brexit. This would ensure difficult to reach groups are supported to apply for settled status and any other difficulties emerging for EU citizens as a result of Brexit.
Disability - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.
Potential impacts (positive and negative) of proposed policy/decision/business plan
Potential negative impact on more vulnerable residents with disabilities who may be less able to work through the requirements for EU settled status.
Mitigating actions to be taken
Create a one-off fund that will make grants available to voluntary and community groups to support vulnerable people through Brexit. This would ensure difficult to reach groups are supported to apply for settled status and any other difficulties emerging for EU citizens as a result of Brexit.
Gender reassignment - The process of transitioning from one gender to another.

Potential impacts (positive and negative) of proposed policy/decision/business plan
No identified impacts
Mitigating actions to be taken
Marriage and civil partnership – In England and Wales marriage is no longer restricted to a union between a man and a woman but now includes a marriage between a same-sex couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples and must be treated the same as married couples on a wide range of legal matters. (Only to be considered in respect to the need to eliminate discrimination.)
Potential impacts (positive and negative) of proposed policy/decision/business plan
No identified impacts at this stage
Mitigating actions to be taken
Pregnancy and maternity - Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.
Potential impacts (positive and negative) of proposed policy/decision/business plan
No identified impacts at this stage
Race - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins. N.B. Gypsy, Roma and Traveller are recognised racial groups and their needs should be considered alongside all others
Potential impacts (positive and negative) of proposed policy/decision/business plan

No identified impacts at this stage
Religion and belief - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.
Potential impacts (positive and negative) of proposed policy/decision/business plan
Unlikely to be specific issues relating to religion or belief that are discernible at this stage.
Sex - A man or a woman.
Potential impacts (positive and negative) of proposed policy/decision/business plan
No identified impacts at this stage
Sexual orientation - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes
Potential impacts (positive and negative) of proposed policy/decision/business plan
No identified impacts at this stage
Socio-economic disadvantage – although the Equality Act 2010 does not include socio-economic status as one of the protected characteristics, Southwark Council recognises that this continues to be a major cause of inequality in the borough. Socio economic status is the measure of an area's, an individual's or family's economic and social position in relation to others, based on income, education, health, living conditions and occupation.
Potential impacts (positive and negative) of proposed policy/decision/business plan
Poverty could be exacerbated, particularly among low income families and people of working age, due to rising interest rates, inflation and unemployment, increasing vulnerability to debt and homelessness.
Mitigating actions to be taken

- Provide a clear and comprehensive communication plan looking at avenues we have to engage with residents and businesses. This will include sharing information through a range of channels, clearly communicating the message that the council wants EU citizens living in Southwark to stay in the borough
- Encouraging organisations that communicate with residents to make information available.
- Link in the work assessing economic impacts of Brexit to the council's existing work on Labour Market Intelligence and vacancies.
- Continue to develop our understanding of the impact of Brexit on the workforce and our residents and the council's role in helping them prepare for Brexit.
- Cover the costs of applying for settled status for council employees.
- Request information from contractors on their workforce impact assessments
- Cover the cost of applying for settled status for all children in local authority care.
- Create a one-off fund that will make grants to voluntary and community groups to support vulnerable people through Brexit. This would ensure difficult to reach groups are supported in applying for settled status as a result of Brexit. Southwark is one of only two London boroughs piloting a document scanning service and local libraries will be providing an Assisted Digital Service.
- Look to fast track work streams in the Council's skills Strategy to help support local residents to be upskill and fill potential gaps in the hospitality, health and social care and construction workforces.

Item No. 17.	Classification: Open	Date: 22 January 2019	Meeting Name: Cabinet
Report title:		Motions Referred from Council Assembly	
Ward(s) or groups affected:		All	
From:		Council Assembly	

RECOMMENDATION

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

BACKGROUND INFORMATION

2. Council assembly at its meeting on Wednesday 28 November 2018 agreed several motions and these stand referred to the cabinet for consideration.
3. The cabinet is requested to consider the motion referred to it. Any proposals in a motion are treated as a recommendation only. When considering a motion, cabinet can decide to:
 - Note the motion; *or*
 - Agree the motion in its entirety, *or*
 - Amend the motion; *or*
 - Reject the motion.

KEY ISSUES FOR CONSIDERATION

4. In accordance with council assembly procedure rule 2.10.6, the attached motions were referred to the cabinet.
5. The constitution allocates responsibility for particular functions to council assembly, including approving the budget and policy framework, and to the cabinet for developing and implementing the budget and policy framework and overseeing the running of council services on a day-to-day basis.
6. Any key issues, such as policy, community impact or funding implications are included in the advice from the relevant chief officer.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council agenda	Report on the council's website	Virginia Wynn-Jones Constitutional Team 020 7525 7055
Link: http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=132&MId=6095&Ver=4		

APPENDICES

Number	Title
Appendix 1	The best possible start in life
Appendix 2	A People's Vote on Brexit
Appendix 3	School cuts
Appendix 4	Royal British Legion commemoration
Appendix 5	End unfair evictions - abolish section 21 of 1988 Housing Act
Appendix 6	Third runway at Heathrow
Appendix 7	Opposing bus cuts
Appendix 8	Overground ticket office closures
Appendix 9	Solidarity with the Windrush generation
Appendix 10	Sustainable public health funding

AUDIT TRAIL

Lead Officer	Chidilim Agada, Head of Constitutional Services		
Report Author	Virginia Wynn-Jones, Principal Constitutional Officer		
Version	Final		
Dated	18 December 2018		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title	Comments sought	Comments included	
Strategic Director of Finance and Governance	No	No	
Director of Law and Democracy	No	No	
Strategic Director of Children’s and Adults’ Services	No	No	
Cabinet Member	No	No	
Date final report sent to Constitutional Team		18 December 2018	

APPENDIX 1**THE BEST POSSIBLE START IN LIFE**

1. Council assembly notes:

- a. Under this Labour administration, Southwark is delivering the best possible start in life for our children. Ofsted has rated our children's services good and our adoption services are outstanding. Southwark's Special Educational Needs and Disability (SEND) Services are examples of excellence where other local authorities are turning to Southwark for guidance on their SEND services. Our Youth Offending Service (YOS) was praised by Ofsted as it carries out its essential work supporting young people who have or at risk of offending. This Labour administration has protected funding for YOS and will continue to do so.
- b. No child should be left behind, and so welcomes Southwark's continued efforts to improve education at every stage. From Early Years to Key Stage 5, Southwark exceeds national averages for results - including attainment of pupils with special educational needs.
- c. Nine out of 10 schools in Southwark are rated as Good or Outstanding by Ofsted, showing that our schools are great places for our young people to learn and develop. Council assembly further notes the huge progress our schools have made in the last eight years, when less than two thirds were Good or Outstanding.
- d. That this administration has made it easier for children to go to the local school of their choice and get the best possible start in life. Council assembly further notes the enormous progress from the previous administration's schools placement crisis where 500 children were not being offered a place at any of their preferred schools. Council assembly welcomes that there are now an additional 4,425 primary school places since 2009. This means almost 90% now get their first choice of primary school, and 64% get their first choice of secondary school.
- e. The council's commitment that children should lead happy, healthy and full lives. It welcomes measures such as the introduction of Free Swim and Gyms and Free Healthy School Meals to help tackle childhood obesity and improve standards. Council assembly further welcomes the council's programme of refurbishing and improving play areas across the borough, so that every child has access to a top quality place to play in their neighbourhood.
- f. Southwark is a great place to grow up.

2. Council Assembly further notes:

- a. After eight years of cuts and austerity from Conservative and Liberal Democrat governments, not all families are thriving. Council assembly recognises that cuts to council budgets, attacks on welfare and benefits, a national crisis in care, a housing crisis and spiralling youth violence have all impacted on young people in the borough. Investigations where a child is believed to be at risk of significant harm have more than doubled.
- b. The commitment from this administration to stand alongside our communities in the face of government attacks and to do what it can to support children and young people.

3. Council assembly welcomes the council's commitment to a fairer future for all and commitment that everyone has the best start in life with no one left behind.
4. Council assembly calls on cabinet:
 - a. To launch a Keeping Families Strong strategy
 - i. To endorse, support and facilitate the work between the council and local communities, and to make sure parents are well supported as part of our Children and Families offer.
 - ii. To support the approach of the cabinet member for children, schools and adults to lead active engagement with parents across Southwark to make sure that the strategy targets the right support where it is needed.
 - b. To protect existing and develop new early years services
 - i. To protect the funding of its 16 children's centres and start to roll out free healthy meals in our nursery schools from January 2019.
 - ii. To help parents spread the cost of childcare over a longer period by setting up an affordable loan scheme.
 - c. To improve education for all
 - i. To welcome the increase in the number of Southwark schools rated either Good or Outstanding, which has risen to 91%, from 64% in 2010, and continue to raise standards in schools, ensuring that parents and pupils benefit from choice based on transparency with up to date and accessible information on schools.
 - ii. To open the Passmore Centre to provide training and apprenticeships for young people.
 - iii. To continue to support the work of the Construction Skills Centre to help our young people get the education and training they need to get the high skilled construction jobs being created in our borough.
 - d. To guarantee an education place or an apprenticeship for all care leavers
 - i. To work across the council, with Catch22, other partners and local education and businesses to make sure that the 474 children in care and 440 care leavers the council is a corporate parent to, have every opportunity to fulfil their potential.
 - ii. To launch a local Care Covenant to make sure children leaving care get access to job opportunities in this borough and guarantee an education place or an apprenticeship for every care leaver.
 - e. To improve adoption
 - i. To be the lead authority in the Regional Adoption Agency across South London, providing the best start for children in care in Southwark and to work towards positive permanence services for all children including adolescents.
 - f. To continue to improve the health and wellbeing of our young people
 - i. To help our children and young people stay fit and active by making free swim and gym more flexible and making swimming lessons free for all residents, so our young people can get the most out of Southwark's fantastic leisure centres.
 - ii. To introduce a 'daily mile' in all our primary schools so children have the opportunity to walk or run a mile every day.

- iii. To close roads around schools at drop off and collection time so that it is safer and healthier to walk or cycle to school.
- g. To revolutionise our mental health services for children and young people
 - i. To reject the National Health Service's disgracefully low target to meet just 35% of children and young people's mental health needs.
 - ii. To endorse a new approach and work towards meeting 100% of children and young people's mental health needs.
 - iii. To set up a children's mental health reference group made up of the key stakeholders from the NHS, the council, the third sector and user groups to raise aspiration by actively working to meet 100% of children and young people's mental health needs.
 - iv. To defend Child and Adolescent Mental Health Services (CAMHS) from cuts, seek match funding from partners, make applications for innovation funding, and seek new approaches to revolutionise our CAMHS and to be a beacon across London of how to support children and families.
- h. To provide exciting opportunities for young people
 - i. To ensure that 500 young people from low income backgrounds get paid internships with London's best employers.
 - ii. To work with our communities to find solutions that help young people stay away from knives and youth violence.
 - iii. To re-open the Blue Youth Club and Community Centre so as to provide young people with a welcoming, positive space they can use and visit.
 - iv. To continue the work of the last administration, which created nearly 2,000 apprenticeships, and create 2,500 more apprenticeships, many of which will benefit young people.

APPENDIX 2

A PEOPLE'S VOTE ON BREXIT

1. Council assembly notes that:
 - a. Southwark's EU referendum result was one of the highest in the UK in favour of staying in the EU – 73% voted to Remain.
 - b. Recent opinion polls indicate that there has been a significant swing in favour of a 'People's Vote' on the final Brexit deal and polls also indicate a clear opposition to the deal that the Prime Minister has proposed.
 - c. The Government's own impact assessments show that the UK is likely to be worse off in every scenario after Brexit.
 - d. A recent report by the Centre for Economic Performance at the London School of Economics noted that Inner London Boroughs like Southwark will be amongst those that will suffer the most from Brexit, of whatever variety.
 - e. There will be severe damage to our international relationships, reduced influence with other states, and the complete loss of say and control over the rules of the European Single Market and Customs Union, the largest market in the world.
 - f. There are a large number of non-UK EU nationals living in Southwark who are concerned about the impact of Brexit on their lives, and that their current rights are not being fully protected.
 - g. The Government has totally mismanaged the Brexit negotiations. The 'Chequers Statement', issued on 6th July 2018, (the closest indication yet of what a final deal might look like), has been rejected by EU negotiators and has also managed to alienate both supporters and opponents of Brexit. Similarly, the draft Withdrawal Agreement proposed by the Prime Minister is unlikely to be approved in a vote in Parliament.
 - h. The NHS is experiencing severe problems in recruiting and retaining nurses and doctors from other EU countries since the decision was made to leave the European Union, and this is having a real negative impact on the health of local residents.
 - i. The UK economy is now the slowest growing economy in Europe, reducing the prosperity of the UK and our local residents. New investment in the area is being jeopardised and new job opportunities are being lost.
 - j. Inflation caused by Brexit-related depreciation of the pound is driving up living costs for our poorest residents, further squeezing their living standards.
 - k. The Prime Minister's deal does not meet the six tests set out by the Labour Party in order to support any deal, which are:
 - i. Does it ensure a strong and collaborative future relationship with the EU?
 - ii. Does it deliver the "exact same benefits" as we currently have as members of the Single Market and Customs Union?
 - iii. Does it ensure the fair management of migration in the interests of the economy and communities?
 - iv. Does it defend rights and protections and prevent a race to the bottom?
 - v. Does it protect national security and our capacity to tackle cross-border crime?
 - vi. Does it deliver for all regions and nations of the UK?

- I. The Prime Minister has failed to satisfy members of her own party, the Labour Party and the Liberal Democrats that this deal is right for Britain, and she is unlikely to command a Parliamentary majority to approve her deal.
2. In that event, council assembly therefore:
 - a. Believes that the people of Southwark should have scrutiny of what is being negotiated on their behalf and an opportunity to vote either in a General Election, or failing that, a public vote on the final deal, including the option to remain in the EU.
 - b. Supports all options remaining on the table in the event that a General Election is not called immediately, including formally adding its voice to those calling for a public 'People's Vote' on the final Brexit deal.
 - c. Asks the three Members of Parliament that represent Southwark to publicly support a 'People's Vote' before any version of Brexit is implemented in the event that a General Election is not called immediately.

APPENDIX 3**SCHOOL CUTS**

1. Council assembly notes that as a result of the ongoing government cuts, Southwark's schools:
 - a. Will have lost £17,474,847 in overall funding between 2015-2020, equating to a loss of on average £457 per pupil.
 - b. Must bear the brunt of unfunded National Insurance increases.
 - c. Will suffer inadequate High Needs Block Funding, leaving our most vulnerable pupils without the support they need.

2. Council assembly further notes:
 - a. That despite the savage cuts being imposed by the Conservative government, our hardworking teachers, support staff, students and parents are doing their best to maintain our high standards.
 - b. The grassroots Fair Funding For Schools Campaign in Southwark, which is supported by Southwark's three Labour MPs, Liberal Democrat Councillors and Labour Councillors.
 - c. That 90% of Southwark's schools have been rated Good or Outstanding by Ofsted, and results continue to improve.
 - d. The Chancellor's Budget announcement for £400 million for schools to spend on 'little extras' is a drop in the ocean compared to the £2.5 billion that has been cut since 2015. Furthermore the £400 million is a one off payment so does not deal with the long term funding crisis in schools.

3. Council assembly resolves to call on cabinet:
 - a. To join other councils and Southwark's MPs in opposing the government's ongoing cuts to school budgets and call for more funding to be invested in education.
 - b. To call on the government to fully fund the pay increase for teachers that is independently recommended by the School Teachers' Review Body.
 - c. To support the coalition of trade unions campaigning against school cuts.
 - d. To recognise that the Pupil Premium benefits the most disadvantaged pupils in the borough, with Southwark pupils receiving over £112 million since the scheme was introduced, and confirms its commitment to ensuring that pupils continue to receive this support.

APPENDIX 4**ROYAL BRITISH LEGION COMMEMORATION**

1. Council assembly notes:
 - a. That November 2018 marks the centenary of the end of the First World War, the world's first truly global war.
 - b. The council's commitment under the Armed Forces covenant to recognise and remember the sacrifices made by the Armed Forces Community, particularly those who have made the ultimate sacrifice.
2. Council assembly therefore gratefully acknowledges:
 - a. The 1.1 million United Kingdom and Commonwealth servicemen and women who gave their lives in the First World War.
 - b. The contribution of all those who lived through this tragic and remarkable time and whose example and experience shaped the world we live in today.
3. Council assembly asserts its full support for the Royal British Legion's 'Thank You' movement, and the 'Every One Remembered' initiative to commemorate each individual who served, sacrificed and changed our world.

END UNFAIR EVICTIONS - ABOLISH SECTION 21 OF 1988 HOUSING ACT

1. Council assembly notes:
 - a. Due to high house prices and the lack of sufficient social housing, the proportion of people renting privately has doubled since 2004; half of 18-35s, one in four families with children, and growing numbers of older people now live in privately rented homes.
 - b. Most of England's 11 million renters are on tenancies with fixed terms of six months or a year; after this period has ended, landlords can evict their tenants with just two months' notice, without giving them a reason. These 'no fault evictions' were introduced under section 21 of the 1988 Housing Act; before this, renters had much greater security and it was difficult for landlords to evict tenants who paid the rent on time and looked after the property.
 - c. Evictions are the number one cause of homelessness across the UK. 80% of evictions are on no-fault grounds, and 63% of private renters who were forced to move in 2016 were evicted not due to any fault of their own but because the landlord wanted to sell or use the property.
 - d. In Southwark, the number of accepted homeless applications resulting from the termination of assured short hold tenancies have significantly increased from 4.3% in 2010/11 to 30% in 2016/17. These terminations of short hold tenancies are not just as a result of section 21 notices, but these undoubtedly play a part.
 - e. Insecurity harms quality of life for tenants, with private renters less likely than either owners or people in council housing to say they know lots of people in their local area, but more worried that they will have to move within the next year. The threat of being evicted also gives landlords huge power over tenants, who may decide not to complain about disrepair, big rent increases or other problems in case they are kicked out.
 - f. In Germany, the Netherlands and Sweden (among other countries), tenancies are indefinite, meaning blameless tenants cannot be evicted from their homes.
 - g. In 2017, the Scottish government made tenancies indefinite and banned no-fault evictions under the terms of the Private Housing (Tenancies) (Scotland) Act 2016.
 - h. The End Unfair Evictions campaign run by Generation Rent, Acorn, the New Economics Foundation and the London Renters Union, and launched in June 2018.
 - i. The nearly 50,000 people who had, by mid-July 2018, signed the 38 Degrees petition to abolish section 21, a growing number of groups and individuals supporting abolition, including Labour Party leader Jeremy Corbyn, the Times newspaper, the London Assembly, the Resolution Foundation and Age UK.
 - j. That Labour Shadow Housing Minister, John Healey, has announced that the next Labour Government will tackle no fault evictions and legislate for new renters rights to control costs, improve conditions and increase security.
 - k. The commitment of Southwark Labour Group to improving conditions for renters in Southwark, including the manifesto pledge to introduce a Southwark Renters Union and deliver a Southwark Gold Standard for Rental Properties, which will be adopted in the Council Plan.
 - l. The work that Southwark Council are already doing to prevent homelessness, including using additional requirements brought into effect

by the Housing Act 2004 and the Deregulation Act 2015 to challenge section 21 notices wherever possible.

2. Council assembly believes:
 - a. Abolishing section 21 would help to make renting more secure, improve standards, increase tenant confidence and ultimately contribute towards making renting a viable long-term alternative to home ownership or social rent for the millions who currently cannot access either.
 - b. Since insecure tenancies make it difficult for renters to complain and organise for their rights, removing section 21 would make it easier for new renter unions like the London Renters Union and ACORN to organise to defend their members.
3. Council assembly calls on cabinet to:
 - a. Work with the Unfair Evictions Campaign led by Generation Rent, the New Economics Foundation, ACORN and the London Renters Union, including by publicising campaign events and activities as appropriate.
 - b. Continue working to improve conditions for renters in Southwark by delivering a Southwark Renters Union and Southwark Gold Standard for rental properties.
 - c. Work with Harriet Harman MP, Neil Coyle MP, and Helen Hayes MP to call for the abolition of section 21 in Parliament.
 - d. Continue the work to prepare a robust business case about conditions of the private rented sector in Southwark so that the a borough wide licensing scheme can be implemented and calls on cabinet to consider proposals in 2019.

THIRD RUNWAY AT HEATHROW

1. Council assembly notes:
 - a. The recent Intergovernmental Panel on Climate Change (IPCC) report detailing the urgency of alleviating the extent and rapidity of man-made climate change.
 - b. That aviation is a major worldwide contributor to man-made climate change¹.
 - c. That the expansion of Heathrow airport by building a third runway is targeted at securing Heathrow's status as a hub for international connecting flights, rather than in response to demand from London residents.
 - d. That the planned third runway will mean more than 250,000 additional flights into Heathrow a year.²
2. Council assembly is concerned that:
 - a. More flights into Heathrow will mean an increase in noise which will have a negative impact on Southwark residents living under the Heathrow flight path.
 - b. An increase in flights and service vehicles at Heathrow will also contribute to deteriorating air quality across London, which will also have a negative impact on Southwark residents.
3. Council assembly therefore resolves:
 - a. To formally note its support for the work of the boroughs of Hillingdon, Wandsworth, Richmond, Hammersmith and Fulham, and the Royal Borough of Windsor and Maidenhead in joining forces with the Mayor of London and environmental groups such as Greenpeace and Friends of the Earth to challenge the expansion of Heathrow Airport and the building of a third runway.

¹ https://en.wikipedia.org/wiki/Environmental_impact_of_aviation#Total_climate_effects

² <https://www.heathrowexpansion.com/the-expansion-plan/facts-and-figures/>

OPPOSING BUS CUTS

1. Council assembly notes:
 - a. The Transport for London (TfL) consultation launched on 28 September 2018 which proposed reductions in a number of bus routes across Southwark, following a fall in passenger numbers in central London.
 - b. That council assembly in July unanimously passed a motion opposing the reduction of the RV1 bus timetable from six services an hour to just three, and called on TfL to rethink these proposals.
 - c. That the new TfL consultation now proposes scrapping the RV1 bus route altogether, and shortening the route of the 45, 48, 53, 171, 172 and 388 buses so that they no longer serve central London.
 - d. That many Southwark residents use these buses as their primary form of transport, and that reducing or removing these services will have a significant and detrimental impact on them, making it harder to commute and travel for leisure.
 - e. That the proposals would terminate a number of bus routes that currently end in central London at the Elephant and Castle, and in other cases make the Elephant the last significant modal interchange. This can only make the bus stops at the Elephant more congested and slow traffic there.
 - f. That changes to bus routes would sever convenient direct links from the south of the borough; for example the 40 from Dulwich currently runs to Guy's Hospital, London Bridge underground and train station and across the river to Fenchurch Street station.
 - g. The Old Kent Road Area Action Plan, which will deliver 20,000 new homes, and 10,000 new jobs along the Old Kent Road. That this increase in the number of people travelling to, from and along the Old Kent Road area will result in a greater demand on public transport, especially buses, in the area.
 - h. Despite these proposals, TfL continue to negotiate s106 payments from Old Kent Road developments to increase bus routes in the area.
 - i. Southwark Council's response to the consultation, which clearly outlines the negative consequences of these bus cuts.
2. Council assembly believes:
 - a. That there are detrimental impacts on equality arising from TfL's proposals. Buses are a particularly important mode of travel for people on low incomes and are a more accessible form of public transport for people with disabilities. Asking people with disabilities to change bus routes more often, as TfL proposes, will have a disproportionately negative impact on their travelling experience.
 - b. That the data that TfL is using to justify these changes is out of date in some cases, and therefore ignores recent increases in bus usage. For example, it is clear that the RV1 has seen an increase in usage since the road works along Tooley Street have been removed and its route has therefore become more reliable.
 - c. That it is short-sighted for TfL to reduce the frequency and shorten the route of some of the main and busiest bus routes along the Old Kent Road, such as the 53, just a few years before a planned increase in population in the Old Kent Road area.
3. Council assembly resolves to call on cabinet:

- a. To work with Caroline Pidgeon AM, Chair of the London Assembly's Transport Committee and Florence Eshalomi, AM for Southwark and Lambeth and vice-chair of the London Assembly's Transport Committee, to oppose these bus cuts.
- b. To meet with representatives from TfL following the consultation to ensure they understand that the impact of the cuts proposed in the service would be significant to our residents.
- c. To campaign publicly against these and any further bus cuts that will disadvantage Southwark's residents.
- d. To work with other boroughs impacted by these cuts as part of this campaign.

OVERGROUND TICKET OFFICE CLOSURES

1. Council assembly notes:
 - a. The Arriva Rail London (ARL) and Transport for London (TfL) consultation on the proposed closure of ticket offices at 51 London Overground stations, which ran from 20 September 2018 to 11 October 2018.
 - b. That two of the stations which would be affected by these closures are in Southwark: Rotherhithe and Surrey Quays.
 - c. That these proposals have been opposed by the Rail, Maritime and Transport union (RMT) and Transport Salaried Staffs' Association (TSSA).
 - d. That there was an overwhelming response to the consultation on the closures, with 3,400 responses to an online questionnaire, 959 emails, 2,063 postcards, 31 written submissions, and a number of petitions.
 - e. That a decision on the closure of the London Overground stations has been delayed as a result of the number of response to the consultation.
 - f. That in 2015, ticket offices across the London Underground network were closed by the former Conservative Mayor of London, Boris Johnson, despite widespread opposition from both rail unions and service users.
 - g. That in 2016, the Labour Mayor of London, Sadiq Khan, ordered a review of the London Underground ticket office closures.
 - h. That the review, carried out by the independent watchdog London TravelWatch, found that these closures had caused 'significant issues' and that not enough steps were taken to mitigate the impact of the closures, and as a result the service did suffer.
2. Council assembly believes:
 - a. That the closure of London Overground ticket offices would, like the closure of London Underground ticket offices, have a significant and negative impact on station users and passengers.
 - b. That elderly, disabled, and vulnerable residents who may need assistance with purchasing tickets will be disproportionately affected by the proposed closures.
 - c. That all residents in Southwark using Rotherhithe and Surrey Quays stations deserve the best possible service.
3. Council assembly calls on cabinet to:
 - a. Write to Heidi Alexander, the Deputy Mayor for Transport, expressing concerns about the impact of the proposed ticket office closures.
 - b. Ask Caroline Pidgeon AM, Chair of the London Assembly's Transport Committee and Florence Eshalomi, AM for Southwark and Lambeth, and Deputy Chair of the London Assembly Transport Committee, to raise these proposed ticket office closures at a future meeting of the Transport Committee.

APPENDIX 9

SOLIDARITY WITH THE WINDRUSH GENERATION

1. Windrush has become a symbol of African-Caribbean migration to the UK following the British government's invitation to workers from the Commonwealth countries to help reduce the British labour shortage and re-build the war damaged country.
2. Council assembly pays tribute to Patrick Vernon OBE, former Hackney Labour councillor, for first raising this issue by starting the online petition for justice for Windrush.
3. Council assembly celebrates Southwark's diverse population. As of 2015, 48% of Southwark's population identified as Black, Asian or from another ethnic minority. Around 6% of Southwark's population is of Afro-Caribbean descent, and while there are no official records, it is believed that Southwark is home to hundreds, if not thousands of people who answered the call to move to the UK from Commonwealth countries that had not yet become independent from the UK.
4. Council assembly welcomes:
 - a. The contributions of the Windrush generation to our society and community in Southwark, such as that of Sam King, who served in the RAF before travelling on the Empire Windrush to the UK. He worked in the Royal Mail for 34 years, and in 1982 became a Labour councillor for Bellenden ward in Peckham. He later became the first black mayor of Southwark and was awarded an MBE in 1998.
 - b. The contribution of black women such as Princess Ademola, daughter of the Alake of Abeokuta, the paramount chief in northern Nigeria, who worked at Guys Hospital.
 - c. Southwark Labour's manifesto commitment to continuing to make Southwark a borough where all migrants feel welcome, with families who have lived here for generations living alongside people who have newly arrived from every corner of the globe to make our borough their home.
5. Council assembly condemns:
 - a. The "Hostile Environment" policies initiated by Theresa May as Home Secretary of the coalition government, which have continued during her time as Prime Minister, which have deliberately made it harder for those who cannot prove their right to remain in the UK to access basic services, work, or take part in civic life. The "Hostile Environment" policies include a "deport first, appeal later" approach, which has led to people being wrongly deported.
6. Council assembly notes:
 - a. That as a result of the "Hostile Environment" policies, many of the Windrush generation were targeted by the Home Office and assumed to have entered the country illegally.
 - b. That as a result of this, people from the Windrush generation, their families and descendants lost their jobs, homes, ability to access NHS treatment for free, were refused re-entry into the UK, threatened with deportation, and at least 63 people were wrongly deported.
 - c. The work of organisations including the Joint Council for the Welfare of Immigrants, BME (black and minority ethnic) Lawyers 4 Justice, the

Runnymede Trust, Southwark's three Labour MPs, and the All Parliamentary Group on Race who have raised the profile of this issue, directly assisted those who have been affected by it, and lobbied the Government for an immediate end to the "Hostile Environment" policies.

- d. The work of local groups such as Black Cultural Archives based in Brixton and Southwark Law Centre who have supported our residents to get their status confirmed and fought for financial compensation for jobs, homes and livelihoods lost.
-
7. Council assembly believes:
 - a. Southwark's diverse society is a cause for celebration, not concern.
 - b. The treatment of the Windrush generation and their descendants by this Conservative government and the previous Liberal Democrat/Conservative coalition government has been appalling, racist, and inexcusable, and must be condemned.
-
8. Council assembly resolves to call on cabinet:
 - a. To continue to work with Southwark's three Labour MPs to assist those who have been targeted, criminalised, or refused access to services they should be entitled to.
 - b. To continue to actively condemn and call for an immediate halt to all the government's "Hostile Environment" policies.
 - c. To call on the government to take actions to redress and compensate those who have been affected by the "Hostile Environment" and ensure that such a scandal does not take place again.
 - d. To ensure through council policies that Southwark remains a welcoming place to live and work for people from all over the world.
 - e. To review and ensure all council policies seek to reduce the impact of the "Hostile Environment".
 - f. To work together with other London Boroughs to ensure a joined-up approach to mitigating and eradicating this scandal.

SUSTAINABLE PUBLIC HEALTH FUNDING

1. Council assembly notes:
 - a. That the public health grant funds vital services and functions that prevent ill health and contribute to the future sustainability of the NHS.
 - b. That local authorities like Southwark are responsible for delivering most of these services, but their ability to do so is compromised by public health grant reductions and the broader funding climate.
 - c. That in 2018/19 and 2019/20 every local authority will have less to spend on public health than the year before, and by 2020/21 the Government is looking to phase out the Public Health Grant entirely, meaning that public health will only be funded through business rate retention.
 - d. That areas with high levels of deprivation often suffer the worst health outcomes, and so need higher levels of funding in order to tackle the greater public health challenges in the area.
 - e. That around four in ten cancers are preventable, largely through avoidable risk factors, such as stopping smoking, keeping a healthy weight and cutting back on alcohol. Smoking accounts for 80,000 early deaths every year and remains the largest preventable cause of cancer in the world. Smoking-related ill health costs local authorities £760 million every year in social care costs. Additionally, obesity and alcohol account for 30,000 and 7,000 early deaths each year respectively. All three increase the risk of: cancer, diabetes, lung and heart conditions, poor mental health and create a subsequent burden on health and social care.
 - f. Supporting people to stop smoking, drinking excessively, and eating unhealthily falls within the remit of public health, but if there is insufficient funding, it becomes harder for public health services to support people to live healthier lives.
2. Council assembly believes:
 - a. That the impact of cuts to public health on our communities cannot and should not be ignored.
 - b. That unless we restore public health funding, our health and care system will remain locked in a 'treatment' approach, which is neither economically viable nor protects the health of Southwark residents.
 - c. That it is vital that Southwark and other local authorities delivering public health services have enough funding to provide the services that our residents need.
3. Council assembly resolves to call on cabinet to:
 - a. Support Cancer Research UK's call for increased and sustainable public health funding.
 - b. Continue to lobby the Government to deliver increased investment in public health and support a sustainable health and social care system by taking a 'prevention first' approach.
 - c. Continue to support and fund public health initiatives to the best of the council's abilities which will deliver the best outcomes for our residents, and prevent ill-health, reduce inequalities, and support a health and care social system that is fit for the future.

Item No. 18.	Classification: Open	Date: 22 January 2019	Meeting Name: Cabinet
Report title:		1 Ann Moss Way, Rotherhithe, London SE16 1TL	
Ward:		Rotherhithe	
Cabinet Members:		Councillor Leo Pollak, Social Regeneration, Great Estates and New Council Homes	

FOREWORD – COUNCILLOR LEO POLLAK, CABINET MEMBER FOR SOCIAL REGENERATION, GREAT ESTATES AND NEW COUNCIL HOMES

At the time of writing, more than 12,000 households (comprising over 25,000 people) were recorded on Southwark's housing register in need of rehousing - behind these figures are stories of families living in overcrowded homes, delaying key life due to extortionate housing costs, health problems linked to housing, children's educational attainment and younger people's ability to invest in themselves and their futures thwarted. In this context Southwark is resolved to maximise the overall social rented stock in our borough, including through developing the most ambitious pipeline of new council rent and council managed homes of any borough in the country for over 30 years, as part of our generational commitment to deliver 11,000 new council homes by 2043.

A key constraint we face is this great task is in the availability of land to build the next generation of new council homes, and to this end the council is committed to identifying and where possible acquiring new sites in the borough, as well as lobbying to change national legislation to strengthen councils' land assembly powers for the purposes of building affordable housing.

The site at 1 Ann Moss Way in Rotherhithe, with its location adjacent to Southwark Park and nearby access to bus and tube connections is very well suited for inclusion in our New Homes programme and has a clear potential to help meet local housing need, transform the lives of residents as well as be welcomed as a positive addition to the neighbourhood. I am also pleased that with the site being purchased from the NHS, the sums paid for this site, rather than being lost in a speculative black hole, will remain in the public sector and be invested in health services.

In order that we can in the future respond more nimbly to land acquisition opportunities and accelerate the delivery of new homes it is recommended too that the director of regeneration following consultation with both the strategic director of housing and modernisation and myself be given delegated authority to acquire new sites and dispose of land assets in order to optimise the opportunities for new council housing developments.

RECOMMENDATIONS

That Cabinet:

1. Authorises pursuant to s120 of the Local Government Act 1972 and s9 of the Housing Act 1985, that the council acquires the freehold interest in the property shown edged red on the plan at Appendix A.
2. Authorises the principal purchase terms set out in full in paragraph 5 of the closed version of this report and substantially in paragraph 18 of this report.
3. Delegates to the director of regeneration authority to agree the details of the acquisition.
4. Delegates to the director of regeneration in consultation with the strategic director of housing and modernisation and the cabinet member for social regeneration, great estates and new council homes authority to acquire and dispose of sites in furtherance of the delivery of the council's housing delivery programme.

BACKGROUND INFORMATION

5. 1 Ann Moss Way comprises a two storey purpose built (in the 1980s) specialist health care home. It is owned by South London and Maudsley NHS Foundation Trust that relocated its residents and ceased this use of the property. The property is currently occupied by guardians. The Trust has identified the property's disposal as a means of adding to its capital resources to be invested in delivering its services.
6. The Trust offered the opportunity to acquire the property to the market by way of best bids that had to be submitted by 5 December. The council made a bid and it has been selected as the preferred bidder.
7. On 28 November 2018 council assembly approved the current Council Plan. This sets a number of commitments to our community including A Place to Belong; one of the undertakings to meet this commitment is to Build at least 1,000 more council homes.....by 2022. The bid for the subject property is in pursuit of that undertaking by increasing the number of council owned sites that can accommodate new housing.

KEY ISSUES FOR CONSIDERATION

8. Ann Moss Way is predominantly residential and stands on part of the site of the former St Olave's Hospital. The subject property is directly adjacent Southwark Park but there is a substantial boundary wall between the two. Ann Moss Way leads directly to Lower Road which is well served by buses, Canada Water Underground station is a short walk from Lower Road and Surrey Quays Underground station is also within walking distance. Shopping facilities are nearby at Albion Street and Jamaica Road. This is therefore an attractive London location for housing.
9. Prior to the property being marketed, the Trust's agent entered into a pre-planning conversation with the council's planning department and this indicates that in principle, the property can be demolished and redeveloped with housing subject to compliance with applicable planning policies.

10. In the light of the planning status, the property's location and the Council's Plan undertaking to build more homes it is appropriate that the council seek to acquire the property.
11. Cabinet should be aware that when other sites/properties come to the market they are evaluated for suitability as a potential site for the delivery of council housing and where they are, bids are submitted. However, despite the uncertainties of Brexit and a general downturn in the housing sale market, competition for such sites is great and the council is usually not successful. In bidding for sites, officers are always mindful of the council's values set out in the Council Plan particularly to spend money as if it were from our own pocket. Being selected as the preferred bidder for this property is a welcome change.
12. Section 120 of the Local Government Act 1972 enables the council to acquire land for any of the council's functions under the Local Government Act or any other enactment, or for the benefit, improvement or development of their area.
13. The acquisition of the property for housing will fulfil the requirements of s120 as the provision of housing is one of the council's functions; in addition the local area will benefit from the new homes and the enhanced environment around the homes, and from the construction jobs created through its development.
14. Section 9 of the Housing Act 1985 provides that a local housing authority may provide housing accommodation by erecting houses or by converting buildings into houses or by acquiring houses. The Housing Act therefore gives the council powers to convert existing buildings into houses or to build houses itself on land acquired for that purpose.
15. This proposed purchase has highlighted a weakness in the council's governance provisions when it comes to bidding for and being able to complete on opportunity purchases for new housing. The timetable for such sales is outside of the council's control and is set by the vendor and may not fit in with the council's committee cycle. This means the council is at risk of being precluded from some purchase opportunities. In some cases such as here, there was a relatively short marketing period and then a very short period from offer acceptance to the matter being completed. It has been fortuitous that on this occasion it fitted with the cycle of cabinet meetings. It may be that the next purchase opportunity does not fit in with the cycle and it would be regrettable to lose a purchase for this reason. To overcome this risk, cabinet is recommended to delegate to the director of regeneration in consultation with the strategic director of housing and modernisation and the cabinet member for social regeneration, great estates and new council homes authority to approve purchases. In addition, adoption of this recommendation will assist in accelerating the delivery of the council's new housing programme.
16. Cabinet is also recommended to give authority to the director of regeneration again in consultation with the strategic director of housing and modernisation and the cabinet member for social regeneration, great estates and new council homes authority to approve disposals arising from the delivery of the new housing programme. This will enable land to be transferred to delivery partners such as in the approved Southwark Regeneration in Partnership Programme. This will also accelerate delivery of the programme.

17. Should cabinet approve the recommendation to delegate authority for acquisitions and disposals it does not oblige the officers concerned to exercise that delegation. There may be some circumstances when it is considered appropriate to refer the acquisition or disposal concerned to the cabinet.

Principal purchase terms

18. a) The council pays the consideration set out in the closed version of this report.
- b) On exchange of contracts the council pays a deposit of set out in the closed version of this report.
- c) Contracts to be exchanged on or before 30 January 2019.
- d) On completion, the property to be provided with vacant possession subject to the council having the option to extend the contract whereby the premises are currently occupied by guardians.
- e) The transfer to be subject to a five year overage provision in the event of the entire property being sold on in five years time (not applicable if developed for any individual units sales).
- f) The property contains furniture and other fittings that on the sale will transfer to the purchaser but this does not apply to refuse etc.
- g) The parties to meet their own costs of the transfer.

Commentary on principal purchase terms

19. a)-b) Refer to closed version of report.
- c) This is a challenging timescale required by the vendor.
- d) If the property is purchased, there will be an inevitable lag between then and a scheme being prepared, planning consent secured and construction works being commissioned. The property cannot be left vacant for that period and a 'meanwhile' use will be secured. However that use may not be in place when the purchase is completed so extending the occupation of the guardians may be desirable for security (preventing unauthorised occupation) and cost mitigation reasons.
- e) This is a term to deter prospective purchasers from 'flipping' the property. As the council will be purchasing to build housing for its residents this provision is extremely unlikely to bite.
- f) This is a requirement of the vendor and ultimately will cost the council to remove but in the interim it makes the property more attractive for guardian and perhaps other meanwhile uses.
- g) A standard provision.

Rationale for recommendations

20. a) To assist in providing new homes for person's on the Housing

Waiting List.

- b) To further a commitment within the new Council Plan.
- c) To enhance the council's asset base.
- d) To accelerate the council's decision making process and thereby delivery of new housing.

Community impact statement

21. The new Council Plan was the subject of extensive community consultation. The recommendations herein further the delivery of the A Place to Belong commitment set out in the Plan.
22. The Equality Act 2010 requires the council in the exercise of its functions to have due regard to the need to:
 - a) eliminate discrimination;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
23. Relevant protected characteristics for the purposes of the Equality Act are:
 - Age
 - Civil partnership
 - Disability
 - Gender reassignment
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Sex and sexual orientation.
24. In considering the recommendations herein the cabinet must have due regard to the possible effects them on any groups sharing a protected characteristic in order to discharge its public sector equality duty. This is an ongoing obligation.
25. If the recommendations set out are approved, the council will purchase a vacant building that will ultimately be demolished and new council homes erected in its place. The new homes will greatly improve the quality of life of its residents some of which may have protected characteristics. In undertaking to provide vacant possession of the property, South London And Maudsley NHS Foundation Trust will have carried out its own assessments under the Equality Act.

26. If the council acquires the property and moves ahead with the intention to redevelop it for council housing it will be necessary to carry out a further equality impact assessment.

Financial implications

27. The acquisition of the property represents capital expenditure and will form part of the Council's Housing Investment Programme. It will be part funded from retained Right To Buy receipts (30%), with the remaining balance funded from other Housing Revenue Account (HRA) resources, including borrowing where appropriate.
28. Paragraph 19d) recognises there are potential holding costs between acquisition of the property and handing the property over to builders for redevelopment and sets out means of eliminating/mitigating these costs. If any costs are incurred, they will be met from existing budgets.
29. Submitting the bid for the property and processing the legal documentation necessary to complete the purchase, has and will incur revenue costs but these will be met from existing budgets.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Housing & Modernisation

30. The site provides the opportunity to provide much needed new council housing as part of the programme to deliver 11,000 new council Homes by 2043 and 2,500 by 2022. Once purchased, an options appraisal will be carried out to identify the most appropriate delivery route and redevelopment option.

Director of Law and Democracy

31. As set out in this report the property will be acquired pursuant to s120 of the Local Government Act 1972 which gives the council power to acquire land by agreement for the purposes of (a) any of the council's functions under the Local Government Act or (b) the benefit, improvement or development of the area. The report sets out at paragraph [13] how these requirements are met.
32. Section 9 of the Housing Act 1985 states that a local housing authority may provide housing accommodation by erecting houses or converting buildings into houses on land acquired by them for the purposes of the Housing Act.
33. Section 120(2) of the Local Government Act 1972 further provides that where land is acquired for a purpose and it is not immediately required for that purpose, it may be used for the purpose of any of the council's functions until it is required for the purpose for which it was acquired. This provision would authorise a "meanwhile" use as envisaged by this report.
34. Taken together these provisions give the council adequate legal powers to acquire the property for housing and to use it for other temporary uses in the interim period prior to construction of housing.
35. Normally the acquisition and disposal of land is a matter reserved to the council's cabinet, subject to certain financial thresholds and other exceptions, by virtue of

Part 3C of the council's constitution. The report delegates to the Director of Regeneration in consultation with the strategic director of housing & modernisation authority to acquire and dispose of sites in furtherance of the delivery of the council's housing delivery programme, for the reasons given in paragraphs 16 and 17. Exercise of that delegated authority would be subject to compliance with the legal requirements around land acquisitions and disposals and these would be considered at the relevant time.

Strategic Director of Finance and Governance [H&M18/079]

36. Set out in closed version of the report.

BACKGROUND DOCUMENTS

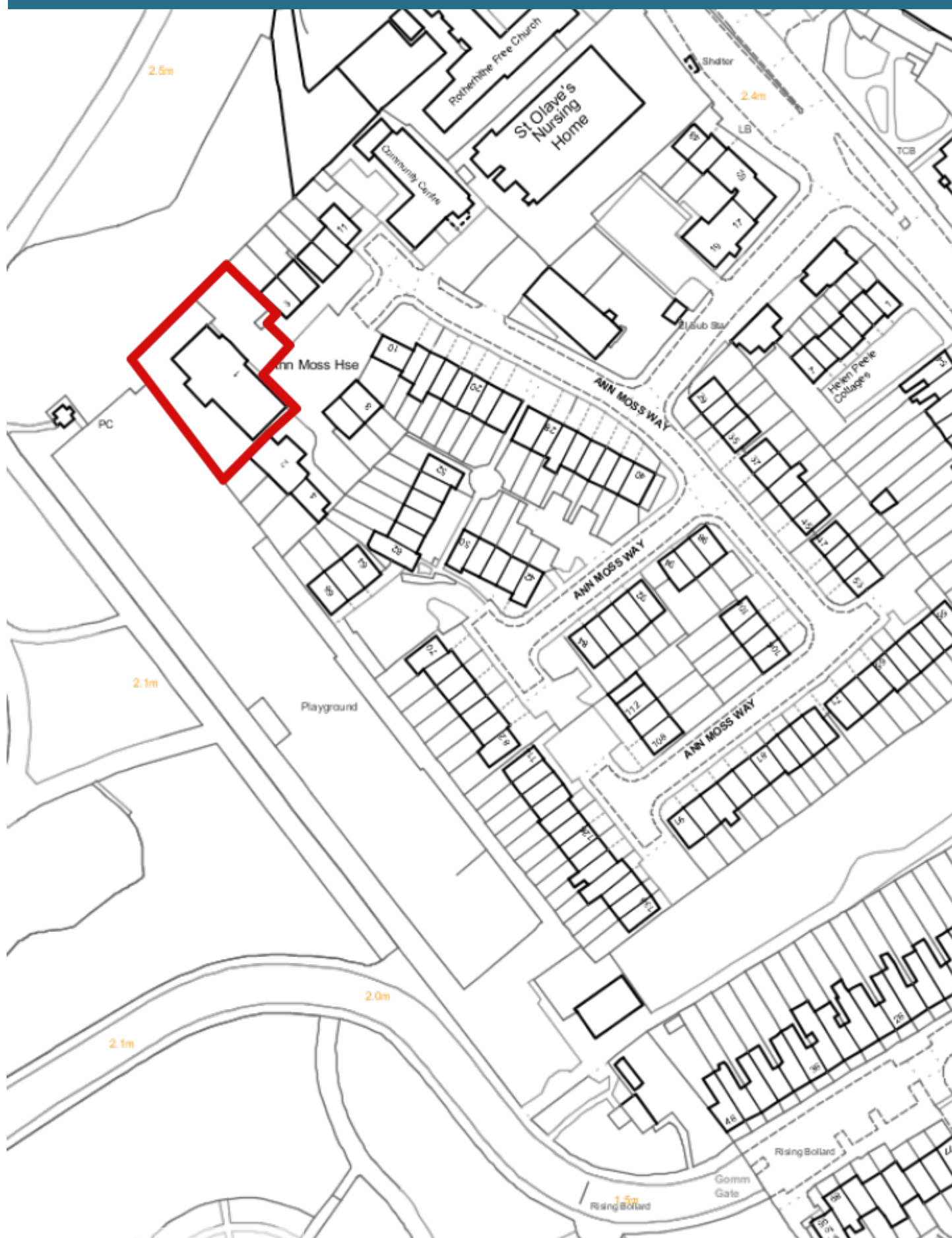
Background Papers	Held At	Contact
Council Plan 2018/9 – 2021/22	160 Tooley Street London SE1 2QH	Paula Thornton 020 7525 4395
Link (please copy and paste into your browser): http://moderngov.southwark.gov.uk/documents/s78763/Report%20Council%20Plan.pdf		

APPENDICES

Appendix	Title
Appendix A	Plan of 1 Ann Moss Way Rotherhithe

AUDIT TRAIL

Cabinet Member	Councillor Leo Pollak, Social Regeneration, Great Estates and New Council Homes		
Lead Officer	Kevin Fenton, Strategic Director Place and Wellbeing		
Report Author	Patrick McGreal, Regeneration-North		
Version	Final		
Dated	10 January 2019		
Key Decision?	Yes		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title		Comments Sought	Comments included
Strategic Director of Housing and Modernisation		Yes	Yes
Director of Law and Democracy		Yes	Yes
Strategic Director of Finance and Governance		Yes	In closed version
Cabinet Member		Yes	Yes
Date final report sent to Constitutional Team			10 January 2019



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14-Dec-2018

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